

NOTES

Council Agenda Briefing

Meeting Date & Time: 6.00pm, Tuesday 21 March 2023

Meeting Location Council Chamber

1. DECLARATION OF OPENING

The Presiding Member opened the Briefing at 6.01pm and welcomed everyone in attendance.

The Presiding Member thanked Director Development and Community Services Vicki Lummer for her service to the City and read aloud the following:

“This meeting is unfortunately, the last meeting that Director Vicki Lummer will be joining us. Ms Lummer has served the City faithfully and diligently for over 13 years now and during that time she has overseen a lot of change at the City of South Perth. Her advice has helped to shape the neighbourhood that we live in and the beautiful City that we enjoy today. Would everyone please join me in showing our appreciation for Ms Lummer’s service to this City.”

ITEMS FOR COUNCIL

The Presiding Member informed the meeting that Agenda Items 2, 3, 6, 7, 8.1, 8.2, 9, 11, 13 and 14 will be dealt with at the Ordinary Council Meeting to be held 28 March 2023.

4. ATTENDANCE

Presiding Member

Mayor Greg Milner

Councillors

Como Ward

Councillor Nick Warland

Manning Ward

Councillor André Brender-A-Brandis

Mill Point Ward

Councillor Mary Choy

Mill Point Ward

Councillor Ken Manolas

Moresby Ward

Councillor Jennifer Nevard

Moresby Ward

Councillor Stephen Russell

Officers

Chief Executive Officer

Mr Mike Bradford

Director Corporate Services

Mr Garry Adams

Director Development and Community Services

Ms Vicki Lummer

Director Infrastructure Services

Ms Anita Amprimo

Manager Community, Culture and Recreation

Mr Patrick Quigley (retired 7.47pm)

Manager Customer, Communication and Engagement

Ms Danielle Cattalini

Manager Finance

Mr Abrie Lacock

Manager Governance

Ms Bernadine Tucker

Manager Strategic Planning

Mr Warren Giddens

Principal Strategic Planner

Ms Jessica Birbeck

Project Lead
Senior Strategic Planner
Senior Governance Officer
Strategic Planner
Governance Administration Officer
Governance Officer

Ms Rebecca de Boer
Ms Samantha Taylor
Ms Christine Lovett
Mr Glen Burton
Ms Shannon Renner
Mr Morgan Hindle

Gallery

There were 20 members of the public present.

4.1 Apologies

Nil.

4.2 Approved Leave of Absence

- Councillor Glenn Cridland for the period 14 March 2023 to 31 March 2023 inclusive.
- Councillor Blake D'Souza for the period 20 March 2023 to 25 March 2023 inclusive.

5. DECLARATIONS OF INTEREST

- Mayor Greg Milner – Financial, Proximity and Impartiality Interest in Item 10.3.1 as ‘Local Planning Policy Scheme 7 affects the zoning or potential use of properties where persons or entities (that are closely associated or otherwise associated with me) either own the property, or have an estate or interest in the property. Those persons and entities include: not-for-profit entities that I have previously served on the boards of; not-for-profit entities and incorporated associations that I am the patron of; not-for-profit entities that my wife has previously served on the committee of; and persons who may have made donations to my election campaign in 2019.’
- Councillor Glenn Cridland – Financial, Proximity and Impartiality Interest in Item 10.3.1 as ‘changes to land use rules, density codings, development rights and requirements etc from TPS6 to LPS 7 may give rise to a financial gain, loss, benefit or detriment to me or a person that I am closely associated with. Changes to land use rules, density codings, development rights and requirements etc from TPS6 to LPS 7 will almost certainly affect land adjoining my land. Changes to land use rules, density codings, development rights and requirements etc from TPS6 to LPS 7 will affect my land and land owned by many persons known to me.’
- Councillor Nick Warland – Financial (direct and indirect), Proximity and Impartiality Interest in Item 10.3.1 as ‘broad consideration of the City’s planning rules is likely to have a future financial impact on Como Ward Election donors. Broad consideration of the City’s planning rules has the potential to have financial impact on the property owner of the house I currently reside at. Broad consideration of the City’s planning rules is likely to impact the property I reside at and adjoining properties. Previous employment with the Property Council of Australia (until March

2022) included work for property developers, town planners and other associated entities or professions, many of whom operate or have interest in property within the City.’

- Councillor Stephen Russell – Financial, Proximity and Impartiality Interest in Item 10.3.1 as ‘LPS7 includes my primary residence and properties of neighbours, friends, colleagues and acquaintances.’
- Councillor Jennifer Nevard – Financial, Proximity and Impartiality Interest in Item 10.3.1 as ‘this decision will impact my property at 195 Mill Point Rd South Perth. The decision will also impact landholding and rental charges and income for the following categories of residents and tenants: my neighbours, friends, colleagues and acquaintances, Moresby Ward constituents (as their elected representative) in the City of South Perth.’
- Councillor Ken Manolas – Financial, Proximity and Impartiality Interest in Item 10.3.1 as ‘a new Local Planning Scheme for the City of South Perth impacts upon the value and development potential of properties in the City of South Perth including my interest in unit 2/31 Coode Street, 193 Mill Point Road, 28 Victoria Street and, our neighbours’ homes as well as the homes of family, friends, and acquaintances.’
- Councillor Mary Choy – Financial, Proximity and Impartiality Interest in Item 10.3.1 as ‘I, my immediate and extended family and close friends own multiple properties throughout the City of South Perth to which the draft Local Planning Scheme No.7 applies.’
- Councillor André Brender-A-Brandis – Financial Interest in Item 10.3.1 as ‘I own property and an interest in property in the City for which LSP7 may impact the commercial property values.’

8. PRESENTATIONS

8.3 Deputations

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|----|---|------------------------|
| 1. | Simon Stewert-Dawkins of South Perth who is speaking AGAINST the Officer’s Recommendation. | Item
10.3.1 |
| 2. | Eric Joseph Eisenmann of South Perth who is speaking AGAINST the Officer’s Recommendation. | Item
10.3.1 |
| 3. | Loanne Castle of Kensington who is speaking FOR the Officer’s Recommendation. | Item
10.3.1 |
| 4. | Bronwyn David of South Perth who is speaking FOR the Officer’s Recommendation. | Item
10.3.1 |
| 5. | Neil Kingsbury of South Perth who is speaking AGAINST the Officer’s Recommendation. | Item
10.3.1 |
| 6. | Andrew Cumming of Northbridge who is speaking AGAINST the Officer’s Recommendation. | Item
10.3.1 |
| 7. | Kathy Lees of South Perth who is speaking FOR the Officer’s Recommendation. | Item
10.3.1 |

10. DRAFT MARCH 2023 REPORTS

The Chief Executive Officer, Mr Mike Bradford gave a brief summary of the March 2023 Agenda Items to be considered by Council, as follows.

10.1.1 Collier Park Village

Collier Park Village has been owned and operated by the City since 1986. Over the past 30 years, community expectations and the standards for retirement living have changed and the needs of older people in retirement living have become more complex. The City is committed to improving and enhancing the services and amenities available to the residents of Collier Park Village and wants to support Village residents to 'age in place'. However, the City lacks the expertise and financial capacity to make significant improvements to the Village and provide the right mix of accommodation and services to deliver contemporary standards of retirement living.

Due to the age of the asset and the current operating model, Collier Park Village has been operating at a significant financial loss over recent years. Such losses are not sustainable for the long term.

This report outlines the options available to Council regarding Collier Park Village.

10.1.2 Proposed Lease Agreement for the Collins Street Centre Playgroup (Inc.) located at the Collins Street Centre, Collins Street, South Perth

This report seeks approval for the City of South Perth to enter into a new lease agreement with Collins Street Playgroup (Inc.) for its continued use of part of Collins Street Centre located on Lot 11 & Lot 13, on the Corner of Collins Street and Shaftesbury Street, South Perth, for a five-year term with an option of renewal for a further five year term.

Mayor Greg Milner and Councillors Glenn Cridland, Nick Warland, Ken Manolas, Mary Choy, Jennifer Nevard and Stephen Russell disclosed a Financial, Proximity and Impartiality Interest in Item 10.3.1.

Councillor Andre Brender-A-Brandis disclosed a Financial Interest in Item 10.3.1.

10.3.1 Draft Local Planning Scheme No. 7 - Consideration of Submissions and Recommendation

This Item was the subject of seven Deputations.

Draft Local Planning Scheme No. 7 (LPS 7) was adopted by Council on 24 August 2021 and modified by the Western Australian Planning Commission (WAPC) on 31 May 2022 prior to public consultation from 31 August 2022 to 29 November 2022.

The Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) require Council to consider all submissions and pass a resolution to either support draft LPS 7, not support draft LPS 7, or support draft LPS 7 with modifications to address issues raised in submissions. The timeframe for this recommendation is 120 days after the end of the submission period, being 29 March 2023.

The City received 470 submissions during the engagement period, including 331 feedback forms (325 online, 6 hard copy) and 139 written responses (137 emails and 2 hard copy). Three petitions were also received by the City.

This report recommends that Council supports draft LPS 7 with modifications to address issues raised in submissions.

10.4.1 Listing of Payments February 2023

This report presents to Council a list of accounts paid under delegated authority between 1 February 2023 to 28 February 2023 for information.

10.4.2 Monthly Financial Statements February 2023

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

10.4.3 Electors' General Meeting 2021/22

This report allows Council to consider the outcome of the Electors' General Meeting held Tuesday 7 February 2023.

10.5.1 Audit Register Progress Report Q2

This report provides an update on the progress of actions included in the Audit Register. The Audit Register includes all open audit findings that have previously been accepted by the Audit, Risk and Governance Committee.

10.5.2 Risk Management and Business Continuity Activity Report

This report outlines the activities undertaken by the City of South Perth's (the City) Risk Management Function for the period of December 2022 to March 2023 and to provide an overview of the activities planned for the fourth quarter of the 2022/23 Financial Year.

10.5.3 Compliance Audit Return

This report provides the City's response to the Department of Local Government, Sport and Cultural Industries 2022 Compliance Audit Return.

10.5.4 Annual Review of Council Delegations

The City has a statutory obligation under the Local Government Act 1995 to review its Delegations each financial year. The Terms of Reference of the Audit Risk and Governance Committee include responsibility for reviewing the City's Delegations.

A review of the Council Delegations has been completed and is now presented to the Audit, Risk and Governance Committee for consideration and referral to Council for adoption.

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

15. MEETING CLOSED TO THE PUBLIC

15.1.1 Information Systems Audit (External) Report

16. CLOSURE

At 7.52pm the Presiding Member closed the Council Agenda Briefing and thanked everyone for their attendance.

COUNCIL AGENDA BRIEFING

Responses to questions taken on notice

Meeting Date & Time: 6.00pm, Tuesday 21 March 2023

Meeting Location Council Chamber

REPORTS:

ITEM 10.3.1 Draft Local Planning Scheme No. 7 - Consideration of Submissions and Recommendation

Councillor Stephen Russell had the following questions taken on notice at the Agenda Briefing as follows:

1. *In the tracked change document within the attachments, I was expecting to see some redline mark ups or something similar, like a revision bar where the changes are. I can't see anything like that. Am I missing something because it is just not easy to identify within the text where the amendments are?*

Response provided by Manager Strategic Planning – Warren Giddens

This has now been corrected for the Ordinary Council Meeting.

2. *Under the State Government's Perth and Peel @3.5million strategy, the City is to meet an additional dwelling target of 8300. With this in mind and based on the 8300 additional dwellings, what is the total dwelling target and for the version of the LPS 7 before Council now, what is the variation to the total dwelling number? For example, the additional number yields 'x' more dwellings than the total target imposed by the State Government?*

Response provided by Manager Strategic Planning – Warren Giddens

The dwelling target set for the City of South Perth under Perth and Peel @3.5million is a minimum of 8300 dwellings. The estimated dwelling yields from draft LPS 7 is in the order of 8600 dwellings. This figure includes the modifications recommended to Council by officers and considers the requirements of the Medium Density Code which will be implemented in September 2023.

3. *For the properties zoned R100 with a SCA1 condition, West of Canning Hwy between Thelma and South Tce excluding corner properties, if these properties were zoned R80 could the City provide an estimate in the reduced number of dwellings.*

Response provided by Manager Strategic Planning – Warren Giddens

A modification of the subject lots from R100 to R80 would reduce the estimated number of dwellings by approximately 55 dwellings.

Councillor Jennifer Nevard had the following question taken on notice at the Agenda Briefing as follows:

- 1. I am just referring to the tree reservation policy. The undesirable tree list. I noticed that swamp she-oaks and river she-oaks were both listed as undesirable. I was puzzled by that, simply because I know that a lot of those trees may not look too pretty but in fact they serve a very significant environmental impact by dealing with salinity. What is the process for deeming trees as undesirable?*

Response provided by Manager Strategic Planning – Warren Giddens

The genus Casuarina includes 17 tree species. The two she-oak trees identified in Appendix 1 of the draft Tree Preservation Local Planning Policy, *Casuarina cunninghamiana* (or River She-Oak) and *Casuarina glauca* (or Swamp She-Oak) are not native to Western Australia. These trees are endemic to parts of the Northern Territory, Queensland and New South Wales where the clay soils keep their numbers naturally in check. In WA's sandy soils, these trees become a colonising plant with an invasive root system that enables them to multiple at the expense of local native plants.

The remaining trees on the list share several undesirable characteristics. These include being identified as invasive and environmental weeds. Some of these species can outcompete local trees species, creating monocultures and hybridising with the local species impacting species survival. Others have invasive root systems that can impact infrastructure such as water pipes and road surfaces. The Citrus tree is included as it provides no benefit of shade or habitat for local birds and can be subject to pest infestations.

ITEM 10.5.4 Annual Review of Council Delegations

Councillor Stephen Russell had the following question taken on notice at the Agenda Briefing as follows:

- 1. Under the Town Panning Scheme 6 delegations, is it theoretically possible that a DA for a heritage listed site and not subject to DAP or the special matters DAP does not come before Council for determination?*

Response provided by Manager Strategic Planning – Warren Giddens

Delegation from Council DC690 does not reference either State or Local Heritage listed properties specifically and therefore these may be determined under delegated authority unless any of the Conditions of Delegation apply.
