

MINUTES

Ordinary Council Meeting

28 March 2023

Mayor and Councillors

Here within are the Minutes of the Ordinary Council Meeting of the City of South Perth Council held Tuesday 28 March 2023 in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth.



MIKE BRADFORD
CHIEF EXECUTIVE OFFICER

31 March 2023

Acknowledgement of Country

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

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

Our Guiding Values



Disclaimer

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

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

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Ordinary Council Meeting - Minutes

Minutes of the Ordinary Council Meeting held in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth at 6.00pm on Tuesday 28 March 2023.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 6.03pm.

Councillor Glenn Cridland was authorised to attend the meeting via telephone in accordance with regulation 14C and 14CA of the Local Government (Administration) Regulations 1996.

Councillor Glenn Cridland declared that he was able to maintain confidentiality during the meeting in accordance with regulation 14CA(5) of the Local Government (Administration) Regulations 1996.

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

Councillor Glenn Cridland (via audio link)
Councillor Nick Warland
Councillor Blake D’Souza
Councillor André Brender-A-Brandis
Councillor Jennifer Nevard
Councillor Stephen Russell
Councillor Mary Choy

Officers

Chief Executive Officer
Director Corporate Services
A/Director Development and Community Services
Director Infrastructure Services
Manager Customer, Communications and Engagement
Manager Development Services
Manager Finance
Manager Governance
Manager Strategic Planning
Communication and Marketing Coordinator
Governance Coordinator

Mr Mike Bradford
Mr Garry Adams
Mr Patrick Quigley
Ms Anita Amprimo
Ms Danielle Cattalini
Ms Fiona Mullen
Mr Abrie Lacock
Ms Bernadine Tucker
Mr Warren Giddens
Ms Karys Nella
Ms Toni Fry



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

Ms Rebecca de Boer
Ms Jessica Birbeck
Ms Christine Lovett
Ms Shannon Renner
Mr Morgan Hindle

Guests

Mr Geoff Baker MLA

Gallery

There were approximately 85 members of the public present.

4.1 APOLOGIES

- Councillor Ken Manolas

4.2 APPROVED LEAVE OF ABSENCE

- Councillor Glenn Cridland for the period 14 March 2023 to 31 March 2023 inclusive.

5. DECLARATIONS OF INTEREST

In accordance with authority delegated by the Minister for Local Government on 28 March 2023, approval has been given by the Department of Local Government, Sport and Cultural Industries under section 5.69(3) of the *Local Government Act 1995* to allow Councillors Glenn Cridland, Stephen Russell, André Brender-A-Brandis and Jennifer Nevard to fully participate in the discussion and decision making relating to Item 10.3.1 Draft Local Planning Scheme No. 7 - Consideration of Submissions and Recommendation.

The approval is subject to the following conditions:

1. The approval is only valid for the 28 March 2023 Ordinary Council Meeting when agenda item 10.3.1 is considered;
2. The abovementioned Councillors must declare the nature and extent of their interests at the abovementioned meeting when each matter is considered, together with the approval provided;
3. The Chief Executive Officer (CEO) is to provide a copy of the Department of Local Government, Sport and Cultural Industries (DLGSC's) letter of approval to the abovementioned Councillors;
4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when each item is considered;
5. The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to DLGSC, to allow DLGSC to verify compliance with the conditions of this approval; and
6. The approval granted is based solely on the interests disclosed by the abovementioned Councillors, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.

The interests for which this approval applies to are as follows:

- 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 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 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.’

The following interests were also received:

- 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 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 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 Stephen Russell – Impartiality Interest in Item 15.1.1 as ‘the defendant is known to me. 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 Stephen Russell – Impartiality Interest in Item 15.1.2 as ‘both the complainant and the defendant are known to me. 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.’

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

Councillor Glenn Cridland disconnected at 6.32pm and reconnected at 6.36pm.

Councillor Blake D’Souza left the Chamber at 6.42pm and returned at 6.45pm during consideration of Item 6.2.

6.2 PUBLIC QUESTION TIME: 28 MARCH 2023

The Presiding Member opened Public Question Time at 6.14pm.

Written questions were received prior to the meeting from:

- Mr Barrie Drake of South Perth.
- Dr Mark Brogan of Kensington.
- Ms Ann Kosovich of Kensington.
- Mr Peter Scott of Como.
- Ms Bronwyn David of South Perth

At 6.30pm the Presiding Member called for a Motion to extend Public Question Time to hear those questions not yet heard.

COUNCIL DECISION

0323/027

Moved: Mayor Greg Milner

Seconded: Councillor André Brender-A-Brandis

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

CARRIED (8/0)

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

Against: Nil.

- Mr Ken Ashworth of Como
- Ms Cecilia Brooke of South Perth
- Ms Heidi Schmidt of South Perth
- Ms Joanne Ord of Como

At 6.45pm the Presiding Member called for a Motion to extend Public Question Time to hear those questions not yet heard.

COUNCIL DECISION

0323/028

Moved: Mayor Greg Milner

Seconded: Councillor André Brender-A-Brandis

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

CARRIED (8/0)

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

Against: Nil.

- Ms Carolyn Burnett of Salter Point

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 6.52pm.

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 28 February 2023

Officer Recommendation AND COUNCIL DECISION

0323/029

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Stephen Russell

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

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.

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
7 March 2023	Safe Active Streets	Mayor Greg Milner and Councillors Glenn Cridland, Nick Warland, Blake D'Souza, André Brender-A-Brandis, Jennifer Nevard, Stephen Russell, Mary Choy.
7 March 2023	Urban 95	Mayor Greg Milner and Councillors Glenn Cridland, Nick Warland, Blake D'Souza, André Brender-A-Brandis, Jennifer Nevard, Stephen Russell, Mary Choy.
7 March 2023	Collier Park Village Briefing	Mayor Greg Milner and Councillors Glenn Cridland, Nick Warland, Blake D'Souza, André Brender-A-Brandis, Jennifer Nevard, Stephen Russell, Mary Choy.
8 March 2023	Budget Workshop 1	Councillors Glenn Cridland, Nick Warland, Blake D'Souza, André Brender-A-Brandis, Jennifer Nevard, Mary Choy.
14 March 2023	RAF Briefing	Mayor Greg Milner and Councillors Nick Warland, Blake D'Souza, André Brender-A-Brandis, Stephen Russell, Mary Choy, Ken Manolas.
15 March 2023	RAF Briefing	Mayor Greg Milner and Councillors Nick Warland, André Brender-A-Brandis, Stephen Russell, Mary Choy, Ken Manolas.
20 March 2023	RAF Briefing	Mayor Greg Milner and Councillors Nick Warland, André Brender-A-Brandis, Jennifer Nevard, Stephen Russell, Mary Choy, Ken Manolas.

Attachments

Nil.

7.2.2 Council Agenda Briefing - 21 March 2023

Officers of the City presented background information and answered questions on Items to be considered at the March Ordinary Council Meeting at the Council Agenda Briefing held 21 March 2023.

Attachments

7.2.2 (a): Briefing Notes

Officer Recommendation AND COUNCIL DECISION

0323/030

Moved: Councillor Jennifer Nevard

Seconded: Councillor Blake D'Souza

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

- 7.2.1 Concept Briefings and Workshops
- 7.2.2 Council Agenda Briefing - 21 March 2023

CARRIED (8/0)

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

Against: Nil.

8. PRESENTATIONS

8.1 PETITIONS

8.1.1 LPS7 - Support To Not Rezone No. 1 Waverley Street, South Perth

The following petition was received from Mr Simon Stewert-Dawkins of Waverley Street, South Perth together with 46 verified signatures in accordance with Clause 6.9 of the City of South Perth Standing Orders Local Law 2007.

The text of the petition reads:

'We the undersigned electors of the City of South Perth request:

- 1. Council does not support the modified Draft Town Planning Scheme No.7 and associated map to rezone No. 1 Waverley Street South Perth from R15 single residential to R50 Mixed Use within the "Neighbourhood Centre" planning scheme definition;*
- 2. Council amend the modified Draft Town Planning Scheme No.7, associated maps and reinstate the current R15 single residential zoning for No. 1 Waverley Street South Perth and retain the R15 zoning for all*

of the lots in Waverley Street, South Perth to ensure that the amenity and character of the street are maintained;

- 3. Council does not use LPS7 Clause 32 & Clause 34 or another future planning instrument to vary the R15 single residential zoning for No.1 Waverley Street, South Perth;*
- 4. Council amend the modified Draft Town Planning Scheme No.7, associated maps for No. 83 Angelo Street, South Perth and No. 85 Angelo Street, South Perth from R80 (4 Story) and reinstate the R50 (3 Story) development height and that all future service vehicles and residential vehicle access to be via the rear laneway, to ensure the Waverley Street amenity and character is maintained; and*
- 5. Council does not use LPS7 Clause 32 & Clause 34 or another future planning instrument to vary the R50 zoning for No. 83 Angelo Street, and No. 85 Angelo Street, South Perth.*

For the following reasons:

- a) The 28 July 2020, City of South Perth Ordinary Council Meeting report states that "Waverley Street has been assessed as exhibiting a good level of single residential character". As part of the July 2020 Ordinary Council Meeting, Council amended the draft Local Planning Scheme to maintain the R15 "Single Residential" zoning for all lots in Waverley Street;*
- b) The advertised (31 August 2022 to 29 November 2022) and adopted Draft Local Planning Scheme No. 7 (LPS 7) illustrated that No. 1 Waverley Street is zoned R15, along with all other properties in Waverley Street;*
- c) The March 2023, Schedule of Submission No. 441 (page 84) submitted from the future developer of No. 1 Waverley Street, 83 Angelo Street and 85 Angelo Street, South Perth, states that currently 1 Waverley Street is zoned R 15 as is all of Waverley Street;*
- d) The owner/developer submission No. 441 requests that all land within the 200m walkable catchment of the activity centre be increased to Residential R30;*
- e) The City of South Perth map showing the Waverley Street lots below illustrates that if Council applied the 200metre walkable catchment, the residential properties from No. 1- 28 Waverley Street could potentially be increased in density;*
- f) The "Modified Local Planning Scheme No. 7 Map" (LPS7) tabled in the March 2023 Ordinary Council Meeting agenda has applied an ad-hoc approach and only increased the zoning for No. 1 Waverley St to "R50";*
- g) Number 1 Waverley Street lot is currently a buffer between the Commercial Activity and associated noise from the Angelo Shopping Precinct;*
- h) The March 2023, "Modified Local Planning Scheme No. 7 proposal to increase density and mixed-use at No. 1 Waverley Street will adversely impact the character, amenity, liveability and property value of the adjacent single residential property, which will in turn, adversely impact the character of Waverley Street. To better address Submission*

No. 441 concerns regarding the transition from R80 (4 Story) it is suggested that No. 83 and No. 85 Angelo Street be zoned R50 (3 Story) development sites;

- i) If No. 85 and No 83 Angelo Street were 3 Story development sites this would provide a far better transition into the Angelo Street shopping precinct and would be in keeping with R50 lots on the east side of the Waverley Street intersection;*
- j) No. 1 Waverley Street should therefore continue to be retained as R15 (2 Story residential only), which is consistent with the rest of Waverley Street and consistent with the 2020 Council direction and ensure that the building height and mass are appropriate;*
- k) If the owner/developer of No, 1 Waverley street is permitted to build a 3 Story "Mixed Use" development, on the north side of No. 3 Waverley Street, 25% of the solstice winter sunlight will not access the adjacent single residential lot, it will harm the enjoyment of the adjacent outdoor space, adversely impact the single residential property value and the mixed-use development will generate nuisances detrimental to the amenity of a single residential street. It is also likely that the current traffic congestion and parking issues will be exacerbated, as a result it will adversely impact the amenity of the single residential character of the locality;*
- l) It should also be noted that between No. 1 Waverley street and No. 83 to No. 85 Angelo Street, a deep sewer is located and a sewer easement over these lots exists. Should a "Mixed Use" zoning be approved for No. 1 Waverley Street, it will impact the built form and may require a future building to be pushed as close as possible to No.3 Waverley Street property boundary, which would again adversely impact No. 3 Waverley Street property; and*
- m) The March 2023 Ordinary Council Meeting agenda states that dwelling yield analysis has been undertaken on draft LPS 7 to ensure the City will meet its minimum dwelling targets. Therefore it is requested that No.1 Waverley Street property remain as R15 single residential lot and Council does not use its discretion to apply LPS7 Clause 32 & Clause 34 or other means to alter the R Code.*

The petition was received at the Council Agenda Briefing held 21 March 2023 from Mr Simon Stewert-Dawkins of Waverley Street, South Perth. The petition has been considered by Officer's in Item 10.3.1 Draft Local Planning Scheme No. 7 - Consideration of Submissions and Recommendation.

8.2 PRESENTATIONS

Nil.

8.3 DEPUTATIONS

Deputations were heard at the Agenda Briefing held 21 March 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 15.1.1 – Councillor Code of Conduct – Matter 1 and Item 15.1.2 – Councillor Code of Conduct – Matter 2 were new reports.

The Chief Executive Officer confirmed all the report items were discussed at the Council Agenda Briefing held 21 March 2023 with the exception of those listed by the Presiding Member.

ITEMS WITHDRAWN FOR DISCUSSION

- 10.3.1 Draft Local Planning Scheme No. 7 - Consideration of Submissions and Recommendation
- 10.5.4 Annual Review of Council Delegations

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

Officer Recommendation AND COUNCIL DECISION

0323/031

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Nick Warland

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

- 10.1.1 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
- 10.4.1 Listing of Payments February 2023
- 10.4.2 Monthly Financial Statements February 2023
- 10.4.3 Electors' General Meeting 2021/22
- 10.5.1 Audit Register Progress Report Q2
- 10.5.2 Risk Management and Business Continuity Activity Report
- 10.5.3 Compliance Audit Return
- 15.1.3 Information Systems Audit (External) Report

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.

10. REPORTS

10.1 STRATEGIC DIRECTION 1: COMMUNITY

10.1.1 Collier Park Village

File Ref: D-23-11314
Author(s): Vicki Lummer, Director Development and Community Services
Reporting Officer(s): Mike Bradford, Chief Executive Officer

Summary

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.

Officer Recommendation AND COUNCIL DECISION

0323/032

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

That Council approves the Chief Executive Officer to commence a "Request for Proposal" process for Collier Park Village consistent with the framework outlined in this report.

CARRIED BY EXCEPTION RESOLUTION (8/0)

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

Against: Nil.

Background

The City currently owns and operates Collier Park Village (CPV) in Morrison Street, Como, a retirement village of 169 two bedroom – one bathroom independent living units (ILU) and an associated community centre. CPV commenced construction in 1986 and was built in stages with completion in 1995.

10.1.1 Collier Park Village

The site also contains the former 40 bed (aged care) hostel building (which closed in 2014), gazebos, BBQ areas, carparks, caravan bays and extensive landscaped gardens. CPV is operated in accordance with the *Retirement Villages Act 1992 (WA)*.

The Village is home to 194 residents (February 2023). Village residents live independently in their units and more than half of residents receive some form of care in the home (such as Commonwealth Home Support Program or Commonwealth Government Home Care Packages) to support independent living.

The City provides a range of amenities to Village residents such as facilities within the community centre to conduct social functions and activities as well as maintenance of pathways and extensive common gardens. Services to facilitate independent living such as home support, transport to medical providers or social activities and medical care are delivered by external providers or through Commonwealth Government Home Care Packages or the Commonwealth Home Support Program.

The City provides space for visiting medical professionals at the community centre and facilitates programs to promote healthy ageing and intergenerational activities in partnership with external service providers and educational institutions. A hairdresser also holds a lease on site to provide services to the CPV residents.

An elected Residents' Committee consults with the administration of the City on behalf of residents about the day to day running of the retirement village and any issues or proposals raised by the residents. Various other resident groups work collaboratively to provide a range of activities, such as yoga, mah-jong, line dancing and carpet bowls.

Resident's Rights and Lease arrangements

The rights of CPV Residents are enshrined in legislation and set out in the *Retirement Villages Act 1992*, Retirement Villages Regulations and associated Fair Trading (Retirement Villages) Code.

Entrance requirements for CPV are to be 55 years of age or over and provision of a medical certificate stating the resident's capacity to live independently. The City does not give preferential treatment to City residents or family members of existing residents.

There are two types of tenure in CPV: Lease for Life and Short Term Lease. Lease for Life residents pay an upfront fee in exchange for a 40 year lease on the terms contained within the Agreement at the time of signing. The right of residents to remain in their homes for the full term of 40 years (and are capable to do so) is set out in the *Retirement Villages Act 1992*.

In 2009, it became apparent that the older units were no longer meeting the expectations of the market. It became increasingly difficult to fill these units with Lease for Life residents and the City commenced Short Term Leases for a fixed period of 12 months. Short Term Leases are made in accordance with the *Retirement Villages Act 1992*, Retirement Villages Regulations and Code.

For residents with a short term lease, a Deed of Variation is generally offered at the end of the 12 month period, subject to both parties being willing to continue. The Deed of Variation is for a fixed period of 12 months. Most residents with a short term lease opt to sign the Deed of Variation. There is continued demand for short term leases.

The cost of entrance to the Village is determined by market valuation with most units currently valued at between \$340,000 and \$360,000. Short term rentals are based on a yearly market valuation provided by a licensed valuer.

10.1.1 Collier Park Village

Lease for life residents pay a non-refundable fee of \$32,500 on entrance to the Village and a deferred management fee (DMF) of 5% for the first five years of tenure and a further 1% per annum of the balance for years six to 10 of tenure payable on exiting the Village (to a maximum of 5%). These fees are intended to cover the costs associated with refurbishment prior to being re-leased. The City is required to pay the refundable component of the entrance fee back to the resident within 45 days of exiting the village.

Lease for life residents currently pay an ongoing maintenance fee of \$480 per month to contribute to the day to day operations of the Village. Short term lease holders only pay the monthly rental amount which currently ranges from \$1,260 - \$1,300 per month. The City is responsible for paying the monthly maintenance fee applicable to short term rental leases and for any vacant units.

Land

The site is known as Reserve 38665, comprises 83,369m² and is vested in the City of South Perth for the purpose of Aged Persons Homes. The operation of CPV is subject to the *Retirement Village Act 1992*.

The land is zoned Residential R20/30 under Town Planning Scheme No.6 with a height limit of 7.5m. Under Draft Local Planning Scheme No.7, the land is proposed to be zoned Residential R50 with a height limit of three storeys. The site must be used in accordance with the current management order for Aged Persons Homes.

The City is currently seeking to change the tenure of the land to “conditional freehold” and has commenced discussions with the Department of Planning Lands and Heritage. Any change to land tenure will be subject to Ministerial approval. Conditional freehold does not change what the land can be used for (provision of aged persons homes) or allow for unfettered development of the site. The subject land would simply be freehold in the hands of an operator, conditional upon it continuing to be used as aged persons homes (retirement village). If at any stage in the future, it was no longer to be used for this purpose, the land would revert to the State.

Previous Council Decisions

In July 2018, following a briefing of elected members, Council considered a confidential item and resolved that the CEO should undertake some preparatory work to commence a confidential EOI process from reputable aged care operators/developers for part (Hostel only) or the entire site. The outcome of this was that a provider did express interest in the site, however the process did not proceed.

Resident concerns

One of the recurring concerns from CPV residents is development of the hostel site which was closed in 2014. Many residents have expressed desire for the hostel to be re-opened (to facilitate ageing in place) or redeveloped into additional units or gardens. The City engaged Ansell Strategic (independent advisory service specialising in aged care and retirement living) in September 2021 to conduct a survey of residents regarding the hostel site and potential improvements to CPV.

The survey found that residents valued the small homelike environment and the sense of community provided at CPV. One of their greatest concerns was the vacant hostel followed by maintenance costs, age of the buildings and poor internet and mobile coverage.

Current financial position

The City has significant concerns about the ongoing financial viability of CPV and its capability to sustain operations on the site. Over the past three years, the percentage loss increase year on year ranges from four to five per cent.

10.1.1 Collier Park Village

The operating loss for financial year 2022 was \$406,721 including all costs and interest on Reserves, an increase from the previous financial year 2021 where the operating loss was \$329,299. The CPV Reserve balance as at the end of FY2022 was \$427,202 and it is anticipated that current year losses will see this reserve fully expended. Any future losses, previously funded from this reserve, would need to be subsidised by other City funding sources such as rates.

Whilst the CPV Loan Offset Reserve has a balance of \$19.2 million, this reserve exists to cash back the liability related to the payment of exit fees upon termination of leases for life. Typically, around 15 to 17 residents exit the Village per annum. The amount in the Reserve more than adequately covers this cost and is sufficient to cover the exit fees in the unlikely event that the majority of current residents exited the Village in the same year.

From a financial perspective, one of the primary issues being faced in operating the Village is the age of the buildings and associated infrastructure. An assessment of the capital required to provide a contemporary village able to provide the amenity expected by the market would be in the vicinity of \$100 million. Without such an investment, the Village will not be able to compete with other market offerings and the trend of units being attractive to short term rental arrangements rather than people willing to enter into long term agreements will continue. As a result, operating losses are likely to continue to grow, particularly as the maintenance and renewal requirements become greater.

Comment

Many local governments across Australia have opted to transition out of operating retirement living due to growing risk, compliance and regulatory requirements, funding constraints and complexity of the retirement living sectors.

Contemporary living trends for retirement villages include home care and ancillary services. Amenities such as in house cafes, gymnasiums, pools, hairdressing, GP and allied health professionals, spa, cinema and private dining are already offered in the more modern facilities within close proximity to Collier Park.

Assisted living units have recently emerged as an alternative for older people to delay or eliminate the need to enter residential aged care. These are purpose-built, fully equipped units where residents can receive their required care and support in their home as their care needs advance. These units are growing in popularity as an addition to independent living as they offer a continuum of care for older people.

Integrated sites are possible, with retirement living, assisted living and residential aged care all on one site as well as space for retailers, community facilities, allied health providers and general practitioners. With facilities available for wider public use, this business model is sustainable and offers great benefit to residents.

The City wants to improve and enhance the facilities available to current and future residents at CPV. It does not have the expertise – or the financial resources – to make significant improvements to CPV.

Options

Given the need for significant capital renewal and investment and ongoing operating losses, Council is required to consider options for the future of the site. There are three options.

	Option	Implications
1	Business as usual	<ul style="list-style-type: none"> Operating losses and capital expenditure will continue The funds required to subsidise the Village equates to a rate increase for all City ratepayers of around 1-2% of the current rate base or significant increase to the fees and charges paid by residents. Needs of current and future residents will not be met.
2	Retain existing service model and conduct a staged redevelopment of units to contemporary standards, demolition of the disused hostel and development of additional units.	<ul style="list-style-type: none"> The City does not have the expertise or financial capacity to undertake this type of redevelopment Without changes to the leasing model, the future sustainability of CPV continues to deteriorate Ongoing subsidy from City rates revenue will continue to be required
3	The City commences a 'Request for Proposal' process and invites experienced retirement village operators to participate	<ul style="list-style-type: none"> Likely to result in a contemporary standard for retirement living for current and future residents The financial sustainability of the Village will be secured The financial sustainability of the City will be greatly improved

Request for Proposal Process

The City does not have the expertise, nor the capital reserves, to undertake significant development of CPV and provide a contemporary standard of retirement living. The Request for Proposal (RfP) enables the City to draw on the expertise of experienced retirement village operators to improve and enhance CPV and facilitate 'ageing in place'.

The RfP process will be conducted by Ansell Strategic and the City, in accordance with an evaluation framework and accompanying Vision Statement. These documents have been drafted in consultation with Council, feedback from CPV Resident surveys and advice from Ansell Strategic and set out the requirements which potential operators must respond to.

Council is not obliged to accept any proposal received and indeed all proposals may be rejected if they do not represent the desired outcomes for the City and residents of the Village.

Draft evaluation framework

The draft evaluation framework sets out the minimum requirement that proposals must respond to and is designed to give confidence to the City and Council that any potential proposal aligns with the City's priorities for CPV and protects the rights of current residents. Each dot point must be addressed.

It is understood that extensive and detailed criteria will restrict the market in terms of the number of operators willing to submit proposals during the RfP process and less criteria than below would widen the market. The criteria below reflects feedback from Elected Members with the interests of the current and future residents in mind.

Criteria	Weighting	Details
Organisational Reputation and alignment with CPSP Priorities	40%	<ul style="list-style-type: none"> Alignment of the organisation with COSP priorities, as articulated in the accompanying Vision Statement and the City's Strategic Community Plan (SCP) 2021-2031 Positive historic and current organisational reputation in their industry(ies) Demonstrated commitment and respondent strategy to redevelop the site into contemporary seniors and disability accessible accommodation Demonstrated experience and expertise in operating retirement living accommodation Capability to deliver care services (home care, disability supports and/or residential aged care) either themselves, through a care partner and/or outsourced service provider Strong compliance record against the <i>Retirement Villages Act 1992 (WA)</i>, <i>Aged Care Act 1997 (Cth)</i> and other relevant Acts and Standards Demonstrated understanding and capability to adhere to the new requirements under the updated <i>Retirement Villages Act 1992 (WA)</i>, effective in 2023
Proven track record in completing similar transactions & redevelopments	40%	<ul style="list-style-type: none"> History of successfully completing similar transactions Proven track record showing successful staged redevelopment of retirement living and/or aged care on live sites (occupied units) Proven track record of successfully managing stakeholder communication and engagement (consumers, staff, community) during a staged redevelopment Commitment and plans to protect resident rights (security of tenure, lease agreements, provision of alternate accommodation during the staged redevelopment process, etc.)

		<ul style="list-style-type: none"> • Securing and assisting with the transition into new accommodation for residents who seek to remain at the Village • A commitment to secure tenure for renters for a minimum of 12 months post-transaction
Financial Capacity*	20%	<ul style="list-style-type: none"> • Viable organisation with the capacity to sustain site operations • Strong balance sheet position or demonstrated ability to secure financing for the transaction (lending facilities from banks, etc.

*Any indicative bid price received from interested parties will be considered separately from the qualitative criteria.

Vision Statement

The purpose of the 'Vision Statement' is to give greater clarity to prospective respondents about what is important to the City and to assist with responding to the criteria 'alignment with the City's priorities'.

The City's vision is for:

'A city of active places and beautiful spaces. A connected community with easily accessible, vibrant neighbourhoods and a unique, sustainable natural environment'

The SCP (2021-2031) provides greater insight into the City's priorities and values, particularly in relation to the environment (both built and natural), sustainability and accessibility. For the purposes of Collier Park Village, the City will view favourably responses that can demonstrate:

- A commitment to ensure that current residents with short term lease rental agreements can remain in the Village for as long as practical
- Strong commitment to, and respondent strategy, to facilitate 'ageing in place'
- A mix of accommodation and leasing arrangement options at a range of price points to appeal to a broad cross-section of the market
- Environmentally sustainable building design with consideration towards seniors and disability accessible accommodation and community amenities, with the majority of dwellings to be designed in accordance with the Platinum Standard of the Livable Housing Design Guidelines (Fourth Edition)
- A commitment to retain natural vegetation and tree canopy (where practical) and/or a plan detailing proposed plantings for all development stages
- An overview of the proposed staged development approach for the site which demonstrates an understanding of the City's planning frameworks

Should Council accept the Officer Recommendation, a more detailed Vision Statement will be drafted. It is not standard practice for criteria related to specific objectives or targets (for example, protection of specific trees and type of accommodation to be provided) in the evaluation framework as these are overly prescriptive and will limit the responses provided. An overly prescriptive set of evaluation criteria may result in the City receiving no responses or non-conforming responses to the RfP process.

10.1.1 Collier Park Village

As noted previously, Council is not obliged to accept any proposal received and indeed all proposals may be rejected if they do not represent the desired outcomes for the City and residents of the Village.

Timelines and next steps

Should Council accept the Officer Recommendation, the City anticipates that the RfP process will commence by the end of April 2023. Submissions will be evaluated jointly by the City and Ansell Strategic. An evaluation report will be provided to the City around May/June 2023. The City will review the report and present findings to Council together with its recommendation around July-August 2023 for decision. Council is not obliged to accept the Officer Recommendation.

The City will continue to operate CPV during the RfP process and there will be no changes to operation of CPV or the services provided to residents.

Protections for Residents during the RfP process

The City acknowledges that the RfP process will cause uncertainty for residents of CPV and their families. To assist residents, the City has agreed that there will be no increases in fees and charges in 2023 (a yearly increase is usually applied each October) and will offer all residents with short term rental agreements a 'Deed of Variation' (extension) for 12 months from the date the City signs the contract with the new Operator (anticipated to be around October 2023). Residents will have security of tenure for the duration of the Deed of Variation.

Lease for Life residents have protections under the *Retirement Villages Act 1992* (WA) and can remain in their dwellings regardless of who operates the Village.

Implications for residents

There will be no changes for residents in the short term. Assuming there is a proposal that meets the evaluation criteria, a decision of Council to endorse the proposal is required before any contractual negotiations can commence. The City anticipates that should contractual negotiations be successful the transition will be complete by around October 2023.

The City has sought to secure a number of protections for residents as part of the RfP process. One of the evaluation criteria is a 12 month guarantee from the date that the City signs the contract with the new operator, that no resident with a short term lease will be required to move from their home. This requirement reflects the Deed of Variations that will be offered to residents with short term leases by the City when the City signs the contract with the new Operator.

In addition, proposals must demonstrate how the rights of all residents will be protected during the transition process and supports for residents during any potential relocation within the Village.

All of the contractual and legislative entitlements that residents currently have will continue to remain in place with any new operator. Arrangements for Lease for Life residents will be transferred to the new operator.

In the short term residents will notice that not all units will be refurbished as it is beneficial to have some units in the older part of the Village vacant to facilitate options for a new operator.

10.1.1 Collier Park Village

The longer term impact of this decision is that a new operator will provide the best outcome for Collier Park Village residents, ratepayers and the wider community and will ensure that the Village can continue to operate in a financially viable manner into the future.

A new operator will be able to provide the additional amenity and supports that will enable residents to stay in the Village as long as possible and not have to transfer to other facilities when additional support is required.

Implications for staff

Until Council makes a decision on the outcomes of the RfP process, there will be no change to the staff operations.

As part of their submission, prospective operators are expected to nominate plans for staff. Typically, operators like to ensure continuity of staff in the short to medium term. The City will keep the staff informed and follow appropriate processes, once Council has made a decision on the outcome of the RfP process. Staff will be supported through the City's normal supports including our Employee Assistance Program.

Consultation

2021 Engagement

In 2021 members of the CPV Residents Committee expressed their concern about the vacant hostel and sought to obtain support for reopening/redeveloping the hostel. In October 2021 to inform any future use, Ansell Strategic conducted a survey and workshop with the Village Residents to enable them to articulate the primary issues they are facing and options for the portion of the site where the decommissioned hostel is located. The following was indicated :

- Convert decommissioned hostel to gardens
- Upgrade internet and mobile coverage
- Multipurpose centre health/activities
- Indoor/outdoor café
- Training centre for nurses and carers
- Somewhere for respite care

The findings of the 2021 engagement informed the development of the evaluation framework and accompanying Vision Statement.

RfP process

CPV residents and staff were briefed on the contents of this report and the RfP process in separate meetings held on 15, 16 and 20 March 2023.

Elected member briefings were held on 14 November 2022, 30 January 2023 and 7 March 2023.

Policy and Legislative Implications

CPV is bound by the *Retirement Villages Act 1992*, Retirement Villages Regulations 1992 and associated Fair Trading (Retirement Villages) Code.

Arrangements for CPV staff are covered by the City of South Perth Workforce Enterprise Agreement 2022.

Financial Implications

For the City to upgrade the units to improve their amenity, meet current accessibility standards (such as wider doorways and improvements to bathrooms) and enable greater care supports to be provided in the home, an investment of around \$100 million would be required (over five to ten years).

The operating loss of CPV for FY 2022 was **\$406,721** including all costs and interest on Reserves. This is an increase from the previous year.

The CPV Reserve balance as at the end of FY2022 was \$427,202 and it is anticipated that current year losses will see this reserve fully expended. Any future losses, previously funded from this reserve, would need to be subsidised by other City funding sources such as rates. Preliminary calculations by the City estimate a rate increase of one to two per cent would need to be applied to all rate payers next financial year to cover this shortfall.

The financial sustainability of the Village specifically and the City in general is contingent upon action being taken to address this. This report provides the recommended course of action.

Key Risks and Considerations

Risk Event Outcome	<p>Financial Loss</p> <p>An adverse monetary impact on the City as a consequence of a risk event occurring. A grading is assigned to different levels of potential loss relative to the significance of the impact on the City's ongoing operations and its ability to deliver expected services.</p> <p>Legislative Breach</p> <p>Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation</p> <p>Reputational Damage</p> <p>Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.</p>
Risk rating	High
Mitigation and actions	The City has limited expertise in retirement living and with the upcoming changes to the <i>Retirement Villages Act 1992</i> (WA), it will become increasingly difficult for the City to fulfil its obligations under the Act.

	The RfP process will allow the City to evaluate the best option for CPV which supports current and future residents, facilitate ageing in place and ensures the overall financial viability for CPV and the City.
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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: 1.2.2 Effectively develop, manage and optimise the use of the City’s properties, assets and facilities

Attachments

Nil.

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

File Ref: D-23-11315
Author(s): Patrick Quigley, Manager Community, Culture and Recreation
Reporting Officer(s): Vicki Lummer, Director Development and Community Services

Summary

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.

Officer Recommendation AND COUNCIL DECISION

0323/033

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Nick Warland

That Council:

1. Approves a lease agreement between the City of South Perth and 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, subject to the following main terms and conditions:
 - a. Use of the playgroup room, nature play outdoor area and storage shed;
 - b. Playgroup purposes;
 - c. A term of five years with an option of renewal for a further five-year term;
 - d. A peppercorn/\$1 annual rental (if demanded) to reflect the Playgroup's small-scale operation and in recognition of the community benefits provided by the Playgroup to local families;
 - e. An annual contribution of \$360 for storage costs; and
 - f. An annual contribution of \$500 towards outgoings, utilities and minor building maintenance costs.
2. Authorises the Mayor and Chief Executive Officer to sign and affix the Common Seal to the lease documentation between the City of South Perth and Collins Street Centre 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.

CARRIED BY EXCEPTION RESOLUTION (8/0)

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

Against: Nil.

Background

The Playgroup was established in 1986 and is one of the longest operating playgroups in Western Australia. The Playgroup is also a member of Playgroup WA.

The Playgroup offers a diverse range of toys, books, arts and crafts and play opportunities for children (newborns to 5 years). Children who attend the playgroup can participate in formal or informal playgroup sessions that are scheduled Mondays to Fridays each week.

The Playgroup Inc. is a small community group with a current membership of approximately 30 children.

The Playgroup occupies part of the Collins Street Centre, which is situated on land owned freehold by the City and set aside for 'parks and recreational' purposes.

The City has the power to use the land as required, which may include leasing it to a third party.

The Playgroup has previously occupied/used a portion of the Collins Street Centre under an annual hire arrangement with the City. However, it is recommended that this arrangement is transferred to a lease agreement in the future to provide more clarity about the roles and responsibilities of the tenant, especially as the Playgroup has exclusive use of the playgroup room, nature play outdoor area and storage shed at the Centre.

The Playgroup has recently expressed its desire to continue occupation of the premises, so the City has undertaken preliminary consultation with the Playgroup regarding the proposed new lease agreement. Until the lease agreement can be developed, the tenant continues to provide a playgroup service at the site under a 'holding over' arrangement with the City.

Comment

The Playgroup is an acceptable tenant as it meets an ongoing community need, especially assisting local families with young children participate in play opportunities.

The proposed terms for the new lease agreement have been negotiated based on the following considerations that the Playgroup:

- Has a long history of facilitating a playgroup service within the local community, and is willing and able to continue this role;
- Operates on a low annual operating budget and has agreed to be responsible for making an annual contribution towards outgoings, utilities, minor building maintenance costs and storage costs; and
- Has low-income generation ability that is mainly achieved through membership fees and donations.

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

The site plan for the proposed lease of the Playgroup is highlighted in **Figure 1 below**.



Figure 1: Aerial photograph of the subject site (2023).

Consultation

The City has been in consultation with the Playgroup about transferring to a lease agreement and they have agreed to the proposed terms and conditions.

Granting a new lease of the premises for 10 years will ensure continued provision of a playgroup service at this location. The Playgroup has been a good tenant and the recommended terms represent an appropriate outcome for both parties. As a safeguard, the new lease agreement will include a redevelopment clause in case the land is required for other purposes into the future.

Policy and Legislative Implications

The following legislation and policies are relevant:

- *Local Government Act 1995*
- City of South Perth Policy P609 'Management of City Property'

Local Government Act 1995

Under Section 3.58 of the *Local Government Act 1995* (the Act), a disposition of land includes leasing of local government property. If a local government does not dispose of property via a public auction or the public tender method, the proposal must be advertised for public comment – unless the proposal is an 'exempt' disposition.

A disposition of property is exempt from Section 3.58 under Regulation 30, Part 6 Miscellaneous Provisions of the Local Government (Functions and General) Regulations 1996 if the land is to be used for charitable, benevolent, religious, cultural, educational, recreational, sporting or other like purposes. As the Playgroup is seeking use of local government property for recreation, the intended use of the land is exempt from section 3.58 of the Act. The Playgroup is an incorporated association.

City of South Perth Policy P609 'Management of City Property'

Under Policy P609 Management of City Property, leases with community groups are to be negotiated consistently with the following principles:

- Leases will be for a period of five years with a five-year option;
- Leases to be set for a rental amount which is calculated using the following formula: 0.1% of the insured value of the facility or a minimum of \$1,000 per annum.

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

- All groups will be required to adhere to the ‘Property Maintenance Schedule’ for the respective facility; a document which sets out the responsibilities of both parties.

Policy P609 also makes provision for Council to grant a donation in subsidy of the rental amount where the proposed tenancy would provide a demonstrable benefit to the local community.

Financial Implications

The Playgroup is financially viable/sustainable but is a small-scale operation, which is evidenced by its current financial position. The Playgroup’s profit and loss statement and balance sheet is attached in **Confidential Attachment (a)**.

The current insurance value of the centre building areas used by the Playgroup is estimated at \$200,000, so in applying the City’s rental calculation method for the Playgroup, the new lease agreement would usually be set at a minimum of \$1,000 per annum (plus GST). However, the City supports continuation of the current peppercorn arrangement, in recognition of the Playgroup’s small-scale operation with low cash/assets; limited income generation ability; and in recognition of the ongoing community benefits provided by the Playgroup to local families.

Under the new lease agreement arrangement, the Playgroup will become responsible for making an annual contribution towards outgoings, utilities, minor building maintenance costs and storage costs. The City will be responsible for the cost of preparation and lodgement of the lease document.

Key Risks and Considerations

Risk Event Outcome	Legislative Breach Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision-making bodies within the collective organisation.
Risk rating	Low
Mitigation and actions	The proposed new lease agreement will mitigate a potential legislative breach by outlining the terms and conditions regarding the approved use of the land by the lessee. It will also enable the parties to comply with legislative requirements relating to leasing of local government property.

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

Strategic Implications

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

Strategic Direction: Community
Aspiration: A diverse, connected, safe and engaged community.
Outcome: 1.2 Community infrastructure
Strategy: 1.2.2 Manage the provision, use and development of the City's properties, assets and facilities

Attachments

10.1.2 (a): Profit & Loss Statement and Balance Sheet (*Confidential*)

10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

In accordance with authority delegated by the Minister for Local Government on 28 March 2023, approval has been given by the Department of Local Government, Sport and Cultural Industries under section 5.69(3) of the *Local Government Act 1995* to allow Councillors Glenn Cridland, Stephen Russell, André Brender-A-Brandis and Jennifer Nevard to fully participate in the discussion and decision making relating to Item 10.3.1 Draft Local Planning Scheme No. 7 - Consideration of Submissions and Recommendation.

The approval is subject to the following conditions:

1. The approval is only valid for the 28 March 2023 Ordinary Council Meeting when agenda item 10.3.1 is considered;
2. The abovementioned Councillors must declare the nature and extent of their interests at the abovementioned meeting when each matter is considered, together with the approval provided;
3. The Chief Executive Officer (CEO) is to provide a copy of the Department of Local Government, Sport and Cultural Industries (DLGSC's) letter of approval to the abovementioned Councillors;
4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when each item is considered;
5. The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to DLGSC, to allow DLGSC to verify compliance with the conditions of this approval; and
6. The approval granted is based solely on the interests disclosed by the abovementioned Councillors, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.

The interests for which this approval applies to are as follows:

- 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 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.’

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

- 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.’

Mayor Greg Milner, Councillor Mary Choy and Councillor Nick Warland declared Financial, Proximity and Impartiality Interests in Item 10.3.1 and accordingly left the Chamber at 7.00pm prior to consideration of the Item.

Councillor Blake D’Souza assumed the Chair prior to Consideration of Item 10.3.1.

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

File Ref: D-23-11316
Author(s): Jessica Birbeck, Principal Strategic Planner
Reporting Officer(s): Vicki Lummer, Director Development and Community Services

Summary

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). Four petitions were also received by the City.

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

Officer Recommendation

Moved: Councillor Jennifer Nevard
Seconded: Councillor Glenn Cridland

That Council:

1. Pursuant to Regulation 25(3) of the Planning and Development (Local Planning Schemes) Regulations 2015 **SUPPORTS** draft Local Planning Scheme No. 7 with proposed modifications to address issues raised in the submissions, as set out in **Attachment (a)** – Draft Local Planning Scheme No. 7 - Schedule of Text and Map Modifications.
2. Pursuant to Regulation 28(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, requests the Chief Executive Officer to forward draft Local Planning Scheme No. 7 to the Western Australian

Planning Commission with all relevant information required by Regulations.

Amendment

Moved: Councillor Blake D'Souza
Seconded: Councillor Jennifer Nevard

That the Officers Recommendation be amended as follows:

1. Pursuant to Regulation 25(3) of the Planning and Development (Local Planning Schemes) Regulations 2015 SUPPORTS draft Local Planning Scheme No. 7 with proposed modifications to address issues raised in the submissions, as set out in Attachment (a) – Draft Local Planning Scheme No. 7 – Schedule of Text and Map Modifications, with the following amendments to the Manning Road Urban Corridor area:
 - i) Modify the Scheme Map to re-code all residential-zoned properties (fronting Manning Road, or otherwise) from 'R60' to 'R40';
 - ii) Modify the Scheme Map to re-code all residential-zoned properties fronting (and on the northern side) of Downey Drive from 'R50' to 'R40';
 - iii) Modify S/L 1 of Lot 340, Lot 12, Lot 11 and Lot 342 (Nos. 49, 51, 51A & 53) Bickley Crescent, and S/L 2 of Lot 340 and Lot 10 (Nos. 17 & 19) Pether Road, Manning to apply an R40 density code.
2. Pursuant to Regulation 28(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, requests the Chief Executive Officer to forward draft Local Planning Scheme No. 7 to the Western Australian Planning Commission with all relevant information required by the Regulations.

Reasons for Change

Amenity and community concerns

1. These amendments have been drafted based on significant community concern as to what an R60 coding along Manning Road would mean in practice. Salter Point resident Carolyn Burnett submitted a petition of 356 residents, at the December 2022 Ordinary Council Meeting, raising these concerns.
2. Further submissions were provided during public consultation, which reflect similar levels of concern with the scale of the proposed up-coding along the Manning Road Urban Corridor.
3. This amendment allows for the for the preservation of suburban streetscape and retention of much-valued amenity for residents adjacent to the Manning Road Urban Corridor and along Manning's inner roads.

Department of Transport Advice

1. As part of stakeholder consultation - advice has been provided by the Department of Transport, dated 6th December 2022, outlining its views on the City of South Perth LPS7. This is noted on page 38 of the Agenda and is contained within submission No. 461 of Attachment (b) Schedule of Submissions.
2. This advice recommends explicitly, that the City:
“Reconsider, or delay for possible future Scheme amendment, the up-zoning of development densities in the “Manning Road Corridor” growth area until a clear role for public transport on the relevant section of Manning Road can be confirmed.”
3. Part of the planning rationale for the Manning Road Urban Corridor being identified as a growth area, based on the Department of Planning’s 2018 Central Sub Region Planning Framework, was being on a high frequency bus route. As this is no longer the case, the planning rationale to significantly up-code along Manning Road is diminished.
4. The Public Transport Authority have stated such density increases would require “additional or amended bus services to support development”. The advice notes there are no current plans for this.
5. Further, the southbound onramp to the Kwinana freeway has increased traffic throughput along Manning Road. It is unclear how the road network would cope with the up-coding along Manning Road as currently proposed.
6. Therefore, unless and until there are concrete plans to increase public transit along Manning Road, it is unwise to up-code such areas when the public transport network might not keep up with demand, thereby further exacerbating traffic and parking problems already existent in Manning.

The amendment was put and declared LOST (1/4).

For: Councillor Blake D'Souza.

Against: Councillors André Brender-A-Brandis, Glenn Cridland, Jennifer Nevard and Stephen Russell.

Amendment

Moved: Councillor Stephen Russell

Seconded: Councillor Jennifer Nevard

That Council:

1. Pursuant to Regulation 25(3) of the Planning and Development (Local Planning Schemes) Regulations 2015 SUPPORTS draft Local Planning Scheme No. 7 with proposed modifications to address issues raised in the submissions, as set out in Attachment (a) – Draft Local Planning Scheme No. 7 - Schedule of Text and Map Modifications, with the following amendments:

- i) Delete Scheme Map Modification No. 7 in Attachment A and replace Scheme Map Modification No. 6 in Attachment A with the following wording: 'Modify No. 90 McDonald Street from Private Community Purpose Zone to Residential Zone with a density code of R40'.
 - ii) Modify the scheme map to re-code all R100 coded lots bounded by Canning Highway, South Terrace, Thelma Street and McDonald Street, other than corner lots No 367 (Lot 702) Canning Hwy and 245-247 (Lot 51) Canning Hwy to R80.
 - iii) Replace Scheme Map Modification No. 4 in Attachment A with the following wording: 'Modify lots subject to ASR13 requirements 'Preston Street Neighbourhood Centre' from 'R-AC0' to 'R-AC3'.
 - iv) Replace Scheme Text Modification No. 6 in Attachment A for the 'Office' and 'Shop' Land Uses with the following:
 - i) Land Use 'Office' minimum number of car parking bays from "1:50sqm NLA" to "1:50sqm NLA for staff plus spaces for visitors equal to 10% of the number of staff spaces, for offices of 100sqm NLA and greater. For example, 520sqm NLA / 50sqm = 10.4 roundup to 11 car parking bays + 10% of 11 = 1.1 roundup to 2 car parking bays. Total 13 car parking bays."
 - ii) Land Use 'Shop' minimum number of car parking bays from "1:25sqm NLA" to "1:25sqm NLA for visitors plus spaces for staff equal to 10% of the number of visitors spaces, for shops of 100sqm NLA and greater. Refer to Office for calculation method."
 - iii) Land Use 'Shop' minimum bicycle parking spaces from "1:500sqm NLA for staff, plus 1:200sqm NLA for visitors" to "1:200sqm NLA for staff, plus 1:25sqm NLA for visitors"
 - v) Under Clause 38(1) 'Home Business' (f) and 'Home Occupation' (g) the respective sub-clauses shall be modified as follows:
 'does not involve the presence, use or calling of a ~~vehicle of more than 4.5tonnes tare weight~~ commercial vehicle; and'.
 - vi) Under Schedule A, include an additional Relevant Deemed Provision titled "Part 3 – Heritage Assessment Clause 11A Protection Against Demolition" with the following provision:
 "(1) Demolition to a Heritage Listed place, shall not be permitted."
 - vii) Modify Scheme Text Modification No.10 in Attachment A to include Murray Street in Clauses (1) and (2).
2. Pursuant to Regulation 28(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, requests the Chief Executive Officer to forward draft Local Planning Scheme No. 7 to the Western Australian Planning Commission with all relevant information required by Regulations,
 3. Requests the CEO, in addition to Point 2 include within its submission to the WAPC, the Integrated Transport Plan (inclusive of the supporting Traffic Consultant's report).

4. Requests the CEO, in addition to Point 2 include within its submission to the WAPC, a separate note or memorandum stating “Mainroads Western Australia (MRWA) as a Subject Matter Expert (SME) agency, in its submission (Ref: 05/10466-03 (D22#1167701)) to the advertised LPS7, recommended that prior to any density increase alongside Canning Hwy and the Preston Street Neighbourhood Centre, that a TIA, Transport Study or Traffic Assessment be undertaken to determine the impact and therefore by reason possible mitigations on MRWA road and movement network. The City has an Integrated Transport Plan (ITP), to which the City provided to MRWA in May 2021 as part of the consultation process. The City has not provided the ITP to MRWA as part of the draft LPS 7 advertising nor consideration periods. The ITP is included within its documentation to the WAPC. In order for WAPC to assist in its consideration of LPS7 and to assure itself that MRWA, as a SME, are satisfied that the intent of their letter is met, the City recommends that the WAPC request MRWA to peer review the ITP and to provide advice as it sees necessary to WAPC.”

COUNCIL DECISION

0323/034

Moved: Councillor Blake D'Souza

Seconded: Councillor André Brender-A-Brandis

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

CARRIED (5/0)

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

Against: Nil.

Amendment

0323/035

Moved: Councillor Stephen Russell

Seconded: Councillor Jennifer Nevard

That Council:

1. Pursuant to Regulation 25(3) of the Planning and Development (Local Planning Schemes) Regulations 2015 SUPPORTS draft Local Planning Scheme No. 7 with proposed modifications to address issues raised in the submissions, as set out in Attachment (a) – Draft Local Planning Scheme No. 7 - Schedule of Text and Map Modifications, with the following amendments:

- i) Delete Scheme Map Modification No. 7 in Attachment A and replace Scheme Map Modification No. 6 in Attachment A with the following wording: ‘Modify No. 90 McDonald Street from Private Community Purpose Zone to Residential Zone with a density code of R40’.
 - ii) Modify the scheme map to re-code all R100 coded lots bounded by Canning Highway, South Terrace, Thelma Street and McDonald Street, other than corner lots No 367 (Lot 702) Canning Hwy and 245-247 (Lot 51) Canning Hwy to R80.
 - iii) Replace Scheme Map Modification No. 4 in Attachment A with the following wording: ‘Modify lots subject to ASR13 requirements ‘Preston Street Neighbourhood Centre’ from ‘R-AC0’ to ‘R-AC3’.
 - iv) Replace Scheme Text Modification No. 6 in Attachment A for the ‘Office’ and ‘Shop’ Land Uses with the following:
 - i) Land Use ‘Office’ minimum number of car parking bays from “1:50sqm NLA” to “1:50sqm NLA for staff plus spaces for visitors equal to 10% of the number of staff spaces, for offices of 100sqm NLA and greater. For example, 520sqm NLA / 50sqm = 10.4 roundup to 11 car parking bays + 10% of 11 = 1.1 roundup to 2 car parking bays. Total 13 car parking bays.”
 - ii) Land Use ‘Shop’ minimum number of car parking bays from “1:25sqm NLA” to “1:25sqm NLA for visitors plus spaces for staff equal to 10% of the number of visitors spaces, for shops of 100sqm NLA and greater. Refer to Office for calculation method.”
 - iii) Land Use ‘Shop’ minimum bicycle parking spaces from “1:500sqm NLA for staff, plus 1:200sqm NLA for visitors” to “1:200sqm NLA for staff, plus 1:25sqm NLA for visitors”
 - v) Under Clause 38(1) ‘Home Business’ (f) and ‘Home Occupation’ (g) the respective sub-clauses shall be modified as follows:
 ‘does not involve the presence, use or calling of a ~~vehicle of more than 4.5tonnes tare weight~~ commercial vehicle; and’.
 - vi) Under Schedule A, include an additional Relevant Deemed Provision titled “Part 3 – Heritage Assessment Clause 11A Protection Against Demolition” with the following provision:
 “(1) Demolition to a Heritage Listed place, shall not be permitted.”
 - vii) Modify Scheme Text Modification No.10 in Attachment A to include Murray Street in Clauses (1) and (2).
2. Pursuant to Regulation 28(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, requests the Chief Executive Officer to forward draft Local Planning Scheme No. 7 to the Western Australian Planning Commission with all relevant information required by Regulations,

3. Requests the CEO, in addition to Point 2 include within its submission to the WAPC, the Integrated Transport Plan (inclusive of the supporting Traffic Consultant's report).
4. Requests the CEO, in addition to Point 2 include within its submission to the WAPC, a separate note or memorandum stating "Mainroads Western Australia (MRWA) as a Subject Matter Expert (SME) agency, in its submission (Ref: 05/10466-03 (D22#1167701)) to the advertised LPS7, recommended that prior to any density increase alongside Canning Hwy and the Preston Street Neighbourhood Centre, that a TIA, Transport Study or Traffic Assessment be undertaken to determine the impact and therefore by reason possible mitigations on MRWA road and movement network. The City has an Integrated Transport Plan (ITP), to which the City provided to MRWA in May 2021 as part of the consultation process. The City has not provided the ITP to MRWA as part of the draft LPS 7 advertising nor consideration periods. The ITP is included within its documentation to the WAPC. In order for WAPC to assist in its consideration of LPS7 and to assure itself that MRWA, as a SME, are satisfied that the intent of their letter is met, the City recommends that the WAPC request MRWA to peer review the ITP and to provide advice as it sees necessary to WAPC."

Reasons for Change

As a preamble the City's scheme should be looked at more than a subdivision plan but also a mechanism to benefit the community's amenity value in terms of road traffic levels-of-service, heritage, typology, parking and commercial vehicle use within residential areas. Hence with this in mind the reasons for change are as follows:

1. For item 1(i), the properties identified were all up-coded as a result of a single request from the owners of a single property (Ref submission 450). In its support, the city cited improved density transitions and improved streetscape. With respect to the City, this is not considered a valid reason as the southern end of McDonald Street (south of Comer) is predominantly R40 with bookends of higher coding and therefore the proposed up-coding is inconsistent with the advertised LPS7 transition and streetscape vision.
2. For item 1(ii) the City has advised that if the said Canning Highway R100 properties were re-coded to R80 then this would incur a circa 55 dwelling loss. This is to be compared to a 300 dwelling oversupply for the City's Perth & Peel @ 3.5million target. In return the community would see a consistency along Canning Hwy where properties with a SCA1 restriction are all R80. It is a reasonable argument that this provides the benefit of (a) reduced traffic flow at property crossovers, particularly right-into-property manoeuvres, and therefore a better Level-of-Service on Canning Hwy and (b) reduced use of the local road network as rat-runs, in particular McDonald St, now and when Canning Hwy is widened when right-turn in & out manoeuvres are restricted.
3. For item 1(iii), it should be noted that the Preston Street Centre is deemed a Neighbourhood Centre where under the R-Codes (R-AC4) primary

controls with respect to height and plot ratio are 3-storeys and 1.2 respectively. It is understandable that perhaps R-AC4 in terms of building height and mass is not consistent with the strategy, however noting the concerns of the community with respect to the over development of Preston Street centre, particularly at the higher elevation end, then it was reasonable to advertise to the community the centre as R-AC3, where noted. As the R-Codes primary controls are used in combination, then notwithstanding ASR13 having specific height controls, by not having a plot ratio then ASR13 is inconsistent with the R-Codes. It should be noted that the R-Codes states “Primary controls manage the form and scale of new development appropriate to the context and the existing or planned character of an area”. As such without a plot ratio the resulting development on the ASR13 sites with an associated R-AC0 may deliver a development not in keeping with the intent of the R-Codes in terms of building mass and by extension the community’s expectations. Reverting to the advertised R-AC3 mitigates this risk. It should be noted that only one submission (#431) specifically objected to R-AC3 replacing R-AC0. All other submissions relevant to ACR3 either objected to or supported R-AC3.

4. For item 1(iv), propose minor modifications to office and shop minimum car bays to ensure that for sizable properties of 100sqm NLA or greater that staff (shop) and visitors (office) parking is provided and therefore not cannibalising parking suited to the primary purpose of the land use. In addition, it is the opinion that in agreement with the City’s Integrated Transport Plan that cycling as a transport mode should be encouraged. This can only result if sufficient end-of-trip facilities are provided and therefore as shops would be a key destination for bicycle use then it is proposed to revert the shop minimum bicycle parking spaces to the advertised LPS7 number, thereby providing greater numbers of.
5. For item 1(v), the use of commercial vehicles (>4.5T Gross Vehicle Mass - GVM) for Home Business or Home Occupations will result in an amenity loss to residents who will be living within a future inner-City like environment. Hence amenity losses such as elevated noise of larger vehicles, longer vehicles occupying more on-street parking bays, the manoeuvring of larger vehicles on streets, will all be realised. In addition, as the majority of existing vehicles will objectively be in compliance with the Motor Vehicles Standards Act (MVSA) 1989, then the GVM and not the Tare Weight will be stamped on the compliance plate and therefore making on-site compliance checks for commercial vehicles to be non-disputable.
6. For item 1(vi), City Heritage Listed properties are invaluable to the character and history of the City. Their loss as a result of demolition would be seen as intergenerational inequality. To this effect it is proposed to strengthen their protection from demolition by inclusion within the scheme and therefore any demolition would first require a delisting from the Heritage List.
7. For item 1(vii), the R100 lots adjacent to Canning Hwy Places 1 & 2, exceed the R-Codes in regard to their height and plot ratio primary controls. This is not reflected elsewhere within the City and therefore considered

inconsistent and unnecessary noting that the R-Codes are the primary tool for development and the City has an oversupply of dwellings compared to the Perth & Peel target.

8. For item 1(viii), the inclusion of Murray Street is to provide the same level of typology to that provided for Thelma and Morrison, if Penrhos so decides to develop their sports oval.
9. For items 3 & 4, it is noted that MRWA, a Subject Matter Expert, has provided recommendations that the City undertake certain traffic or transport assessments to support increased density development along Canning Hwy and the Preston Street Neighbourhood Centre. The City has the Integrated Transport Plan (ITP) which may satisfy the recommendation of MRWA. Notwithstanding that the City has previously submitted the ITP to MRWA in 2021, it is still considered prudent that this document via the WAPC be peer reviewed by the MRWA and any findings be considered by the WAPC in its further consideration of LPS7.

The amendment was put and declared CARRIED (5/0) and formed part of the substantive motion

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

Against: Nil.

Amendment

0323/036

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Jennifer Nevard

That the Officer's Recommendation be amended as follows:

1. Pursuant to Regulation 25(3) of the Planning and Development (Local Planning Schemes) Regulations 2015 SUPPORTS draft Local Planning Scheme No. 7 with proposed modifications to address issues raised in the submissions, as set out in Attachment (a) – Draft Local Planning Scheme No. 7 – Schedule of Text and Map Modifications, with the following amendments:

Schedule A, Part 7, 60A(1)(a) by removing “The tree achieves a minimum height of eight (8) metres from the natural ground level”

 - a) and replacing with; Schedule A, Part 7, 60A(1)(a) “The tree achieves;
 - A minimum height of 8 metres above natural ground level; or
 - A minimum canopy width of 6 metres” and
 - b) Modify the Scheme Map to re-code the entirety of Lot 3685 (No. 3) Downey Drive, Manning from ‘R100’ to ‘Civic and Community’.
2. Pursuant to Regulation 28(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, requests the Chief

Executive Officer to forward draft Local Planning Scheme No. 7 to the Western Australian Planning Commission with all relevant information required by Regulations.

Reasons for Change

Reasons for the amendment of the **Tree Protection Provisions**:

The addition of the canopy dimension is to bring the tree size measurements more into line with State Planning Policy Residential Design Codes.

The tree canopy ensures an additional criteria to consider when protecting trees on private land.

Trees are vital to the ongoing liveability of our suburbs but are not being retained on private land. In 2020, the City of South Perth's canopy cover was approximately 17%. Private lots comprise approximately 57% of the City's land. Despite this, Substantial trees are not being retained on private lots, providing only 13% canopy cover for trees above three meters in height, and providing only 6% canopy cover for trees more than eight metres in height. they only contribute 13% to the City's canopy coverage. Large trees on private lots that are greater than eight metres in height only account for 6% of the City's total canopy coverage. As the City continues to grow there will be considerable pressure on these trees. Without adequate protections in place, the City's total canopy coverage will likely fall.

One of the proposed aims of the Scheme is to protect and enhance the natural environment by maintaining biodiversity, protecting, and increasing tree canopy, and reducing urban heat island effects.

The tree protection provisions assist with the retention of vegetation of significant mature or native vegetation within a development site, ensuring adequate tree canopy and deep soil areas.

Fauna values need immediate consideration, given the time for mature fruiting trees to provide an adequate food source for the endemic Black Cockatoos. Three species use the Swan Coastal Plains for foraging and breeding habit throughout the year. The City has one of the largest roosting sites south of the river, located at Collier Park Golf Course – Bentley Pines. Substantial trees are required for the roosting of large black cockatoos or for future potential breeding sites.

Community feedback received has been highly supportive of tree protection provisions.

Reasons for the amendment to **Lot 3685 (No. 3) Downey Drive, Manning** currently occupied by the **Manning Senior Citizens' Centre Site including the Manning Men's Shed** from the proposed R100 Zoning to Civic and Community are as follows:

- Residential zoning for a location that has been used by the Manning Senior Citizens' Centre including the Men's Shed in Manning is inappropriate given the current use and benefit for members of the Community. Both the Manning Senior Citizens' Centre and the Manning

Men's Shed offer the Community essential services, along with increased socialisation amongst senior citizens, promoting increased physical and mental health, which can result in longer life expectancy and reduced risks of cognitive decline. These Manning Community groups play an important part in our City's integration and engagement and should be preserved in perpetuity through ensuring the zoning is appropriate and is not amended to Residential R100.

- Rezoning this as R100 Residential is not aligned for residential purposes compared to the current use and the expectation of patrons.
- There is currently no intention for this site to be residential with an increased zoning, or as a surplus asset for potential disposal.
- Retaining the land with a Civic and Community Reserve zoning, ensures the City retains the land with the ability to use it for worthwhile Community services and also ensures this land is retained for a future use as a Reserve.
- The current use of the land sits more appropriately with a Civic and Community Reserve objectives. This motion will make this zoning consistent and more aligned with the current land use.

Reserve Name	Objectives
Civic and Community	<ul style="list-style-type: none"> • To provide for a range of community facilities which are compatible with surrounding development. • To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit.

The amendment was put and declared CARRIED (5/0) and formed part of the substantive motion

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

Against: Nil.

Amendment

0323/037

Moved: Councillor Stephen Russell

Seconded: Councillor André Brender-A-Brandis

That the Officer's Recommendation be amended as follows:

1. Pursuant to Regulation 25(3) of the Planning and Development (Local Planning Schemes) Regulations 2015 **SUPPORTS** draft Local Planning Scheme No. 7 with proposed modifications to address issues raised in the submissions, as set out in **Attachment (a)** – Draft Local Planning Scheme No. 7 – Schedule of Text and Map Modifications, with the following amendments:
 - i) Delete Modification No. 10 of the Scheme Map Modifications within Attachment A and modify to No. 1 Waverley Street South Perth as ‘Residential’ R40.
2. Pursuant to Regulation 28(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, requests the Chief Executive Officer to forward draft Local Planning Scheme No. 7 to the Western Australian Planning Commission with all relevant information required by Regulations.

Reasons for Change

The primary concern of the neighbourhood is in relation to the commercial aspect of the potential development of No. 1 Waverley Street and therefore the retention of residential in my amendment. A transition of R40 which is two storeys under the current and future SPP 7.2-1 R Codes to R15 is considered reasonable and typical throughout LPS 7.

The amendment was put and declared **CARRIED (4/1)** and formed part of the substantive motion

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

Against: Councillor Glenn Cridland.

Amended Substantive Motion and COUNCIL DECISION

0323/038

Moved: Councillor Jennifer Nevard

Seconded: Councillor Glenn Cridland

That Council:

1. Pursuant to Regulation 25(3) of the Planning and Development (Local Planning Schemes) Regulations 2015 **SUPPORTS** draft Local Planning Scheme No. 7 with proposed modifications to address issues raised in the submissions, as set out in **Attachment (a)** – Draft Local Planning Scheme No. 7 - Schedule of Text and Map Modifications with the following amendments:
 - a) Delete Scheme Map Modification No. 7 in Attachment A and replace Scheme Map Modification No. 6 in Attachment A with the following wording: ‘Modify No. 90 McDonald Street from Private Community Purpose Zone to Residential Zone with a density code of R40’.
 - b) Modify the scheme map to re-code all R100 coded lots bounded by Canning Highway, South Terrace, Thelma Street and McDonald

- Street, other than corner lots No 367 (Lot 702) Canning Hwy and 245-247 (Lot 51) Canning Hwy to R80.
- c) Replace Scheme Map Modification No. 4 in Attachment A with the following wording: 'Modify lots subject to ASR13 requirements 'Preston Street Neighbourhood Centre' from 'R-AC0' to 'R-AC3'.
 - d) Replace Scheme Text Modification No. 6 in Attachment A for the 'Office' and 'Shop' Land Uses with the following:
 - i) Land Use 'Office' minimum number of car parking bays from "1:50sqm NLA" to "1:50sqm NLA for staff plus spaces for visitors equal to 10% of the number of staff spaces, for offices of 100sqm NLA and greater. For example, 520sqm NLA / 50sqm = 10.4 roundup to 11 car parking bays + 10% of 11 = 1.1 roundup to 2 car parking bays. Total 13 car parking bays."
 - ii) Land Use 'Shop' minimum number of car parking bays from "1:25sqm NLA" to "1:25sqm NLA for visitors plus spaces for staff equal to 10% of the number of visitors spaces, for shops of 100sqm NLA and greater. Refer to Office for calculation method."
 - iii) Land Use 'Shop' minimum bicycle parking spaces from "1:500sqm NLA for staff, plus 1:200sqm NLA for visitors" to "1:200sqm NLA for staff, plus 1:25sqm NLA for visitors"
 - e) Under Clause 38(1) 'Home Business' (f) and 'Home Occupation' (g) the respective sub-clauses shall be modified as follows:

'does not involve the presence, use or calling of a commercial vehicle; and'
 - f) Under Schedule A, include an additional Relevant Deemed Provision titled "Part 3 – Heritage Assessment Clause 11A Protection Against Demolition" with the following provision:

"(1) Demolition to a Heritage Listed place, shall not be permitted."
 - g) Modify Scheme Text Modification No.10 in Attachment A to include Murray Street in Clauses (1) and (2).
 - h) Schedule A, Part 7, 60A(1)(a) by removing "The tree achieves a minimum height of eight (8) metres from the natural ground level" and replacing with; Schedule A, Part 7, 60A(1)(a) "The tree achieves;
 - A minimum height of 8 metres above natural ground level; or
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 - i) Modify the Scheme Map to re-code the entirety of Lot 3685 (No. 3) Downey Drive, Manning from 'R100' to 'Civic and Community'.
 - j) Delete Modification No. 10 of the Scheme Map Modifications within Attachment A and modify to No. 1 Waverley Street South Perth as 'Residential' R40.

2. Pursuant to Regulation 28(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, requests the Chief Executive Officer to forward draft Local Planning Scheme No. 7 to the Western Australian Planning Commission with all relevant information required by Regulations.
3. Requests the CEO, in addition to Point 2 include within its submission to the WAPC, the Integrated Transport Plan (inclusive of the supporting Traffic Consultant's report).
4. Requests the CEO, in addition to Point 2 include within its submission to the WAPC, a separate note or memorandum stating "Mainroads Western Australia (MRWA) as a Subject Matter Expert (SME) agency, in its submission (Ref: 05/10466-03 (D22#1167701)) to the advertised LPS7, recommended that prior to any density increase alongside Canning Hwy and the Preston Street Neighbourhood Centre, that a TIA, Transport Study or Traffic Assessment be undertaken to determine the impact and therefore by reason possible mitigations on MRWA road and movement network. The City has an Integrated Transport Plan (ITP), to which the City provided to MRWA in May 2021 as part of the consultation process. The City has not provided the ITP to MRWA as part of the draft LPS 7 advertising nor consideration periods. The ITP is included within its documentation to the WAPC. In order for WAPC to assist in its consideration of LPS7 and to assure itself that MRWA, as a SME, are satisfied that the intent of their letter is met, the City recommends that the WAPC request MRWA to peer review the ITP and to provide advice as it sees necessary to WAPC."

CARRIED (5/0)

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

Against: Nil.

Background

At its meeting held 27 June 2017, Council considered a report on the Review of Town Planning Scheme No. 6 (TPS 6). Council resolved to recommend to the Western Australian Planning Commission (WAPC) that TPS 6 required review and that a new local planning scheme should be prepared. The City received endorsement from the WAPC in October 2017 that a new local planning scheme should be prepared.

A scheme review is a multi-staged process. The first stage is the preparation of a Local Planning Strategy (the Strategy). The Strategy is a fundamental part of the City's local planning framework and sets the strategic direction for planning and development in the City over the next 10 to 15 years. The City prepared the Strategy from mid-2017 to mid-2018. Following formal public consultation in early 2019, Council endorsed the Strategy in July 2020 followed by WAPC endorsement in February 2021.

Draft Local Planning Scheme No. 7 (LPS 7) was adopted by Council on 24 August 2021 for advertising and was modified by the WAPC on 31 May 2022. Public consultation was undertaken from 31 August 2022 to 29 November 2022.

The City received 470 submissions during this period, which raise a number of issues which have been summarised into key themes. This report discusses the feedback received and recommends Council support draft LPS 7 with modifications.

Consultation

Draft LPS 7 was advertised for 90 days, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), from Wednesday 31 August 2022 until Tuesday 29 November 2022.

In accordance with the Regulations, the City prepared a notice giving details of:

- a. the purpose of the draft scheme;
- b. how the draft scheme is to be made available to the public;
- c. the manner and form in which submissions may be made;
- d. the period for making submissions and the last day of that period.

The Regulations stipulate the following minimum requirements for advertising:

- a. publish the notice and copy of draft LPS 7 on the website of the local government and in the offices of the local government;
- b. publish the notice in a newspaper circulating in the local government's district;
- c. give a copy of the notice to each public authority that the local government considers is likely to be affected by the draft local planning scheme;
- d. advertise the draft local planning scheme as directed by the Commission and in any other way the local government considers appropriate.

Opportunities for stakeholder and community engagement

In addition to the minimum requirements set out by the Regulations, the City provided further opportunities to engage the community. Specifically, the City undertook the following during the advertising period:

- 28,339 letters were sent to landowners, occupiers and landowner/occupiers detailing the advertising of draft LPS 7 including where to find out more information, ways to provide feedback and drop-in information session dates and locations;
- Notification was sent to relevant State agencies, service providers, adjoining local governments, 15 schools, 10 local community groups, the City's Inclusive Community Advisory Group (ICAG), South Perth Youth Network (SPYN) and Reconciliation Action Plan (RAP) Working Group detailing the advertising of draft LPS 7 including where to find out more information, ways to provide feedback and drop-in information session dates and locations;
- Information displays were set up at the City's Civic Centre, South Perth Library and Manning Library;
- The City set up a custom LPS 7 email address to respond to enquiries and receive email submissions;

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

- The LPS 7 webpage on Your Say South Perth (YSSP), the City's online engagement website, was the central online repository for all draft LPS 7 resources, including a helpful explanatory video, document library (with five information sheets and draft LPS 7 documentation), a list of frequently asked questions, a link to an online mapping tool, a timeline of events and a public question and answer tool for use by the community;
 - A customised online mapping tool was developed to ensure ease of comparison between the existing TPS 6 and draft LPS 7 and hosted on the YSSP LPS 7 webpage, together with a detailed user guide;
 - The YSSP webpage outlined a number of ways in which a submission could be made to the City, including an online feedback form on YSSP, by email, or by mail;
 - 188 people attended five drop-in information sessions hosted in various locations throughout the City during evenings and weekends:
 - Session 1 – Collins Street Centre (Wednesday 14 September, 4pm - 7pm) - 30 people.
 - Session 2 – Collins Street Centre (Wednesday 21 September, 4pm - 7pm) - 20 people.
 - Session 3 – South Perth Civic Centre (Saturday 15 October, 10am - 1pm) - 71 people.
 - Session 4 – George Burnett Leisure Centre (Thursday 20 October, 4pm - 7pm) - 30 people.
 - Session 5 – Manning Library (Saturday 12 November, 10am - 1pm) - 37 people.
- The City's Planning Officers were available at each session to provide information and answer questions in relation to draft LPS 7.
- Strategic Planning Officers were available by phone, in person, or via an online meeting during business hours throughout the whole of the engagement period.

Advertising

During the engagement period, draft LPS 7 was advertised in the following ways:

- Two advertisements in the local newspaper;
- One article in September edition of Peninsula Magazine sent to 24,000 residents and businesses;
- Three articles in Peninsula Snapshot eNewsletter, sent to 14,919 subscribers;
- Three direct emails to the Strategic Planning Project database, with over 2000 subscribers from previous planning engagement projects;
- One media release published on the City's website;
- Eight Facebook posts on the City's Facebook Page (Reach: 5,733, Clicks to YSSP: 66);
- Four Instagram stories (627 total story views);
- LPS 7 banner signs in ten locations across the City;
- An email signature banner on all outgoing City of South Perth emails throughout the engagement period.

Stakeholder and Community engagement reach

- From Wednesday 31 August 2022 until Tuesday 29 November there were approximately 9,900 visits from approximately 7,000 visitors to draft LPS 7 YSSP webpage;
- The City responded to 15 questions publicly and four privately via on the YSSP webpage;
- 325 participants completed the online feedback form via YSSP;
- Six hard copy feedback forms were received;
- The draft LPS 7 custom online mapping tool was used 12,823 times.

Analysis of Feedback

The City received 470 submissions during the engagement period, including 331 feedback forms (325 online and six hard copy) and 139 written responses (137 emails and two hard copies).

The City also received three petitions which were received by Council at the December 2022 Ordinary Council Meeting:

1. 'LPS7 – Preservation of Large Trees Over 8m in Height on Private Property' - 77 verified signatures;
2. 'Proposed LPS7 – Areas 4 and 7' - 355 verified signatures;
3. 'Requested amendment to Draft LPS7 Canning Highway Places 3, 4 and 5' - 139 verified signatures.

Consideration of submissions

In considering all 470 submissions, the City undertook a review process whereby each submission was read in its entirety and summarised into key points. All submissions were summarised for the purpose of identifying key themes and issues. An analysis of those themes and issues was then undertaken to determine potential solutions.

A high proportion of submissions were made using the LPS 7 feedback form. The feedback form was structured to enable detailed comments to be provided separately on each of the 11 'Growth areas', identified by the Strategy, which are proposed for density increases under draft LPS 7. The feedback form also asked for comments in relation to the preservation of trees on private property.

Analysis of the submission feedback resulted in a list of common issues raised across all submissions, specific issues raised for each growth area and site specific issues. Each of these are discussed below under the relevant sections.

The City held three workshops with Elected Members to provide an overview of the feedback received and explore whether the officer recommendations appropriately address the issues raised. The recommendations were reviewed to ensure consistency with the planning framework and to ensure that they can be appropriately implemented.

The result of this process was a comprehensive schedule of modifications that address the key issues raised in submissions as discussed below. Refer **Attachment (a)** – Draft Local Planning Scheme No. 7 - Schedule of Text and Map Modifications.

Themes and issues raised across all submissions

A summary of the key issues raised across all submissions and the themes formed is provided in Table 1 below. The City's response to the themes and issues is provided in the Discussion section below. The complete schedule of submissions and officer response is provided in **Attachment (b)**.

Table 1 – Common Themes and Issues

No.	Theme	Issue raised
1	Trees on private property	Loss of urban tree canopy and leafy green feel of the area. Increased pressures from urban infill and climate change.
2	Character and amenity	Impact on local character, streetscapes and village atmosphere.
		Concern for built form impacts (privacy, overshadowing, building height, building bulk).
3	Density	Additional density is not supported. Densities are already high.
		Concern for density transitions.
		Densities could be higher.
4	Traffic	Increased traffic as a result of density.
5	Parking	Impact on street parking, narrow roads.
6	Social, service and transport infrastructure upgrades	Increased pressure on existing public open space and community facilities.
		Concern for capacity of local schools.
		Impact on services - Power, water, sewer.
		Public transport improvements required.
7	Other matters	Decline in property values.
		Burch Street Car Park.
		Manning Senior Citizen's Centre.
8	Consultation	Inadequate consultation.

Discussion**Trees on Private property**

Theme 1 – Trees on private property	Loss of urban tree canopy and leafy green feel of the area. Increased pressures from urban infill and climate change.
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In August 2021, when Council endorsed draft LPS 7 for advertising, a provision was included which required development approval to be obtained to remove or prune a tree over 8m in height on private property. As part of the WAPC's consent to advertise draft LPS 7, the City was directed to modify the Scheme text to remove this provision. No reasons were provided by the WAPC to justify this modification.

The City's Strategic Community Plan includes specific strategies to 'Maintain and improve ecosystem biodiversity in the City' and 'Enhance the City's urban forest'. As identified by the City's Urban Forest Strategy, over the last 30 years tree canopy cover on private land (which constitutes 45% of the City's total tree canopy) has declined by up to 20%. Furthermore, the opportunities for delivering additional trees on public land are insufficient to keep up with the loss of trees on private land.

There is growing pressure on the urban tree canopy from infill development and climate change. The absence of appropriate mechanisms in the State planning framework to retain trees on private land prompted the City to investigate the implementation of tree retention provisions through the local planning framework, and specifically, as part of the preparation of draft LPS 7.

The advertising for draft LPS 7 included a question in the feedback form to understand whether the community would support protection of large trees over 8m in height on private property. The following feedback was received:

- Support - 78.9% (307 submissions)
- Objection - 16.2% (63 submissions)
- Unsure - 4.9% (19 submissions)

Submissions in support of tree retention requirements discussed the benefits that trees in urban environments provide, including improved human physical, psychological and social health and wellbeing, enhanced liveability through improved amenity and air quality, climate change mitigation and adaption through carbon sequestration and reduction of the urban heat island effect by shading, and provision of habitat for wildlife.

The submissions against or unsure of the tree retention requirements included concerns relating to private property rights, safety, impacts to services and private property and limitations to redevelopment opportunities. Of the submissions which were received in support, 73% were from residents or landowners within the City of South Perth and 27% were from submitters external to the City. This overwhelming support has contributed to the City's recommendation to modify the Scheme Text to include tree retention requirements.

Scheme provisions and a draft supplementary local planning policy (refer **Attachment (f)** – Tree Preservation Local Planning Policy) have been prepared to address removal of trees on development sites and removal of trees on private land where no development is occurring. The intent of the scheme provisions and policy is to prevent clearing of large trees prior to the submission of a development application so that an assessment can be undertaken to determine if trees can be reasonably accommodated and retained.

The policy recognises the need to balance infill development and urban tree canopy outcomes and encourages innovative built form and design solutions. The policy also addresses concerns raised in submissions in relation to safety and impacts to services and private property and applies a practical approach to tree preservation. The recommended approach is discussed in detail below.

Recommended approach

Removal of mature trees from sites prior to submission of a development application (or in many instances where no development is occurring at all) is often experienced across the City. It is acknowledged that the recently released Medium Density Codes offers incentives for the retention of 'Significant existing trees', including reduction of soft landscaping area by 10% for single and grouped dwellings, and reduction of 'average site area' by 10% for multiple dwelling proposals. It is noted that similar provisions currently operate within the R-Codes Vol.2, whereby retention of a tree on a development site permits the reduction of the required deep soil area from 10% to 7%.

These requirements, which apply to retention of a single significant tree only (regardless of land area or number of existing significant trees on a site), do not offer sufficient incentive to prevent clearing of land prior to a development application (particularly for the development of grouped dwellings) of which Perth's inner and middle-ring metropolitan suburbs have experienced over the last 20 years. Additionally, the deep soil planting requirements in the R-Codes (Vol 1 and Vol 2) do not compensate for the loss of large mature tree canopy and will take years to achieve the same level of maturity.

Draft LPS 7 is therefore proposed to be modified to include the requirement to obtain development approval prior to removing a tree over 8m in height. Removal of a tree is stated to include ring-barking, cutting down, topping, lopping, removing, pruning, transplanting, filling or excavating around, injuring, or wilful destruction.

The 8m height criteria was selected in line with the R-Codes Vol 2, consistent with the 'nominal height at maturity' rate of medium trees. In addition, trees over 8m in height make up 48.5% of the City's urban canopy (DPLH, 2020) and make significant contributions to the character and amenity of our suburbs.

The City has recently engaged ArborCarbon, a company which provides 3D modelling of tree canopy area, to assist in monitoring our urban tree canopy. ArborCarbon maps trees across different height bands and displays this information spatially on an interactive map. This data will allow the City to identify trees over 8m in height for compliance purposes and allow landowners to undertake a self-assessment to determine if approval is likely to be required to remove a tree on private property. The same approach is used successfully by the City of Sydney as discussed below in *Investigation of alternative approaches*.

In addition to the above Scheme provision, the City also proposes the following exemptions to the requirement to obtain development approval:

- The tree is identified in a local planning policy as an unwanted species; or
- Tree pruning removing less than 10% of a trees canopy provided it does not damage or affect the health or structural stability of the tree; or
- As specified in a local planning policy.

The above exemptions apply a practical approach to the protection of large trees and permit minor pruning which would allow clearances to be maintained from boundary fences, buildings, for safety purposes and for general amenity.

By providing further exemptions to be specified in a local planning policy, this allows the City to monitor the implementation of the requirements and apply greater exemptions if required.

Provisions are proposed under Clause 32 of draft LPS 7 to identify matters the City will give due regard when assessing an application to remove a tree including:

- Risk of personal injury and/or damage to buildings, structures or services;
- Structural soundness of the tree(s);
- Whether the pruning or removal of tree(s) including disturbance to the root zone (as defined by the dripline) is likely to occur;
- any other matters contained within a local planning policy.

The draft policy includes further detail in relation to the above.

Draft Local Planning Policy

A draft local planning policy has been prepared to provide further guidance for the assessment and determination of development applications for the removal of trees as required under the proposed scheme provisions. The draft policy is provided for information purposes at this stage and is intended to demonstrate how the scheme provisions will operate within the planning framework. The draft policy requires further development and testing and would also be subject to a community consultation process prior to adoption, should provisions for tree retention within draft LPS 7 be included in the gazetted version of draft LPS 7.

In summary, the local planning policy includes the following:

- Matters to be given due regard in the assessment of a development application for tree removal and tree pruning;
- Tree replacement requirements when tree removal is supported;
- Information required to be submitted with an application.

It is noted that the proposed scheme and policy provisions will generate additional development applications per year and that greater support will be required from other internal business units as part of the assessment and approval process. The City will need to evaluate its resources to ensure implementation of the proposed Scheme provisions can be achieved should the provisions be supported by WAPC and the Minister.

Investigation of alternative approaches

Development of the proposed scheme provisions and policy were informed by a review of planning mechanisms used (and currently being investigated) by local governments in Western Australia and interstate to retain trees on private land. The summary below provides an overview of Significant Tree Registers, Local Laws and the City of Sydney's approach, which the proposed provisions are largely modelled on.

- Significant Tree Register

The City has an existing Significant Tree Register which operates under TPS 6 and is proposed to be carried over to draft LPS 7. The Significant Tree Register provides a high order of protection to trees which hold significant value for their visual, aesthetic, botanic, scientific, ecological, historical, commemorative, cultural or social aspect. Once registered, the tree is listed on the title of the property it is planted on. Trees of Significance cannot be removed, pruned or maintained in any way without written permission from the City.

Due to the resourcing requirements and registration processes involved, the Significant Tree Register is therefore inappropriate as a mechanism to address large-scale City-wide urban tree canopy.

- Local Laws

Local governments in Queensland and Victoria use local laws for tree protection on private property (for example, the Brisbane City Council Natural Assets Local Law 2003 and Victoria's City of Darebin Tree Protection Local Law 2019). In WA, the Joint Standing Committee on Delegated Legislation has ruled that local laws for tree protection on private land are inappropriate. This is based on interpretation of the *Local Government Act 1995*, and its ability to regulate activities of landowners/occupiers on private property.

- City of Sydney

The NSW Government has committed to achieve 40% urban tree canopy cover for Greater Sydney by 2036. Within the City of Sydney, alongside significant levels of urban renewal and infill development, tree canopy cover has increased since 2008, from 15.5% to 19.8% in 2022. City of Sydney is one of the few councils in Australia to have consistently increased canopy over the past decade, which is a result of comprehensive tree preservation and replenishment framework.

The State Environmental Planning Policy (Biodiversity and Conservation) 2021 requires approval prior to removal of vegetation on private property and enables specific criteria to be set out in a Development Control Plan. The City of Sydney's Development Control Plan 2012 specifies approval is required for works to a tree with a height of 5m or more, canopy spread of over 5m, or a trunk diameter of more than 300mm. Exemptions to this requirement are based on tree species, where pruning does not remove more than 5% of the tree canopy, or if the tree is dead, dying or a risk to human life or property (which is to be demonstrated to the City with a report from a qualified arborist).

The City of Sydney uses tree modelling data from ArborCarbon which is made publicly available for landowners and the community, and allows the City to track canopy rates across time and for compliance purposes. The approach by the City of Sydney has been implemented successfully and is fully operational.

Character and Amenity

Theme 2 – Character and amenity	Impact to local character, streetscapes and village atmosphere.
	Concern for built form impacts (privacy, overshadowing, building height, building bulk).

It is acknowledged that change will occur in areas that are subject to higher density located close to activity centres and public transport to accommodate the expected population growth. This change will be gradual and guided by provisions within the State and local planning framework.

Policy P351.5 Streetscape Compatibility – Precinct 5 'Arlington' and Precinct 6 'Kensington' will be reviewed as part of the development of the new local planning policy framework under draft LPS 7. As part of this process the potential for wider application of this policy and scope can be investigated. This is consistent with the Strategy action which identifies the need to prepare local planning policies for each of the consolidated precincts where specific development provisions to maintain and enhance the character are required.

In addition, the City's Local Heritage Inventory and Heritage List are used to conserve cultural heritage. As identified by the Strategy, a review of the City's Local Heritage Inventory (and associated local planning policies) will be undertaken in the short-term following gazettal of draft LPS 7, in accordance with the *Heritage Act 2018*.

Overshadowing, solar access, visual privacy, building height and setbacks are controlled through the planning framework, in particular through the R-Codes for new residential development. No changes to draft LPS 7 are required in relation to this matter.

Density

Theme 3 – Density	Additional density is not supported. Densities are already high.
	Concern for density transitions.
	Densities could be higher.

The State Government's Perth & Peel@3.5 million and its associated sub-regional frameworks are the key instruments for achieving a more consolidated urban form that will reduce dependence on new urban greenfield developments to accommodate the anticipated population growth of the Perth metropolitan area. The State Government has set dwelling targets for all local governments to meet by 2050. In this regard, the Central Sub-regional Planning Framework identifies an infill target for the City of South Perth of 8,300 additional dwellings to be achieved by 2050.

Extensive community engagement was undertaken as part of the preparation of the Strategy to determine where and how this growth should occur. The Strategy was endorsed by Council in July 2020 and identifies eleven growth areas to accommodate new dwellings and population growth, largely within activity centres and along key urban transport corridors. The Strategy Map is prescriptive and identifies potential future zoning, growth area boundaries and level of density (through density bands) for each growth area for the implementation through draft LPS 7. Draft LPS 7 must be consistent with the Strategy and must achieve the specified infill targets.

Proposed densities in draft LPS 7 have been carefully considered and are consistent with the Strategy in that they apply transitions from high intensity development to low intensity to interface with the existing suburban areas. Submissions requesting densities higher than the density bands identified in the Strategy are not supported. Similarly, submissions requesting reduction of densities, which would result in either unacceptable transitions or redevelopment outcomes based on location are not supported.

Traffic

Theme 4 - Traffic	Increased traffic as a result of density.
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Flyt was commissioned by the City as part of the preparation of the Integrated Transport Plan (ITP) to undertake a traffic and congestion forecast. The forecast was informed by an analysis of the road network's performance, crash information, and the City's public transport and active transport networks. The forecast also analysed outputs from MRWA's road network (ROM24) model and provided a capacity assessment and modelling outputs to inform recommended actions specific to road transport. Other sources of data included real time travel time surveys (online and recorded timings) and SCATS (Sydney Coordinated Adaptive Traffic System) intersection vehicle and signal timing data.

Whilst there are some obvious congested locations in the City during weekday peak periods, as is commonplace in many parts of the Perth Metropolitan Area, none of those observed identify failure of the network to cope or limit strategic land use goals of the City.

The City will therefore consider the increase in traffic generated by population growth as part of its routine review and upgrading of road infrastructure and ongoing traffic management, having regard to the outcomes of the LPS 7 and recommendations of the ITP. In particular to implement actions to reduce reliance on private vehicles and focus on shifting travel behaviours to active (pedestrian and cyclist) and public transport modes.

Parking

Theme 5 – Parking	Impact on street parking, narrow roads.
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New development is required to provide on-site parking in accordance with draft LPS 7 and the R-Codes.

The City's Parking Strategy, endorsed by Council in 2016, provides a long-term plan for the provision and management of parking within the City. The Parking Strategy outlines a detailed parking framework for the next 15 years to assist in achieving the City's goals in relation to travel demand management and sustainable transport and to ensure the existing road network amenity is maintained and improved. The City will continue to implement the Parking Strategy and to monitor street parking patterns and apply restrictions as required i.e. timed, restricted etc.

Social, service and transport infrastructure upgrades

Theme 6 – Social, service and transport infrastructure upgrades	1. Increased pressure on existing public open space and community facilities.
	2. Concern for capacity of local schools.
	3. Impact on services - Power, water, sewer.
	4. Public transport improvements required.

1. The City's Public Open Space Strategy will be reviewed in the context of the increased population growth occurring through LPS 7.
2. The Department of Education noted they will continue to closely monitor the student enrolment demand and if required, engage with the City to forward plan for the educational needs of the locality.
3. Servicing agencies are aware of the population and dwelling growth proposed as part of LPS 7. Servicing agencies will use the LPS 7 to inform their forward planning to upgrade their infrastructure as required. Changes to a local planning scheme do not necessarily cause development to occur immediately, and new development is likely to occur incrementally. As part of the development approval process, applicants are required to upgrade relevant infrastructure commensurate with the scale of development proposed. Feedback from State agencies and service providers is discussed later in this report.
4. The Strategy and ITP both include actions to advocate to State Government and public transport providers to improve public transport frequency and connectivity to and within the City.

Other matters

Theme 7 - Other matters	1. Decline in property values
	2. Burch Street Car Park
	3. Manning Senior Citizens Centre

1. Property values are not a planning matter and are outside the scope of LPS 7.
2. Concerns were raised in relation to the proposed local reservation assigned to the Burch Street Car Park. The Civic and Community local reserve, with additional use for 'Car park' permits the site to continue operation as a public car park. Any future changes to the use of the site are subject to Council determination.
3. Concerns were raised in relation to potential loss of the Manning Senior Citizens, Men's Shed and associated carpark as a result of proposed zoning and density of the subject site. There are no plans to remove or repurpose the Manning Senior Citizens Centre/Men's shed. The zoning and density of the site simply provides the opportunity for longer term planning. Any future development would need to consider any lease obligations for the Manning Senior Citizens or the Manning Men's Shed and would be subject to Council approval.

Consultation

Theme 8 - Consultation	Inadequate consultation
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Consultation was carried out over 90 days in accordance with legislative requirements. Consultation methods went beyond the minimum requirements of the Regulations and included a letter mail out to all residents and property owners in the City, a dedicated LPS 7 webpage on YSSP, online feedback form, a dedicated email address, five community information sessions, newspaper advertisements, banner signage, social media posts, displays at the City's Civic Centre and libraries and much more, as detailed above.

Specific issues raised within Growth Areas

As discussed above, the LPS 7 feedback form was structured so that targeted feedback could be provided on each growth area across the City. The table below summarises the number of comments received on each growth area.

Table 2- Growth Area comments

Growth Area	Number of comments
1. Bentley/Curtin Specialised Activity Centre	40
2. Canning Highway Places 3, 4 and 5	92
3. Henley/Canavan Urban Corridor	35
4. Manning Road Urban Corridor	53
5. Angelo Street Neighbourhood Centre	63

6.	Preston Street Neighbourhood Centre	55
7.	Welywn Neighbourhood Centre	40
8.	Canning Highway Places 1 and 2	34
9.	Waterford Triangle	24
10.	South Perth Activity Centre & Canning Bridge Activity Centre	58

The specific themes and issues which were raised for each growth area, which are not already captured by the common themes and issues above, are discussed below.

1. Bentley/Curtin Specialised Activity Centre

Concerns were raised in relation to future building height for land in Technology Park. The Bentley-Curtin Specialised Activity Centre Structure Plan (BCSACSP) was approved in 2018 and guides future development of this growth area. The BCSACSP contains indicative building height considerations, with detailed requirements to be contained within future precinct planning documents for the area. It is noted that development of any future precinct plan will include community consultation. Concerns were also raised in relation to loss of trees in the Technology Park area and foraging sites for cockatoos. As part of implementation of the BCSACSP, further environmental investigations will be undertaken which will include vegetation studies relating to roosting and foraging sites for Carnaby's and Forest Red Tailed Cockatoos.

2. Canning Highway Places 3, 4 and 5

Concerns raised in this growth area relate to traffic, parking, tree preservation, built form impacts and density/density transitions which have been discussed above under the 'Themes and issues raised across all submissions' section.

A number of submissions queried anticipated timeframes for the widening of Canning Highway. Some submissions noted that widening should occur prior to density increases.

Main Roads WA advised the City that the upgrade and widening of Canning Highway is not in the Main Roads current four year forward estimated construction program. All projects not listed are considered long term. The density proposed by draft LPS 7 is not reliant on the Canning Highway Road widening.

3. Henley/Canavan Urban Corridor

The Strategy includes an action to identify opportunities for medium density development of at least R30 adjacent to the urban corridor along Henley Street and Canavan Crescent between Ley Street and Manning Road, Como. The increased density is intended to reinforce the role of these roads as 'urban corridors' at a density commensurate with the principles of transit-oriented development. As such, draft LPS 7 proposes all properties within 100m of Henley/Canavan Urban Corridor to be increased from R20 to R30. The proposal represents the minimum changes necessary to achieve the actions of the Strategy. No modifications are therefore proposed to this growth area.

4. Manning Road Urban Corridor

Several submissions queried the difference in transition densities between the northern and southern sides of Manning Road. Specifically, that the northern side of Manning Road transitions from R60 to R30 on Pether Road, whereas the R60 properties fronting the southern side of Manning Road transition to R50 for properties on the northern side of Downey Drive. The density transitions proposed under draft LPS 7 align with the density transitions identified in the Strategy.

A key issue raised for the growth area relates to the increasing number of vehicles directly accessing Manning Road from future developments, which would result in additional pedestrian and vehicle conflict points and slowing of traffic. Modifications are proposed in response to submissions, to implement a new Special Control area (SCA) to rationalise the number of vehicle access points in street blocks with direct frontage to Manning Road. The SCA is proposed to operate in the same way as the proposed SCA for Canning Highway and will require the preparation and approval of a Local Development Plan which will demonstrate reduction of the existing crossovers to Manning Road in the street block. The application of the SCA to Manning Road is also supported by Main Roads as part of their submission on draft LPS 7.

It is noted that the submission from the Department of Transport recommended that the density increases in the Manning Road Urban Corridor Growth Area be delayed until a clear role for public transport in the relevant section of Manning Road can be confirmed. The justification provided for this request was that Manning Road west of Canavan Crescent is no longer served by any bus route and is also not an obvious route for mid-Tier transport. The City does not support this request for the following reasons:

- Manning Road is identified for increased density by the Strategy, consistent with the State Government's Central Sub-Region Planning Framework;
- Manning Road is an urban transport corridor in proximity to the Canning Bridge Train Station and Curtin University and is an appropriate location to accommodate additional population and housing;
- Properties on the northern side of Manning Road are largely within a walkable catchment of the bus route on Canavan Crescent;
- The City's planned Canning Bridge to Curtin Bike Link will run through the northern side of the growth area and will service the area with a high-quality active transport route;
- In relation to the planned density increases to Manning Road Urban Corridor, PTA advises that this may require future planning and changes to the existing bus network in the area. Given PTA have advised that when the Canning Bridge Bus Interchange is delivered, modifications to the bus network will be made to provide for greater connectivity to Canning Bridge Station, this is an appropriate opportunity to evaluate provision of public transport for this section of Manning Road.

5. Angelo Street Neighbourhood Centre

Concerns were raised in relation to the impact of density changes on the village feel and character of the area. As noted above, change is anticipated to be gradual and will be guided by provisions within the State and local planning framework. The recently released Medium Density Code will guide the majority of new residential development within the growth area and will provide good quality medium density development outcomes.

As noted above, as part of the development of the new local planning policy framework for draft LPS 7, the potential for a wider application of existing character and streetscape policies can be investigated.

6. Preston Street Neighbourhood Centre

Amendment 63 to TPS 6 was approved in June 2021 which introduced specific site requirements for the Como (Cygnet) Theatre and adjoining properties in the street block, and some adjacent properties. The requirements have been carried over to draft LPS 7 with minor changes. Concerns were raised in submissions largely in relation to the building heights approved under Amendment 63. Given the amendment was recently approved by the Minister, modifications to reduce the identified building heights are not supported.

Concerns were also raised in relation to the proposed density code for the sites subject to Amendment 63. These sites were advertised with a R-AC3 density code which corresponds to a six storey building height limit which is inconsistent with the development provision for building height in the Scheme. A minor modification is proposed to the density code of those properties subject to Schedule B Additional Site Requirements No. 13 (ASR13) requirements, to an 'R-AC0' density. This aligns the density code approved under Amendment 63 which applies currently within TPS 6 and provides greater consistency with the applicable building height requirements.

7. Welywn Neighbourhood Centre

A key theme raised for the Welwyn Neighbourhood Centre was on-street parking issues, particularly around the Welwyn Avenue Shopping Centre. As above, the City will continue to implement the Parking Strategy and to monitor street parking patterns and apply management restrictions as required i.e. timed, restricted etc.

8. Canning Highway Places 1 and 2

Amendment 57 (approved June 2021) to TPS 6 implemented the density increases identified for Canning Highway Places 1 & 2 within the Strategy and were carried over into draft LPS 7. The only modifications proposed to draft LPS 7 for this growth area relate to two mapping errors which applied the incorrect density and/or zoning to a small section of properties on Cliffe Street/Canning Highway and Collins Street. These are proposed to be corrected and are detailed in the Schedule of Modifications in **Attachment (a)**.

9. Waterford Triangle

Amendment 59 (approved March 2020) & Amendment 60 (approved May 2020) to TPS 6 implemented the density increase identified by the Strategy and were carried over into draft LPS 7. Comments on this growth area largely related to tree preservation which has been addressed above. No modifications are proposed to draft LPS 7 for this growth area.

10. South Perth Activity Centre & Canning Bridge Activity Centre

Concerns were raised in relation to the building height limits in the South Perth Activity Centre. Specifically, that the building height limits which are in 'storeys' do not provide certainty in relation to anticipated future built form.

Amendment 61 to TPS 6, which introduced new planning requirements for the South Perth Activity Centre Plan area, was approved in December 2021. Prior to approval, the Minister directed the City to modify the building height limits applicable for each Typology from 'metres' to the equivalent height in 'storeys'. Although height requirements have been implemented in 'storeys', it should be noted that each proposal must still be assessed against the relevant planning requirements on its merits.

Therefore, floor to ceiling heights (and overall building height) will be assessed having regard to a variety of considerations (including topography of site, neighbouring development context, established streetscape, building massing etc.).

Given Amendment 61 was recently approved, and is currently operational within TPS 6, modification to change the text to an earlier version of the amendment is inconsistent with orderly and proper planning and is not supported.

It is noted, the development requirements for the Canning Bridge Activity Centre are contained within the respective Activity Centre Plan. Therefore, no changes can be proposed as part of the draft LPS 7 process.

Responses to issues raised in relation to specific properties

Many submissions raised issues or requested modifications for specific individual properties. Table 3 below summarises the issues raised for each property or requested modifications and the City's response. Note that the Schedule of Submissions in **Attachment (b)** details officer responses to all submissions received. The summary below does not capture all submissions received.

Table 3 – Issues raised for specific properties

No.	Submission No.	Property Address	Issue/Request Raised	Officer Response
1	349	Lot 60 (No. 26) Fortune Street, South Perth (South Perth Hospital)	Requests change of land use permissibility for 'Consulting Rooms' and 'Medical Centre' currently listed as 'X' uses in the Private Community Purpose zone.	Support. Medical Centre is proposed to be modified to an 'A' use in the Private Community Purpose zone. Support. Modification proposed for 'Consulting rooms' to be listed a 'D' Additional Use for the site.
2	397	Waterford Plaza	Requests following change to land use permissibility within Neighbourhood Centre Zone: Liquor Store - Large' as 'D' or 'A' 'Service Station' and 'Tavern' as 'D' land uses.	Support modification of Tavern from 'A' to 'D'. Support modification of Service Station from 'X' to 'A'. Do not support modification to 'Liquor Store - Large' permissibility.
3	450	Lot 18 (No.90) McDonald Street, Como	Proposed Private Community Purpose zone under draft LPS 7.	Support modification to Residential Zone with 'R50' density.

			Requests Residential zone with R60 density.	
4	419	Penrhos College	Requests modifications to ASR5 requirements relating to building height and setbacks. Request minor amendment to educational establishment definition to include boarding facilities.	Support in part. Modifications proposed to building height and street setback requirements. Modification to Educational establishment definition supported.
5	422	Hall and Prior Aged Care - Lot 1 (No. 18) Ley Street, Lot 120, (No 4) Kelsall Street, and Lot 1853 (No. 3) Bickley Crescent, Como	Currently Residential R20 under TPS 6. No change proposed under draft LPS 7. Requests R80 density.	Not supported. Inconsistent with Local Planning Strategy.
6	423	Regis Aged Care - Lot 20 (Nos. 36-42) Talbot Avenue, Como	Currently Residential R20 under TPS 6. Proposed Local Centre R40 under draft LPS 7. Requests Local Centre R60.	Not supported. Proposed R40 density appropriate for this local centre context.
7	431	Lot 200 (No.16) and Lot 10 (No.201) Preston Street ('the Como Theatre') and 8Lot 51 (No.25), Lot 80 (No.19) and Lot 79 (No.17) Preston Street, Como	<ol style="list-style-type: none"> 1. Request 'R-AC0' density for subject lots. 2. Requests reference to application to discretion for building height and rear setbacks. 3. Requests clarification to boundary wall provisions. 	<ol style="list-style-type: none"> 1. Supported. 2. Not supported. Schedule B is subject to Clause 34 of the draft LPS 7 in relation to variations. 3. Supported.
9	426	Wesley College	1. Requests inclusion of adjoining Residential zoned properties (owned by Wesley) within Private Community Purpose zone.	1. Support Nos. 8 & 12 Leane Street & Nos. 98 & 100 Angelo Street zoned Private Community Purpose.

			<ol style="list-style-type: none"> 2. Requests 2 storey (8m) height limit within 10m from any lot boundary. Requests 7 storeys (28m) beyond 10m setback. 3. Requests inclusion of Clause 6.2A Special Provisions for Pre-Scheme Developments from TPS 6 be included within draft LPS 7. 4. Seek clarification of Parking requirements. 5. Seek modification of Educational Establishment Use to include 'Boarding'. 	<ol style="list-style-type: none"> 2. Modification to building height limits not supported. 3. Inclusion of Pre-Scheme Development clause for non-residential development supported. 4. Parking has been modified for the Private community purpose zone to be in accordance with a parking needs assessment. 5. Support modification to definition of Educational Establishment.
10	441	No. 83 and 85 Angelo Street and No. 1 Waverley Street, South Perth	<p>Requests Neighbourhood Centre Zone for No. 1 Waverley.</p> <p>Requests 8 storey height limit applicable to all sites.</p>	<p>Support Neighbourhood Centre zone with R50 density for No. 1 Waverley.</p> <p>No changes are supported for the Angelo Street sites.</p> <p>8 Storey building height is not supported.</p>
11	196	Lot 85 (No. 58) Angelo Street	<p>Currently R50 under TPS 6. Proposed R-AC4. Requests R-AC3 density. Requests mechanism to prepare Precinct Structure Plan or Local Development Plan for Neighbourhood Centre Zone.</p>	<p>Not supported. Request is considered ad-hoc application of the R-AC3 density. Clause 32 provides for a planning instrument to vary the default non-residential requirements.</p>
12	309	101 South Perth Esplanade	<p>Requests 10 storey height limit for subject site.</p>	<p>Not supported. Proposed building height inappropriate for location.</p>

13	436	No. 91, 99 & 101 South Perth Esplanade, South Perth	Requests modification to draft LPS 7 to exempt land fronting South Perth Esplanade between Mends Street and Sir James Mitchell Park (Low typology) from complying with the tower floorplate coverage requirements.	Supported in part. Modify ACR2, Provision 5 'Development Requirements for New Development', Element 5 'Tower Maximum Gross Floorplate Area' to include a provision to permit a 50% maximum gross floorplate area where the Primary building height limit is to apply; and 40% maximum gross floorplate area where the Tier 1 building height limit is to apply for the subject lots.
14	155, 357, 377, 380, 398, 417, 434	12 Mill Point Road	Requests change from 'Low' typology to 'Medium' typology.	Support. Consistent with South Perth ACP. Support justifications provided in support of change.
15	353	Nos. 154, 156, 158, 160 and 162 Douglas Avenue, Kensington.	Currently R15 under TPS 6. Proposed R15 under draft LPS 7. Requests R60 density.	Not supported. Sites are located outside of the growth area. Inconsistent with Strategy.
16	15, 144, 327, 329	Lots fronting Mill Point Road, bound by Way Road and Hovia Terrace, South Perth	Currently R15 under TPS 6. No change proposed under draft LPS 7. Request R40 density for the street block.	Supported. Provides consistency with remainder of Mill Point Road.
17	388	No. 32 Jubilee Street, South Perth	Currently R40/60 under TPS 6. Proposed R60 under draft LPS 7. Requests R100 density and modification to setback and open space requirements.	Density modification not supported. Support modification to ASR3 setback and open space requirements.
18	421	Nos. 21, 21a and 22b Alston	Currently R20/30 under TPS 6.	Not supported. Proposed R60 provides

		Avenue, Como, as well as Nos. 239 and 241a Coode Street, Como	Proposed R60 under draft LPS 7. Requests R80 density.	appropriate transition, streetscape and development outcomes for this locality.
19	427	No. 14 and 16 King Edward Street, South Perth	Currently R50 under TPS 6. Proposed R40 under draft LPS 7. Requests R50 density.	Not supported. R40 maintains existing 2 storey height limit and ensures appropriate interface to adjoining R15 properties.
20	404	Nos 254, 256, 258 and 260 Mill Point Road, South Perth	Currently Local Commercial and Residential zone with R15 density under TPS 6. Proposed Local Centre R40. Request R80 density.	Not supported. Support modification of the street block to R60 density.
21	36, 45	No. 3 Monash Avenue, Como	Currently R15 under TPS 6. Proposed R20 under draft LPS 7. Requests R50 density.	Not supported. Inconsistent with Strategy.
22	84, 469	Street block bound by Park Street, Saunders Street, Baldwin Street and Cale Street	Corner lots proposed R40, remaining lots proposed R20 under draft LPS 7. Requests R40 density for all lots in the street block.	Not supported. Support modification of R20 lots to R30 consistent with Strategy.
23	91	Lots bound by McDonald Street, Gardner Street, Hazel Street and South Terrace proposed R15.	Currently R15 under TPS 6. No change proposed under draft LPS 7. Requests R25 density.	Not supported. R15 density proposed to remain in response to submissions.
24	221	No. 110 Gardner Street, Como	Currently R15/25 under TPS 6. Proposed R15 under draft LPS 7. Requests R30 density.	Not supported. In response to submissions, density to remain R15.

25	158	No. 5 Redmond Street, Salter Point	Currently R15/20 under TPS 6. Proposed R20 under draft LPS 7. Requests R25 density.	Not supported. Inconsistent with Strategy.
26	8	No. 3 & 5 Rea Street, South Perth	Currently R15 under TPS 6. Proposed R15 under draft LPS 7. Requests R25/40 density.	Not supported. Inconsistent with Strategy.
27	76	Lots bound by Ednah Street, Labouchere Road, Thelma Street and Mary Street proposed R40	Currently R20/30 & R30/40 under TPS 6. Proposed R40 under draft LPS 7. Requests R50 density.	Not Supported. The Strategy identifies the area as being 'up to R50'. The proposed R40 density is considered appropriate transition.
28	135, 140	No. 31 Angelo Street, South Perth	Currently R25 under TPS 6. Proposed R40 under draft LPS 7. Requests R50 density.	Not supported. Inconsistent with Strategy.
29	332	No. 10 Challenger Avenue, Manning	Currently R20 under TPS 6. No change proposed under draft LPS 7. Requests R50 density.	Not supported. Inconsistent with Strategy.
30	341	No. 8A Howard Parade, Salter Point	Currently R20 under TPS 6. No change proposed under draft LPS 7. Requests R30 density.	Not supported. Inconsistent with Strategy.
31	370	Area bounded by Eleanor Street, Morrison Street, Brittain Street and Axford Streets	Currently R20 under TPS 6. No change proposed under draft LPS 7. Requests R30 density.	Not supported. Inconsistent with Strategy.
32	379	No. 12 Moresby Street, Kensington	Currently R50 Proposed R40 under draft LPS 7. Requests R50 density.	Not supported. Proposed R40 provides for same 2 storey building height as permitted under TPS 6.

Government Agencies and Utility Providers

The City received submissions from State Government agencies and utility service providers. The comments received are summarised below. The detailed feedback and officer responses to submissions from State Government agencies and utility service providers are contained within **Attachment (b)** – Schedule of Submissions.

1. City of Canning

Supports the higher densities proposed along Manning Road and Canning Highway which are considered in keeping with modern planning principles. Notes newer housing stock along Manning Road means fewer development opportunities in the short term. The City is keen to explore a jointly funded Manning Road reservation study to explore the required reservation to accommodate the Mid-Tier Transport Network.

2. Department of Biodiversity Conservation & Attractions

Recommends that the Swan Development Control Area (DCA) should be identified as an advisory note on the planning scheme maps. Notes the proposed higher residential densities and increased population will require additional demands for recreational development close to foreshore areas. Recommends that the local planning framework be supported by the development of a Foreshore Interface Strategy.

3. Department of Communities

Recommends that the City establish broad housing diversity provisions which address the Local Planning Strategy targets which will apply to all growth areas. Supports all proposed changes affecting properties under its ownership. Supports the decision to remove the current restriction of Multiple Dwellings within R40 coded areas.

4. Department of Education

Notes that residential growth and resultant student population must be balanced with public school provision in the locality. The Department will continue to closely monitor the student enrolment demand and if required, engage with the City to forward plan for the educational needs of the locality in line with the Western Australian Planning Commission's Operational Policy 2.4 – Planning for School Sites.

5. Department of Fire Emergency Services

Notes that any changes to draft LPS 7 provisions relating to bushfire prone areas should be considered against applied State Planning Policy 3.7 – Planning in Bushfire Prone Areas and may require the preparation of the Bushfire Management Plan in accordance with the policy.

6. Department of Planning, Lands and Heritage - Historic Heritage Conservation

Requests the wording of Schedule B Clause 1(f) be amended to better reflect consistent language contained in the *Heritage Act 2018*, and requests the substitution of specific wording “integrity” in Schedule C, Part 7, Clause 7.4.

7. Department of Transport

Notes parking provisions are not underpinned by parking management plans for each growth area. Requests amendments to parking rates for shop and office uses. Requests maximum parking allowances are applied to residential and non-residential development. Notes section of Manning Road west of Canavan Crescent is no longer served by any bus route. Requests delay to density increase until a clear role for public transport in the relevant section of Manning Road can be confirmed.

8. Department of Water and Environmental Regulation

Requests inclusion of 'resource recovery centre', 'waste disposal facility' and 'waste storage facility' uses within LPS 7. Notes LPS 7 does not include reference to retaining and enhancing urban tree canopy, with the exception of significant trees listed on a register under heritage protection. Actions to promote, retain and enhance urban tree canopy more broadly than significant trees would have multiple beneficial outcomes for the City of South Perth. The Department recommends that the City of South Perth considers adopting the principles and actions of Better Urban Forest Planning.

9. Development WA

Recommends modification to the wording of the ACR3 provisions which apply to land coded RAC-0 within the Bentley-Curtin Specialised Activity Centre Plan area to facilitate development of a future precinct structure plan.

10. Main Roads WA

Supports Special Control Areas related to vehicular access and other transport related matters. Recommends prior to any increase in density alongside Canning Highway or Kwinana Freeway a TIA (Transport Impact Assessment) or Transport Study to determine the impact upon the road and movement network. Notes the upgrade and widening of Canning Highway is not in Main Roads current 4 year forward estimated construction program. All projects not listed are considered long term.

11. WaterCorp

Requests City to refer development proponents to the Corporation early in the development process to obtain advice on the available capacity to serve proposed development and to identify any water reticulation mains upgrades to be undertaken as part of the development.

Modifications to Scheme Text

A number of modifications are proposed to draft LPS 7 text to:

- a) address to issues raised in submissions;
- b) resolve technical issues with the text;
- c) improve flow, clarity and readability.

A summary of key recommended text modifications is provided below and is detailed in full at **Attachment (a)** – Draft Local Planning Scheme No. 7 - Schedule of Text and Map Modifications. To assist in understanding the modifications, an annotated and tracked changes version of the modified draft LPS 7 is provided at **Attachment (c)**.

1. Aims of Scheme

The aims of the scheme have been amended to include an additional aim relating to natural environment. The modification is made in response to submissions and aligns with the City's goals to retain urban tree canopy.

2. Car Parking

Modifications are proposed to the Car Parking provisions applicable to non-residential development contained within Clause 32(6). The summary below provides justification for each of the changes proposed to the Table.

- Zone names

Prior to advertising, the WAPC modified the names of 'Commercial', 'Local Commercial' and 'Private Clubs, Institutions and Places of Worship' Zones. The zones are now named 'Neighbourhood Centre', 'Local Centre' and 'Private Community Purpose', respectively. These name changes were not updated in the car parking table prior to advertising and therefore need to be modified for consistency.

- Land Use categories

Prior to advertising, the WAPC modified the zoning table to remove the land use categories. This means that the 'non-residential uses (Short-term accommodation)' and 'Non-residential uses (Civic, community, clubs and institutions)' land use categories contained within the car parking table no longer apply.

It is noted that the 'Civic, community, clubs and institutions land use' category essentially reflects the predominant uses found in the 'Private Community Purpose' zone. These are all appropriately addressed through a parking needs assessment. Therefore the zone requirements applicable to the Private Community Purpose zone is proposed to be modified to 'in accordance with a parking needs assessment'.

- Specific land uses

Office

In 2019, the Australian Government Office Occupancy Report estimated that the employment density of office space in Western Australia is about 27.5 m² (NLA) per employee. In addition, only about 80% of employees attend work at the same time (work from home, meetings, leave etc.). This implies that a parking supply rate of 1 space per 34.4 m² would be sufficient to cater for all employee parking demand at 100% driving mode share. Adding in the 6% visitor parking demand creates a baseline of 1 space per 32.3m². A mode share of 70-75% car-as-driver for office employees should be easily achievable in South Perth in almost any location, and as such a minimum parking provision rate of 1 space per 50 m² NLA is proposed. Based on employee density 1 per 50 m² NLA and 30% employee bicycle mode share, this equates to 1 per 150 m² for staff. A rate of 1 per 500 m² NLA is proposed for visitors.

Restaurant/Café and Tavern

Standard rates for restaurant uses yield approximately 1 seat per 1.5m² of serving area, which usually comprises only 50-60% of the total NLA. The recommendation from the NSW Roads and Traffic Authority (RTA) Guidelines for Traffic Generating Development is to assume that peak occupancy is only 85% of capacity for the purpose of parking and trip generation. This results in an approximate occupancy rate of 28-34 customers per 100 m² (NLA). Using an average vehicle occupancy of 2.5 per car suggests that customer parking demands could be in the range of 11.2-13.6 spaces per 100 m² (NLA), assuming a 100% driving mode share. A rate of 1 space per 25m² (NLA), which is considered sufficient to accommodate employee parking and the majority of customer demand on-site.

Child care premises

Specific rates are proposed for the Child care premises land use. The needs of childcare facilities are related primarily to staff, with a small demand for short-stay parent parking. RTA Guide to Traffic Generating Developments identifies some representative metrics for parking behaviour at childcare centres based on local observations, with a peak demand for parking of 0.23 bays per child (including staff), and an average duration of stay of 6.8 minutes. The WAPC's draft Position Statement: Child Care Premises recommends a parking rate of 1 space per 5 places, which is generally in-line with RTA estimates. A rate of 1 per 4 children is therefore proposed.

3. Pre-scheme development

Clause 6.2A of TPS 6 provides special provisions for pre-scheme developments. In particular, it provides for additions and alterations to pre-scheme development to occur provided any proposed external walls do not extend higher than the highest point of any external wall of the pre-Scheme development. This provision is proposed to be carried over into draft LPS 7 within Clause 32 to address a submission received from Wesley College.

4. Ground floor activation

Multiple dwellings are listed as 'P' permitted uses within the Local Centre, Neighbourhood Centre and Mixed Use zones. This means that new developments could include residential uses at ground floor within these zones. A modification is proposed to prevent Multiple Dwelling and Grouped Dwelling uses on the ground except where the use faces a right-of-way. Adaptable ground floors may be considered in appropriate locations and would be guided by the R-Codes Vol. 2.

5. Additional Centre Requirements – Bentley Curtin Specialised Activity Centre Plan

Modifications are proposed to the wording of the Additional Centre Requirements applicable to land coded R-AC0 within the Bentley Curtin Specialised Activity Centre Plan area. The wording of the provision is proposed to be amended to facilitate preparation of a precinct structure plan to implement the BCSACSP.

Building Height Policies

At its meeting held 24 August 2021, Council resolved to advertise the draft Building Height Local Planning Policy & Salter Point Escarpment Local Planning Policy concurrently with the draft LPS 7.

The Building Height Policy contains local housing objectives to guide the application of discretion to the deemed-to-comply requirements of the R-Codes with respect to building height. The policy includes matters to be given due regard including topography, context and streetscape which supplement the corresponding Design Principles of the R-Codes. It includes considerations such as access to sunlight and amenity of adjoining properties. This guidance is intended to provide for building height as currently permitted under TPS 6 in suitable contexts.

The Salter Point Escarpment Policy includes provisions relating to building height consideration of projections and assessment of significant obstruction of views. The policy has been prepared to carry over the way in which applications are assessed under TPS 6 for this unique area.

In July 2022, Council resolved to modify the draft policies in response to modifications made to draft LPS 7 by the WAPC.

The modified policies as endorsed by Council were advertised concurrently with draft LPS 7 for 90 days. No submissions were received. The policies will be presented to Council for final endorsement following gazettal of LPS 7.

Policy and Legislative Implications

The Regulations set out legislative requirements for the preparation, consultation and adoption of a local planning scheme. Council is now at the point of considering submissions under Regulation 25 of the Regulations.

City of South Perth Process

Council must now consider all submissions received, and pass a resolution before the end of the consideration period:

- a. To support the draft scheme without modification;
- b. To support the draft scheme with proposed modification to address issues raised in the submissions; or
- c. Not to support the draft scheme.

Following a Council resolution under Regulation 25, the local government must provide the scheme documents to the Commission together with:

- a) a schedule of submissions made on the draft scheme;
- b) the response of the local government to each submission;
- c) particulars of each modification to the draft scheme proposed by the local Government in response to the submissions;
- d) if any proposed modification to the scheme was advertised -
 - i. an explanation of the reasons for advertising the modification; and
 - ii. particulars of how the modification was advertised; and
 - iii. a schedule of submissions made on the proposed modifications; and
 - iv. the recommendation of the local government in accordance with regulation 26(7)(c) in respect of each submission.
- e) a copy of the resolution passed under regulation 25(3);
- f) if that resolution was a resolution under regulation 25(3)(c) - a summary of the reasons why the local government does not support the draft scheme;
- g) details of any provision in the draft scheme that varies or excludes a provision set out in Schedule 1;
- h) details of any provision in the draft scheme that supplements a provision set out in Schedule 2; and
- i) any relevant maps, plans, specifications and particulars required by the Commission.

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

The schedule of submissions referred to above must include:

- a) the name and address of the person making the submission;
- b) where it is relevant, a description of the property that is the subject of the submission; and
- c) the submission or a summary of the submission.

All the documents referred to above must be provided to the Commission within 21 days of passing the resolution under Regulation 25.

If the local government proposes a modification to address issues raised in submissions and the local government believes the proposed modification is significant, it may decide to advertise a proposed modification to the draft local planning scheme.

State Government Process

The WAPC must, within 120 days (or a longer period approved by the Minister) of receiving the documents provided, consider the documents and make recommendations to the Minister in respect of draft LPS 7.

The Minister is the final decision maker, and under Section 87 of the *Planning and Development Act 2005*, may:

- a) approve the local planning scheme; or
- b) require the local government to modify the local planning scheme in such manner as the Minister specifies before the local planning scheme is resubmitted for the Minister's approval; or
- c) refuse to approve the local planning scheme.

Financial Implications

There are no financial implications for this report. The preparation of draft LPS 7 is included within the 2022/23 operational budget.

Additional Information

The City received one further petition at the Council Agenda Briefing held 21 March 2023. The submission has been considered and does not amend the officer's report.

- 'LPS7 – Support To Not Rezone No.1 Waverley Street, South Perth – 46 verified signatures.

Key Risks and Considerations

Risk Event Outcome	Project Time This relates to any project exceeding the project deadline. Ranging from exceeding the deadline by up to 10% to 30% and over.
Risk rating	High
Mitigation and actions	3 Workshops with Council and individual one on one meetings with elected members as requested to ensure clear understanding of officer recommendations ahead of full ordinary Council meeting.

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

10.3.1 (a):	Draft Local Planning Scheme No. 7 - Schedule of Text and Map Modifications
10.3.1 (b):	Draft Local Planning Scheme No. 7 - Schedule of Submissions
10.3.1 (c):	Modified draft Local Planning Scheme No. 7 with Tracked Changes
10.3.1 (d):	Modified draft Local Planning Scheme No. 7 Text
10.3.1 (e):	Modified draft Local Planning Scheme No. 7 Maps
10.3.1 (f):	Draft Tree Preservation Local Planning Policy
10.3.1 (g):	City of South Perth Participation Approval – Meeting 28 March 2023

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 Listing of Payments February 2023

File Ref: D-23-11317
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 February 2023 to 28 February 2023 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(342)	\$2,116,490.12
Cheque Payment to Creditors	(3)	\$772.15
Total Monthly Payments to Creditors	(345)	\$2,117,262.27
EFT Payments to Non-Creditors	(69)	\$82,062.48
Cheque Payments to Non-Creditors	(17)	\$10,723.76
Total EFT & Cheque Payments	(431)	\$2,210,048.51
Credit Card Payments	(7)	\$13,030.61
Total Payments	(438)	\$2,223,079.12

Officer Recommendation AND COUNCIL DECISION

0323/039

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Nick Warland

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

CARRIED BY EXCEPTION RESOLUTION (8/0)

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

Against: Nil.

Background

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

Comment

The payment listing for February 2023 is included at **Attachment (a)**.

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

The report records payments classified as:

- **Creditor Payments**

These include payments by both cheque and EFT to regular suppliers with whom the City transacts business. The reference number represent a batch number of each payment.

- **Non-Creditor Payments**

These one-off payments that include both cheque and EFT are made to individuals / suppliers who are not listed as regular suppliers. The reference number represent a batch number of each payment.

- **Credit Card Payments**

Credit card payments are now processed in the Technology One Finance System as a creditor payment and treated as an EFT payment when the bank account is direct debited at the beginning of the following month.

Details of payments made by direct credit to employee bank accounts in accordance with contracts of employment are not provided in this report for privacy reasons nor are payments of bank fees such as merchant service fees which are directly debited from the City’s bank account in accordance with the agreed fee schedules under the contract for provision of banking services.

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

The payment of authorised amounts is within existing budget provisions.

Key Risks and Considerations

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

Strategic Implications

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

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

Attachments

10.4.1 (a): Listing of Payments February 2023

10.4.2 Monthly Financial Statements February 2023

File Ref: D-23-11318
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

0323/040

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

That Council notes the Financial Statements and report for the month ended 28 February 2023.

CARRIED BY EXCEPTION RESOLUTION (8/0)

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

Against: Nil.

Background

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996, requires each local government to present a Statement of Financial Activity reporting on income and expenditure as set out in the annual budget. Regulation 34(3) specifies that the nature or type classification must be used. In addition, regulation 34(5) requires a local government to adopt a percentage or value to report on material variances between budgeted and actual results. The 2022/23 budget adopted by Council on 28 June 2022, determined the material variance amounts of \$10,000 or 10% for the financial year. Each Financial Management Report contains an Original and Revised Budget column for comparative purposes.

Comment

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

The ongoing impact of COVID-19 in conjunction with the war in Ukraine continues to cause uncertainty and supply shortages around the world, with a significant impact on world economic activities. It has resulted in steep rises in inflation worldwide including Australia. The June 2022 Perth CPI rose 7.4% from the corresponding quarter of the previous year.

The September and December 2022 Perth CPI of 6% and 8.3% (corresponding quarter of the previous year) respectively confirmed the stubborn continued inflationary pressure. To curb the high inflation the RBA have announced the 10th consecutive increase in the cash rate, the latest being a further .25% in March 2023. Due to persistent continued inflationary pressures, further interest rate increases are forecasted for 2023. The current cash rate target is 3.60%, increases over the last eleven months amounted to 3.50%, exceeding initial market predictions.

In framing the Annual Budget 2022/23, the City considered the economic environment and the impact of COVID-19. The above factors impacted the legislated budget review. The review was completed and Council approved the budget review adjustments at the Ordinary Council Meeting held 28 February 2023. Budget review entries have been processed, budget phasing was also revised as part of the review evidenced by the lower year-to-date (YTD) variances between revised budget and actual results.

Actual income from operating activities for February year-to-date (YTD) is \$68.29m in comparison to budget of \$68.27m, favourable to budget by \$24k or 0.04%. Actual expenditure from operating activities for February is \$47.19m in comparison to the budget of \$47.30m, favourable to budget by \$107k or 0.23%. The February Net Operating Position of \$21.10m was \$131k favourable in comparison to budget.

Actual Capital Revenue YTD is \$926k in line with budget. Actual Capital Expenditure YTD is \$4.91m in comparison to the budget of \$4.92m. A variance analysis is provided within **Attachment (e)** titled Significant Variance Analysis. As described during the Budget deliberations, the estimation of Capital projects that may carry-forward from one year to the next is challenging as it is dependent on estimating the completion of work by 30 June by a contractor. As in previous years, there have been a number of Capital projects that required Budget adjustments during the midyear review process.

Cash and Cash Equivalents amounted \$74.28m, higher than the prior year comparative period. Consistent with previous monthly reports, the Cash and Cash Equivalents balance is contained within the Statement of Financial Position. In addition, further detail is included in a non-statutory report (All Council Funds).

Interest rates are improving, with banks offering average interest rates of 3.76% for investments under 12 months. The City holds a portion of its funds in financial institutions that do not invest in fossil fuels. Investment in this market segment is contingent upon all of the other investment criteria of Policy P603 Investment of Surplus Funds being met. At the end of February 2023 the City held 44.42% of its investments in institutions that do not provide fossil fuel lending. The Summary of Cash Investments illustrates the percentage invested in each of the non-fossil fuel institutions and the short term credit rating provided by Standard & Poors for each of the institutions.

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

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

Key Risks and Considerations

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

Strategic Implications

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

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

Attachments

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

10.4.3 Electors' General Meeting 2021/22

File Ref: D-23-11319
Author(s): Toni Fry, Governance Coordinator
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

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

Officer Recommendation AND COUNCIL DECISION

0323/041

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

1. That the minutes of the 2023 Electors' General Meeting held Tuesday 7 February 2023 and contained in **Attachment (a)** be received.
2. That Council **NOTES** the decisions made at the 2023 Electors' General Meeting held Tuesday 7 February 2023 as outlined in the body of this report.

CARRIED BY EXCEPTION RESOLUTION (8/0)

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

Against: Nil.

Background

The Electors' General Meeting was held at 6pm on Tuesday 7 February 2023 in the City of South Perth Council Chamber. There were approximately 35 members of the public present.

Comment

In accordance with Section 5.33 of the *Local Government Act 1995*, Council is required to consider any decisions that result from the meeting.

There was one motion moved as follows:

"Moved: Ms Maryclaire Andrews of Como.
Seconded: Mr Warwick Boardman of Salter Point.

That the Annual Report for the City of South Perth for the year 2021/22, the 2021/22 Annual Financial Statements and the 2021/22 Auditor's Report, be accepted.

The Motion was put and declared CARRIED.

Consultation

In accordance with Section 5.29 of the *Local Government Act 1995*, an advertisement was placed in the Southern Gazette on 19 January 2023 and 2 February 2023, in the Peninsula Magazine that was circulated week commencing Monday 23 January 2023, on the City’s website and on all notice boards in the City’s Administration Centre and Libraries.

Policy and Legislative Implications

Section 5.27 of the *Local Government 1995* states that a general meeting of electors is to be held once every financial year to consider the contents of the annual report for the previous year, and consider other general business. Section 5.29 of the *Local Government Act 1995* states that local public notice must be given. Section 5.33 of the *Local Government Act 1995* states that all decisions made at an electors’ meeting are to be considered at a Council meeting.

Financial Implications

Advertising costs were incurred and taken from the 2022/23 budget.

Key Risks and Considerations

Risk Event Outcome	Legislative Breach Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation
Risk rating	Low
Mitigation and actions	Report compiled following completion of the minutes and sent to the next ordinary council meeting.

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

- 10.4.3 (a): Electors' General Meeting Minutes

10.5 MATTERS REFERRED FROM COMMITTEE MEETINGS

10.5.1 Audit Register Progress Report Q2

File Ref: D-23-11320
Author(s): Garry Adams, Director Corporate Services
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

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.

Officer, Committee Recommendation AND COUNCIL DECISION

0323/042

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

The Audit, Risk and Governance Committee recommends to Council that it:

1. Notes the progress recorded against each item within the Audit Register in **Confidential Attachment (a)**;
2. Approves the findings marked as Complete (100%) in the Audit Register, to be registered as closed and no longer reported to the Committee; and
3. Notes the revised Strategic Audit Plan as shown at **Confidential Attachment (b)**.

CARRIED BY EXCEPTION RESOLUTION (8/0)

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

Against: Nil.

Background

The confidential Audit Register lists internal and external audit findings and describes the progress of implementing improvements and the percentage completion. This report is prepared for noting the progress and completion of findings since the last meeting.

Comment

The Audit Register contained in **Confidential Attachment (a)** presents audit outcomes by 'Finding' numbers. Any given Finding may have more than one 'Recommendation' and associated 'Agreed Management Action'.

Only when all Agreed Management Actions related to a Finding are marked as 100% complete, will the report be presented to the Audit, Risk and Governance Committee, with a recommendation that the Finding be closed.

The Audit Register has been formatted to ensure clarity as detailed below:

1. Each Finding that has more than one Agreed Management Action is represented with double lines around that entire Finding.

Example:

Finding number 65 contains three Agreed Management Actions.

2. Each Finding that is to be closed (i.e. 100% complete for all Agreed Management Actions) is represented by a purple 'Closed Tally' column on the right and numbered; and
3. All Findings that are being recommended for closure by the ARGC are filtered to the end of the register.

The ARGC is requested to recommend that Council note the progress and officer comments. In addition, it is recommended all Findings marked as complete (100%) in the Audit Register be registered as closed. All closed items will not form part of the Audit Register report for future meetings.

It is requested to note the Audit Register in **Confidential Attachment (a)**.

Strategic Internal Audit Plan

A meeting was held with the Internal Auditors to review the strategic audit plan in the context of the updated risk register and the timing of audits with regard to available resources. The revised Strategic Audit Plan as shown at **Confidential Attachment (b)** is presented to the Audit, Risk and Governance Committee for noting.

Financial Statement Audit

The Auditor General provided a clear audit opinion for the 2021/22 financial year with one significant audit issue being the valuation of assets. This was discussed in detail at the November ARGC meeting and will be addressed in the current financial year.

Consultation

Relevant City officers have been consulted.

Policy and Legislative Implications

The Internal Audit function is considered a business improvement process that will assist in compliance with Regulation 5 of the Local Government (Financial Management) Regulation 1996 (CEO's duties as to financial management) and Regulation 17 of the Local Government (Audit) Regulations 1996 (CEO to review certain systems and procedures).

Financial Implications

The Internal Audit function (Paxon) has a budget of \$40,000 for the 2022/23 financial year, and it is anticipated that a budget of a similar amount is to be adopted for future years. Officers' effort to undertake the improvements and report on progress has not been estimated.

The External Audit function (WA Auditor General) has a budget of \$70,000 for the audit work undertaken during the 2022/23 financial year.

Key Risks and Considerations

Risk Event Outcome	<p>Legislative Breach</p> <p>Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision-making bodies within the collective organisation.</p>
Risk rating	Medium
Mitigation and actions	<p>Quarterly reporting of progress on the Audit Register to the ARGC and Council. In the report, Officer comments on action taken and progressive completion of Actions are noted. Actions which are 100% complete are closed out and reported back to the ARGC. There is no future reporting on closed out actions.</p>

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

- 10.5.1 (a): Audit Register (*Confidential*)
- 10.5.1 (b): Strategic Audit Plan (*Confidential*)

10.5.2 Risk Management and Business Continuity Activity Report

File Ref: D-23-11321
Author(s): Christine Lovett, Senior Governance Officer
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

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.

Officer, Committee Recommendation AND COUNCIL DECISION

0323/043

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Nick Warland

The Audit Risk and Governance Committee recommends to Council that it:

1. Notes the Risk Management and Business Continuity Activity Report as contained in the body of the report;
2. Notes the changes to the Corporate Operational Risk Register as contained within the report; and
3. Endorses the Strategic Risk Register as contained in **Confidential Attachment (a)**.

CARRIED BY EXCEPTION RESOLUTION (8/0)

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

Against: Nil.

Background

The Council is responsible for the strategic direction of the City. The City's Audit, Risk and Governance Committee (ARGC) is a Committee of Council in accordance with the *Local Government Act 1995* (the Act) and is responsible for providing guidance, assistance and oversight to the Council, in relation to matters which include risk management.

The responsibility of the ARGC in relation to the risk management program includes overseeing the strategic risk management process and ensuring that the administration has a robust and structured process for identifying and managing strategic risks.

This activity report outlines the risk and business continuity management activities undertaken.

Comment

Risk Management and Business Continuity Management activities for the period of December 2022 to March 2023:

1. Fraud and Corruption

Following the development of a Fraud and Corruption Control Plan an updated Fraud and Corruption Policy P694 was endorsed at the 13 December 2022 Ordinary Council Meeting.

2. Business Continuity Framework (BCF)

Work has continued on the business continuity framework and it will be finalised in the coming quarter.

The objectives and priorities of the BCF will be:

- To provide for the safety and protection of employees, customers, community and property;
- To minimise the impact on customers, community and other stakeholders;
- To protect the City's image and reputation;
- To recover and maintain critical business functions within predefined time and service levels;
- To recover and maintain critical IT systems within predefined time and service levels;
- To minimise environmental impacts;
- To minimise potential economic loss from the failure to conduct normal business; and
- To prevent regulatory breaches.

3. Internal Risk Management Committee

The Internal Risk Management Committee (IRMC) met on 2 February 2023 at which time the Operational Risk Register was presented for review.

The following two risks having been identified and/or reviewed as having a high risk rating. In accordance with the requirements of the Risk Management Framework 2021 these risks are presented to the Audit, Risk and Governance Committee for review.

These risks relate to the availability of contractors or staff to carry out required activities to meet the expectations of our community. While the residual rating of the risks are high, it is considered that all available mitigation strategies are in place to reduce the outcome of this risk impacting the City's community.

Where necessary, key communication methods are utilised to inform our community of any delays/interruption to the expected delivery of a project or service.

i. Corp Risk 5.0 Dependency on contractors to deliver key project/services.

Outcome: Service Interruption

The recent contractor/employment environment resulted in the residual likelihood of this risk event occurring being reassessed in October 2022 from Unlikely to Possible.

The City's Risk Assessment and Acceptance Criteria as detailed in Policy P695 Risk Management the Measures of Likelihood are:

Measures of Likelihood			
Level	Rating	Description	Frequency
5	Almost Certain	The event is expected to occur in most circumstances (>90% chance)	More than once per year
4	Likely	The event will probably occur in most circumstances (>50% chance)	At least once per year
3	Possible	The event should occur at some time (>10% chance)	At least once in 3 years
2	Unlikely	The event could occur at some time (>5% chance)	At least once in 10 years
1	Rare	The event may only occur in exceptional circumstances (<3% chance)	Less than once in 15 years

(Source – Department of Local Government – Risk Management Resources March 2013)

The City incurred some service delays in late 2022, therefore it is considered a likelihood of 'Likely' (could occur at least once per year) would be more accurate assessment of this risk in the current market.

While the likelihood has been increased from Possible to Likely, the overall risk rating remains at a High Level.

Controls

- Robust supplier selection
- Use of WALGA preferred suppliers
- Procurement Management provided by the Finance Services Business Unit
- Relationship management

ii. Corp Risk 5.4 Employee attraction and retention

Outcome: Service Interruption

Due to the employment environment, the residual likelihood of this risk event occurring was reassessed from Unlikely to Possible in October 2022. The residual likelihood of this risk occurring remains as Possible with the risk rating remaining as High.

Controls

Established Corporate policies, management practices, procedures and strategies including:

- Flexible working arrangements and working from home arrangements
- Learning and development opportunities
- Equal Opportunity Employer
- Phased retirement

- Health and Wellbeing Program for employees
- Superannuation benefits
- Annual performance reviews
- Workforce Plan
- Mentorship program and internal training to staff so they are interchangeable, as required.
- Reward and Recognition Program
- Performance Management Framework
- Learning & Development Framework
- Secondment opportunities.
- Advertised positions to be reviewed against the current market, so that position description is aligned with the offered remuneration package, including market supplements.

iii. Reassessment from High to Moderate

Corp Risk 5.8 Reliant on a single resource as IT network administrator which includes cyber security monitoring.

Based on the employment of an ICT Coordinator the residual likelihood of this risk event occurring has been reassessed from Likely to Possible. This has resulted in the risk rating being reduced from High to Moderate.

The name of this risk has been amended to 'Appropriate resources to administer the IT network which includes cyber security monitoring'.

4. Strategic Risk Register

The Strategic Risk Register (register) has been developed in consultation with the City's Elected Members and external members of the Audit Risk and Governance Committee (the Committee). The register was last endorsed by Council at the March 2022 Ordinary Council Meeting.

The Strategic Risk Register, as contained in **Confidential Attachment (a)**, has been updated to reflect the City's current environment with all amendments being highlighted in red text.

This updated register is presented to ARGC for review and recommendation to Council for endorsement.

The following Risk Management and Business Continuity Management activities are planned (subject to the availability of organisational officers) for the period ending June 2023:

Risk Management Activities	Expected Outcome
Operational risks to be reviewed on a quarterly basis	The City's Corporate Operational Risk register to be as current as reasonably practicable.
Development of further fraud and corruption training.	Increased knowledge within the City's business units in order further protect resources, information and safeguard the integrity and reputation of the City.

Business Continuity Plans to be reviewed on a quarterly basis	The City's Business Continuity Plans to be as current as reasonably practicable.
Updated Management Practice M695 Risk Management to be rolled out across all Business Units.	Sound risk management practices and procedures to be further integrated into the City's strategic and operational planning process and day to day business practices.
Implement training program for identified staff	Provide support and guidance to staff ensuring they have familiarity with the City's risk management practices.

Consultation

Relevant City officers were consulted in order to identify and review all risks across all City operations.

Policy and Legislative Implications

Reg 17 (1) (a) Local Government (Audit) Regulations 1996

17. CEO to review certain systems and procedures

- (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to –
 - (a) risk management

Financial Implications

Nil.

Key Risks and Considerations

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

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

10.5.2 (a):	Strategic Risk Register (<i>Confidential</i>)
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10.5.3 Compliance Audit Return

File Ref: D-23-11322

Author(s): Bernadine Tucker, Manager Governance

Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

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

Officer, Committee Recommendation AND COUNCIL DECISION

0323/044

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Nick Warland

That the Audit, Risk and Governance Committee recommends to Council that it:

1. Adopts the Department of Local Government, Sport and Cultural Industries Compliance Audit Return for the period 1 January 2022 to 31 December 2022 as contained in **Attachment (a)**; and
2. Authorises the certification to be jointly completed by the Mayor and Chief Executive Officer in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996.

CARRIED BY EXCEPTION RESOLUTION (8/0)

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

Against: Nil.

Background

The City is required to carry out an annual audit of statutory compliance in accordance with Regulation 14 of the Local Government (Audit) Regulations 1996. The Department of Local Government, Sport and Cultural Industries distributed a Compliance Audit Return for the period 1 January 2022 to 31 December 2022 which focused on those areas considered high risk in accordance with the *Local Government Act 1995* and associated regulations.

Comment

The 2022 Compliance Audit Return contained the following compliance categories:

- Commercial Enterprises by Local Governments;
- Delegation of Power/Duty;
- Disclosure of Interest;
- Disposal of Property;

10.5.3 Compliance Audit Return

- Elections;
- Finance;
- Integrated Planning and Reporting;
- Local Government Employees;
- Official Conduct;
- Optional Questions; and
- Tenders for Providing Goods and Services.

Each section of the 2022 Compliance Audit Return was completed by the relevant business unit.

Consultation

The 2022 Compliance Audit Return was circulated to the relevant Business Unit Managers.

Policy and Legislative Implications

In accordance with Regulation 14 of the Local Government (Audit) Regulations 1996 the completed 2022 Compliance Audit Return is to be reviewed and the results presented to Council. Following Council's adoption, the 2022 Compliance Audit Return must be submitted to the Department of Local Government, Sport and Cultural Industries by 31 March 2023.

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	Reputational Damage Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
Risk rating	Low
Mitigation and actions	The City has strong controls in place for the Compliance Audit Return

10.5.3 Compliance Audit Return

Strategic Implications

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

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

Attachments

10.5.3 (a): Compliance Audit Return 2022

Mayor Greg Milner, Councillor Mary Choy and Councillor Nick Warland returned to the Chamber at 8.26pm.

Mayor Greg Milner resumed the Chair prior to consideration of Item 10.5.4.

10.5.4 Annual Review of Council Delegations

File Ref: D-23-11323
Author(s): Christine Lovett, Senior Governance Officer
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

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.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Mayor Greg Milner
Seconded: Councillor Glenn Cridland

That the Audit, Risk and Governance Committee recommends to Council that it:

- Notes that in accordance with Section 5.46(2) of the *Local Government Act 1995*, the following Delegations to the Chief Executive Officer and/or City Officers as shown at **Attachment (a)** have been reviewed with 'no changes' being proposed:

DC102	Community Funding Program
DC115	Granting Fee Waiver – City Reserves and Facilities
DC374	Appoint Authorised Officers for the purposes of the <i>Building Act 2011</i>
DC376	Infringement Notices under the Building Regulations 2012
DC401	Graffiti Vandalism Act – Local Government Functions
DC511	Partial Closure of a Thoroughfare for Repair or Maintenance
DC601	Preparation of Long Term Financial Plan, Annual Budget & Annual Financial Report
DC602	Authority to Make Payments from the Municipal and Trust Funds
DC603	Investment of Surplus Funds
DC607	Acceptance of Tenders/E-Quotes/Common Use Agreements
DC607B	Non Acceptance of Tenders
DC608	Acceptance of Contract Variations Relating to Tenders Approved by Council
DC612	Disposal of Surplus Property
DC616	Write-off Debts
DC642	Appointment of Acting CEO
DC664	Dogs – Local Government Functions

DC665	Cats – Local Government Functions
DC677	<i>Bush Fires Act 1954</i> – Local Government Functions
DC678	Appointment of Authorised Officers
DC679	Administer the City’s Local Law
DC684	Sealed Documents
DC685	Inviting Tenders or Expressions of Interest
DC686	Granting Fee Concessions – Development Applications
DC690	Town Planning Scheme 6
DC702	Granting Fee Waiver – Collier Park Golf Course
DC703	Minor Amendments to Delegations Register and Policies

2. Notes that in accordance with Section 5. 46(2) of the *Local Government Act 1995*, the following Delegation to the Chief Executive Officer as shown at **Attachment (b)** has been reviewed with ‘major changes’ being proposed:

DC370	Approve or Refuse Granting of a Building Permit
DC371	Approve or Refuse Granting of a Demolition Permit
DC372	Grant, or Refuse to Grant Occupancy Permits or Building Approval Certificates
DC373	Approve or refuse an Extension of the Duration for Occupancy Permits or Building Approval Certificates
DC375	Issue or Revoke Building Orders
DC609	Leases

CARRIED (7/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Blake D'Souza, Jennifer Nevard, Mr Aswin Kumar and Ms Shona Zulsdorf.

Against: Nil.

Absolute Majority Required

Amendment

Moved: Councillor Stephen Russell

Seconded: Councillor Jennifer Nevard

That, for item 1 & 2 other than DC690, the Audit, Risk and Governance Committee recommends to Council that it:

1. Notes that in accordance with Section 5. 46(2) of the *Local Government Act 1995*, the following Delegations to the Chief Executive Officer and/or City Officers as shown at Attachment (a) have been reviewed with ‘no changes’ being proposed:

DC102 Community Funding Program

DC115 Granting Fee Waiver – City Reserves and Facilities

DC374 Appoint Authorised Officers for the purposes of the Building Act 2011

DC376 Infringement Notices under the Building Regulations 2012

DC401 Graffiti Vandalism Act – Local Government Functions

DC511 Partial Closure of a Thoroughfare for Repair or Maintenance
 DC601 Preparation of Long Term Financial Plan, Annual Budget & Annual Financial Report
 DC602 Authority to Make Payments from the Municipal and Trust Funds
 DC603 Investment of Surplus Funds
 DC607 Acceptance of Tenders/E-Quotes/Common Use Agreements
 DC607B Non Acceptance of Tenders
 DC608 Acceptance of Contract Variations Relating to Tenders Approved by Council
 DC612 Disposal of Surplus Property
 DC616 Write-off Debts
 DC642 Appointment of Acting CEO
 DC664 Dogs – Local Government Functions
 DC665 Cats – Local Government Functions
 DC677 Bush Fires Act 1954 – Local Government Functions
 DC678 Appointment of Authorised Officers
 DC679 Administer the City’s Local Law
 DC684 Sealed Documents
 DC685 Inviting Tenders or Expressions of Interest
 DC686 Granting Fee Concessions – Development Applications
~~DC690 Town Planning Scheme 6~~
 DC702 Granting Fee Waiver – Collier Park Golf Course
 DC703 Minor Amendments to Delegations Register and Policies

2. Notes that in accordance with Section 5.46(2) of the *Local Government Act 1995*, the following Delegation to the Chief Executive Officer as shown at Attachment (b) have been reviewed with ‘major changes’ being proposed:

DC370 Approve or Refuse Granting of a Building Permit
 DC371 Approve or Refuse Granting of a Demolition Permit
 DC372 Grant, or Refuse to Grant Occupancy Permits or Building Approval Certificates
 DC373 Approve or refuse an Extension of the Duration for Occupancy Permits or Building Approval Certificates
 DC375 Issue or Revoke Building Orders
 DC609 Leases

3. Notes that in accordance with Section 5.46(2) of the *Local Government Act 1995*, Delegation DC690 ‘Town Planning Scheme 6’ to the Chief Executive Officer shall be amended as follows:

- i) Inclusion of 3(e) to state “Applications for Heritage Listed properties or areas, other than City deemed minor alterations.”

- ii) Inclusion of 3(f) to state “Applications where the proposed development, from a non-public entity, results in the permanent development or utilisation, of City owned lands or lands vested in the City to manage. At-grade crossovers or utility services are excluded.”
- iii) Inclusion of 3(g) to state “Applications resulting in a cash-in-lieu as a condition of approval”.
- iv) Inclusion of 3(h) to state “Applications for signage within residential zone lots or within non-residential zone lots, opposite (directly or diagonally) to or adjoining a residential zone lot.”
- v) Inclusion of 3(i) to state “When during the advertising period, the Mayor or two Councillors have requested that the application be referred to the Council for determination”.

Reasons for Change

1. For items 3(i) to 3(iv) the determination of applications need to consider the expectations of the community as a due regard consideration as laid out in the Deemed Provisions for Local Planning Scheme. With respect to the City, this is best addressed via Council and therefore the purpose of these amendments.
2. With regards to 3(v), it is the opinion that Elected Members as decision makers should have the authority to call in applications, where they deem appropriate. This should be considered as a mandatory clause for any decision-making body which delegates its authority.

The amendment was put and declared LOST (2/6).

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

Against: Mayor Greg Milner, Councillors Mary Choy, Glenn Cridland, , Blake D'Souza, Jennifer Nevard and Nick Warland.

Officer, Committee Recommendation and COUNCIL DECISION

0323/045

Moved: Mayor Greg Milner

Seconded: Councillor Glenn Cridland

That the Audit, Risk and Governance Committee recommends to Council that it:

1. Notes that in accordance with Section 5. 46(2) of the *Local Government Act 1995*, the following Delegations to the Chief Executive Officer and/or City Officers as shown at **Attachment (a)** have been reviewed with ‘no changes’ being proposed:

DC102	Community Funding Program
DC115	Granting Fee Waiver – City Reserves and Facilities
DC374	Appoint Authorised Officers for the purposes of the <i>Building Act 2011</i>
DC376	Infringement Notices under the Building Regulations 2012
DC401	Graffiti Vandalism Act – Local Government Functions
DC511	Partial Closure of a Thoroughfare for Repair or Maintenance

DC601	Preparation of Long Term Financial Plan, Annual Budget & Annual Financial Report
DC602	Authority to Make Payments from the Municipal and Trust Funds
DC603	Investment of Surplus Funds
DC607	Acceptance of Tenders/E-Quotes/Common Use Agreements
DC607B	Non Acceptance of Tenders
DC608	Acceptance of Contract Variations Relating to Tenders Approved by Council
DC612	Disposal of Surplus Property
DC616	Write-off Debts
DC642	Appointment of Acting CEO
DC664	Dogs – Local Government Functions
DC665	Cats – Local Government Functions
DC677	<i>Bush Fires Act 1954</i> – Local Government Functions
DC678	Appointment of Authorised Officers
DC679	Administer the City's Local Law
DC684	Sealed Documents
DC685	Inviting Tenders or Expressions of Interest
DC686	Granting Fee Concessions – Development Applications
DC690	Town Planning Scheme 6
DC702	Granting Fee Waiver – Collier Park Golf Course
DC703	Minor Amendments to Delegations Register and Policies

2. Notes that in accordance with Section 5. 46(2) of the *Local Government Act 1995*, the following Delegation to the Chief Executive Officer as shown at **Attachment (b)** has been reviewed with 'major changes' being proposed:

DC370	Approve or Refuse Granting of a Building Permit
DC371	Approve or Refuse Granting of a Demolition Permit
DC372	Grant, or Refuse to Grant Occupancy Permits or Building Approval Certificates
DC373	Approve or refuse an Extension of the Duration for Occupancy Permits or Building Approval Certificates
DC375	Issue or Revoke Building Orders
DC609	Leases

CARRIED BY ABSOLUTE MAJORITY (8/0)

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

Against: Nil.

Background

Section 5.42 of the *Local Government Act 1995* (the Act) provides that a Council may delegate to the Chief Executive Officer (the CEO) the exercise of any of its powers or the discharge of any of its duties under the Act, other than those referred to in section 5.43.

Section 5.46(2) of the Act requires the local government to review its Delegations at least once every financial year.

The purpose of this review is to consider the operational effectiveness of the current delegations, whether they remain relevant and appropriate and whether legislative amendments or organisational changes necessitate any revisions to the text.

Comment

There are a range of powers and duties delegated to the CEO in accordance with the powers provided by Sections 5.42(1)(a) and (b) of the Act. The Delegations were forwarded to the relevant officers from each business unit who reviewed the appropriateness of the existing Delegations and if there was a need for any additional delegations.

No Changes

As a result of this review, the delegations listed below and at **Attachment (a)** have no changes, therefore no explanatory notes have been provided.

DC102	Community Funding Program
DC115	Granting Fee Waiver – City Reserves and Facilities
DC374	Appoint Authorised Officers for the purposes of the <i>Building Act 2011</i>
DC376	Infringement Notices under the Building Regulations 2012
DC401	Graffiti Vandalism Act – Local Government Functions
DC511	Partial Closure of a Thoroughfare for Repair or Maintenance
DC601	Preparation of Long Term Financial Plan, Annual Budget & Annual Financial Report
DC602	Authority to Make Payments from the Municipal and Trust Funds
DC603	Investment of Surplus Funds
DC607	Acceptance of Tenders/E-Quotes/Common Use Agreements
DC607B	Non Acceptance of Tenders
DC608	Acceptance of Contract Variations Relating to Tenders Approved by Council
DC612	Disposal of Surplus Property
DC616	Write-off Debts
DC642	Appointment of Acting CEO
DC664	Dogs – Local Government Functions
DC665	Cats – Local Government Functions
DC677	Bush Fires Act 1954 – Local Government Functions
DC678	Appointment of Authorised Officers
DC679	Administer the City’s Local Law
DC684	Sealed Documents
DC685	Inviting Tenders or Expressions of Interest
DC686	Granting Fee Concessions – Development Applications
DC690	Town Planning Scheme 6
DC702	Granting Fee Waiver – Collier Park Golf Course
DC703	Minor Amendments to Delegations Register and Policies

Major Changes

As a result of this review, the delegations listed below and at **Attachment (b)** have major changes to the content, therefore explanatory notes have been provided:

- DC370 Approve or refuse Granting of a Building Permit**
- DC371 Approve or Refuse Granting of a Demolition Permit**
- DC372 Grant, or Refuse to Grant Occupancy Permits or Building Approval Certificates**
- DC373 Approve or refuse an Extension of the Duration for Occupancy Permits or Building Approval Certificates**
- DC375 Issue or Revoke Building Orders**

The abovementioned Council Delegations have been amended to extend the delegation to the position of Assistant Building Surveyor.

DC609 Leases

The name of this delegation has been amended from Leases and Licences to Leases. All reference to issuing a licence has been removed from the delegation.

Granting a lease is considered to be disposal of property to which Section 3.58 of the *Local Government Act 1995* (the Act) applies. Granting a licence is not a disposal of property, therefore Section 3.58 of the Act does not apply. The CEO has the power to issue a licence in accordance with Section 5.41 – Functions of the CEO – ‘manage the day to day operations of a local government’ of the Act and section 1.7 Overriding power to hire and agree, of the City of South Perth Public Places and Local Government Property Local Law 2011.

Consultation

Consultation has occurred with officers of the relevant business units.

Policy and Legislative Implications

Section 5.46(2) of the Act requires all delegations to be reviewed at least once each financial year.

Financial Implications

Nil.

Key Risks and Considerations

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

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

10.5.4 (a):	No Changes
10.5.4 (b):	Major Changes

11. APPLICATIONS FOR LEAVE OF ABSENCE

- Councillor Ken Manolas for the period 28 March 2023 to 30 April 2023 inclusive.
- Councillor Stephen Russell for the period 8 April 2023 to 16 April 2023 inclusive.

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

COUNCIL DECISION

0323/046

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Mary Choy

That Council approve the Leave of Absence applicationS received from:

- Councillor Ken Manolas for the period 28 March 2023 to 30 April 2023 inclusive.
- Councillor Stephen Russell for the period 8 April 2023 to 16 April 2023 inclusive.

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.

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

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

13.2 QUESTIONS FROM MEMBERS

- Councillor Blake D'Souza
- Councillor Stephen Russell
- Councillor Mary Choy
- Mayor Greg Milner

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 are matters 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

0323/047

Moved: Mayor Greg Milner

Seconded: Councillor Blake D'Souza

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

15.1.1 Councillor Code of Conduct - Matter 1

15.1.2 Councillor Code of Conduct - Matter 2

15.1.3 Information Systems Audit (External) Report

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.

The meeting was closed to members of the public at 8.56pm.

At 8.57pm the meeting was adjourned and reconvened at 9.02pm.

15.1.1 Councillor Code of Conduct - Matter 1

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

File Ref: D-22-60714
Author(s): Mike Bradford, Chief Executive Officer
Reporting Officer(s): Mike Bradford, Chief Executive Officer

Officer Recommendation

Moved: Councillor Stephen Russell
Seconded: Councillor Jennifer Nevard

That Council endorse the findings contained within **Confidential Attachment (a)**.

COUNCIL DECISION

0323/048

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

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 (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.

With the agreement of the mover and seconder, the Officer's Recommendation was amended to include the words ' and recommendation' after the word 'findings'.

COUNCIL DECISION

0323/049

Moved: Councillor Stephen Russell
Seconded: Councillor Jennifer Nevard

That Council endorse the findings and recommendation contained within **Confidential Attachment (a)**.

CARRIED (7/1)

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

Against: Councillor Glenn Cridland

15.1.2 Councillor Code of Conduct - Matter 2

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

File Ref: D-23-5739
Author(s): Mike Bradford, Chief Executive Officer
Reporting Officer(s): Garry Adams, Director Corporate Services

COUNCIL DECISION

0323/050

Moved: Mayor Greg Milner
Seconded: Councillor Nick Warland

That Council defer Item 15.1.2 – Councillor Code of Conduct – Matter 2 to the May Ordinary Council Meeting.

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.

15.1.3 Information Systems Audit (External) Report

*This item is considered **confidential** in accordance with section 5.23(2)(f)(ii) of the Local Government Act 1995 as it contains information relating to "a matter that if disclosed, could be reasonably expected to endanger the security of the local governments property"*

File Ref: D-23-11324
Author(s): Garry Adams, Director Corporate Services
Reporting Officer(s): Garry Adams, Director Corporate Services

Officer, Committee Recommendation AND COUNCIL DECISION

0323/051

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Nick Warland

That the Audit, Risk and Governance Committee recommends to Council that it:

1. Note the letter from the WA Auditor General contained in **Confidential Attachment (a)**; and
2. Accept the findings contained in the Information Systems Audit for the year end 30 June 2022 **Confidential Attachment (b)** and include in the Audit Register.
3. Note the attached Cyber Security Response **Confidential Attachment (c)**.

CARRIED BY EXCEPTION RESOLUTION (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.

COUNCIL DECISION

0323/052

Moved: Mayor Greg Milner

Seconded: Councillor Blake D'Souza

That the meeting be reopened to the Public.

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.

The meeting was reopened at 9.25pm and the motions passed behind closed doors were read out by the Presiding Member.

16. CLOSURE

The Presiding Member thanked everyone for their attendance and closed the meeting at 9.26pm.

APPENDIX

6.2 PUBLIC QUESTION TIME: 28 March 2023

1. Mr Barrie Drake, South Perth Received: 21 March 2023	Responses provided by: Garry Adams – Director Corporate Services
1. Will the City of South Perth list as an Agenda Item the South Perth and Hurlingham Underground Power Network charge as it specifically relates to blocks of flats i.e. buildings that multiple dwellings with a Single Title and Single GRV on their rates notice?	The City of South Perth Underground Power schemes adopted by Council for Collier, Manning and South Perth/Hurlingham deals with network charges for properties as it specifically relates to blocks of flats i.e. buildings that are multiple dwellings with a Single Title and Single GRV in an uniform manner. Following many workshops and briefing sessions Council’s decision to adopt the schemes, was taken with the knowledge of how the Underground Power network charges will be implemented. The charges for Collier and Manning was adopted as part of the 2021/22 Budget and South Perth/Hurlingham as part of the 2022/23 Budget, as such the schemes formed part of those respective agendas. The City’s administration and Council have provided information, explanations and responded to questions regarding this item and in context of the above the City will not list a separate agenda item.

<p>2. Dr Mark Brogan, Kensington Received: 23 March 2023</p>	<p>Responses provided by: Patrick Quigley – A/Director Development and Community Services</p>
<p><i>[Preamble]</i></p> <p><i>I refer to the Category B listed heritage site located at 50 Dyson Street, Kensington, formerly known as the Church St Martin in the Field and Durbridge Hall. Since Council's affirmation of the Category B heritage listing of this place in December 2021 and its subsequent sale to new owners. A lack of maintenance performed on this site, gives rise to uncertainty about its future. Fifty (50) Dyson Street has been unoccupied for some 18 months, and has suffered damage and neglect during this period. Recently a glass door pane was broken allowing access to the building by anyone and the potential for further damage, vandalism, and vagrancy. It is a Category B listed heritage listing building and this should really convey a greater degree of concern and follow up action.</i></p>	
<p>1. The Heritage Regulations 2019, describe the scope and application of repair notices for prevention of damage to heritage places under Part 4. What actions has CoSP taken to address damage, vandalism and vagrancy at this heritage listed place?</p>	<p>The ability to direct repairs under the Heritage Act 2018 and Heritage Regulations 2019 applies to a registered place, meaning a place (property) on the State Register of Heritage Places. 50 Dyson Street is not in the State Register, nor being considered for inclusion.</p>
<p>2. What information does the CoSP have in respect of representations received from the Heritage Council in relation to CoSP's obligations in respect of this local heritage inventory listed place?</p>	<p>The property was added onto the Heritage Council assessment program in 2012. When a place is on the Heritage Council's Assessment Program it means that the Heritage Council has an interest in the place and it will be assessed and considered for inclusion on the State Register of Heritage Places. The Heritage Council has assessed that the property does not meet the criteria for the State Register of Heritage Places; and that it be considered for inclusion on the City's local heritage inventory only. The property was subsequently removed from the Heritage Council's Assessment Program in August 2021.</p>
<p>3. A year and half has passed since Council re-affirmed the Category B listing of 50 Dyson Street. Has the CoSP received a development application or discussed with the owner development plans for the site inclusive of the heritage fabric?</p>	<p>The property is currently subject to a development application for a change of use to a Child Day Care Centre, with proposed additions and alterations to the existing buildings. This is currently being advertised and the submission period closes on 5 April 2023. The City is working</p>

	with the applicant to ensure the cultural heritage significance is protected, which includes requiring an independent heritage consultant to verify the assessment.
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3. Ms Ann Kosovich, Kensington Received: 24 March 2023	Responses provided by: Patrick Quigley – A/Director Development and Community Services
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[Preamble]

I refer to the Category B listed heritage site located at 50 Dyson Street. According to the City of South Perth Policy P313 Local Heritage Listing I quote: The City offers a range of heritage incentives to owners of heritage-listed places to encourage the conservation of the City’s local cultural heritage. Heritage incentives are provided for the following reasons: (i) Places of heritage significance are highly valued by the City and by the community. They contribute to a sense of place and character within the City. Such places represent a non-renewable resource which should be protected. (ii) A financial incentive may assist the owner of a place on the Heritage List in maintaining the place at a high standard for the enjoyment of the local community. Specifically I note that the City of South Perth participates in the Heritage Loan Subsidy Scheme administered by the Western Australian Local Government Association and the State Heritage Office which would assist owners in the maintenance of heritage listed properties.

1. Considering that the Council in 2021 unanimously confirmed that, along with the Community, they highly valued the heritage significance of the Category B listed properties at 50 Dyson Street, what has been the process to inform the current owners of the properties of these incentives and what has been the outcome?	<p>The City’s Policy P313 ‘Local Heritage Listing’ identifies a range of heritage incentives to owners of heritage-listed places to encourage the conservation of our local cultural heritage. Policy P313 was adopted in 2012 with these incentives included at that time.</p> <p>Whilst the City has not directly discussed the heritage incentives with the owner or applicant as part of their current development application, information about the incentives outlined within Policy P313 is freely available for property owners and the public to view under the ‘Policies & Delegations’ section of the City’s website.</p> <p>The City undertakes an annual review of its policies and is planning to review its planning policies (including Policy P313) later this year. This review is aimed to ensure the City’s local planning policies are</p>
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	contemporary, practical and easily understood by the community and associated stakeholders.
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4. Mr Peter Scott, Como Received: 27 March 2023	Responses provided by: Garry Adams – Director Corporate Services
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[Preamble]

I am this evening representing the City of South Perth Residents Association, I am Deputy Chair of this organisation. We note the City’s desire to divest the Collier Park Village to an alternative owner operator which has appropriate expertise and resources to manage this facility. We support the notion in principle. However, we are aware that the City has tried on previous occasions to achieve this objective and has been unsuccessful. We understand the vesting of the land has been a stumbling block in the past and we note that the City’s report indicates that discussions have commenced with the State Government to achieve this outcome. We also have concerns relating to the financial aspects of this move.

1. The City wants to engage a consultant to pursue a Request for Proposal before the issue of vesting is resolved with the State Government. It would seem more prudent to achieve a clear outcome in relation to vesting to provide clarity to potential investors on the key issue of land tenure and use. Is jumping straight into an RFP premature, and might it potentially add unnecessarily to costs?	No it won’t add to the costs. The City has been consulting with the Department of Planning Lands and Heritage regarding the current vesting order and the most appropriate land tenure moving forward since late last year. The type of land tenure proposed is “conditional freehold” , which means the land will only be freehold whilst it is used in accordance with the conditions on the title, which is proposed to be for Aged Persons Homes. This is exactly the same purpose as stated on the current management order. This will be made clear to any potential proponents as part of the RfP process. It should be remembered that the Minister has the final say on what happens to that land, regardless of our process. It doesn’t really change that fact.
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2. The legal aspects of the vesting of land to Freehold title do not seem to be covered in the Officers report. Assuming freehold title is granted to the City by the State Government, and the City subsequently passes this freehold title to a Retirement Village operator, how does the State	The land is owned by the State Government and the Minister will have the final say on the type of land tenure granted. As previously stated, the proposed tenure is “conditional freehold” which is a type of land tenure used to protect the State’s interests and those of the residents. In addition the title will have a memorial placed on it, which registers the interests of the residents in the land. Essentially the land can only
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subsequently cancel this arrangement and take back the land in the event the operator defaults for whatever reason?	be used for a retirement village and purposes ancillary to a retirement village.
3. Has the City considered what its commitment is in relation to the Collier park Village Reserve. We assume the monies the City is currently liable to return to residents on departure will be handed over to a new operator to be held in accordance with the <i>Retirement Villages Act 1992</i> , Retirement Villages Regulations and Code. If so, does this mean the City will have to find additional funds to meet this commitment?	This statement is incorrect. There is no requirement to fully cash back the residents liability under <i>Retirement Villages Act 1992</i> . The City currently has two reserves. One is the Collier Park Reserve, which accumulates the lease premium and refurbishment levy paid by residents and pays for capital purchases refurbishments and accounts for the net operating result. The other reserve is the Residents Offset Reserve which currently holds approximately \$18.5 million and was established to cash back the liability payable to residents exiting the Village. As per above there is no requirement to fully cash back the residents liability under <i>Retirement Villages Act 1992</i> . The way the liability is handled will be addressed in the proposals put forward as part of the RfP process. The City will not have to fund any additional amounts as part of this transaction.

5. Ms Bronwyn David, South Perth Received: 27 March 2023	Responses provided by: Patrick Quigley – A/Director Development and Community Services
<p><i>[Preamble]</i></p> <p><i>I'm a ratepayer and walk my dog around the streets of South Perth. It has recently come to my attention that the City are undertaking design works to install a total of four car parking bays, two in each of the York and Forest Street frontages adjoining the St Columbas Pre Primary School at 28-30 Forrest St, South Perth. My understanding is that this car parking was required as a planning condition for the retrospective approval of a change of use from Religious Activity to Educational Establishment (Kindergarten) and associated building works granted by the City on 21 May 2020. This change of use, building works and removal of onsite car parking bays had been undertaken without the required development approval, hence St Columbas were required to seek retrospective approval.</i></p>	
1. Can the City please advise if the development application was approved by the City administration under delegation and without public advertising, and if so, why when it involved a shortfall of car parking that	Approval for a Retrospective Partial Change of Use (Religious Activity to Educational Establishment (Kindergarten)) was granted under Delegated Authority in May 2020. Neighbour consultation was

<p>impacts on the amenity of the locality, and it will result a large portion of the adjoining landscaped street verge being bituminised and converted to car parking, effectively privatising public land and reducing the amenity of the streetscape.</p>	<p>undertaken on receipt of the initial development application and again following receipt of amended plans.</p>
<p>2. Can the City please advise what the approved car parking shortfall was, if cash in lieu was required to be paid for this shortfall, and if so, why this is not recorded in the City's cash in lieu register?</p>	<p>A condition of the development approval required the applicant to pay for the construction of four embayed car parking bays within the verge area which addressed the shortfall.</p> <p>The condition requiring the payment did not use the term 'cash in lieu' and therefore the development application did not appear in the search for applications where a cash in lieu payment had been received when the register was initially established.</p> <p>As such the register will now be updated and include this development application.</p>
<p>3. Can the City please advise how if and how it will ensure that the four car parking bays will be installed and accommodated in the street verges and existing services relocated without impacting the health of the existing street trees, and leaving space for more street trees - because as we know, in the absence of owners of land being prepared to or required to conserve trees on private property, public space is under increased pressure to bear the burden of greater tree density to make up for the declining private canopy, lest the City become an urban heat island with the serious consequences that entails for human life and wildlife?</p>	<p>The City is currently undertaking a detailed design to install four embayed parking bays on the verge adjacent to the site. Two on each street.</p> <p>As part of the design process, Engineering Services will request the Parks & Environment service review the plans to ensure there will be no impact on the existing street trees.</p> <p>Current markings on the verge are to identify the location of underground services only.</p>

6. Mr Ken Ashworth, Como

Received: 27 March 2023

Responses provided by: Garry Adams – Director Corporate Services

[Preamble]

The City has a current liability to the Collier Park Reserve of just over \$25 million. I understand that this money has been used to fund non village related costs. If this money was still in reserve and earned a conservative 2% interest the resultant return would have been \$460,000 per annum.

1. Has the City taken this potential income into account when calculating the operating loss that has been reported?

I'm not sure where you got your information from but the money that was in the Collier Park offset Reserve has never been used to fund anything outside of Village related costs other than what was put forward in the last budget which I'll get to in a minute. The village operating losses are inclusive of all interest on reserves, that Reserve as I said before currently has \$18.5 million dollars in it without including the income from interest which is applied back to reserve in any case, the reported losses would have been even higher.

2. The Collier Park Village Reserve funds can be used to fund the City's short-term liquidity requirements should the operational need arise. (as noted on Page 17 of the 21/22 Annual Financial Report) If these funds are transferred to a private operator of the village, will this lack of a method to fund the City's short-term liquidity requirements be an issue for the City's ongoing financial situation?

The Collier Park Village Residents Offset Reserve has only been used to fund the outgoing payments to residents. Last budget year Council agreed to borrowing some of the funds to finance underground power to be repaid at the WATC interest rate that the City would have to borrow at - this arrangement is beneficial to the reserve.

The short term liquidity purpose was only established during the uncertain times of the pandemic, budget years 2020/21 and 2021/22. So what you have read in the annual report is no longer the case because in the current year budget papers the purpose of using it for liquidity was removed.

Please note that the reserve money was not used to fund non village related costs. Pursuant to a Council resolution 14 December 2021, a detailed report was presented to the Audit Risk and Governance Committee in March 2022 confirming that Village reserve funds have

	only been applied for Village purposes. The short-term liquidity purpose has since been removed from the purpose of all City reserves as there was ultimately and still is no need for the application of funds in this manner.
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7. Ms Cecilia Brooke, South Perth Received: 27 March 2023	Responses provided by: Warren Giddens – Manager Strategic Planning
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[Preamble]
I note that in TPS 6, the land that the Manning Senior Citizens Centre and the Manning Mens Shed i.e. at 3 Downey Drive, Manning is Zoned as Public Assembly - R20..In the proposed LPS7, this land is being re-zoned to Residential R100

<p>1. Why is it deemed necessary to re-zone this land when the buildings on it provide such an important benefit to the community?</p>	<p>The site is identified by the Local Planning Strategy as ‘up to R50’. In advertising the draft LPS 7, a R100 coding was applied to provide a higher development density for this site. As discussed in the report there are no plans to remove or repurpose the Manning Senior Citizens Centre or Manning Men's Shed. The current land uses are to be retained. The existing tenants have certainty over this site through a recent 10-year lease agreement signed with the parties to ensure the Senior Citizen’s Centre and Men’s Shed can continue to provide important community services into the future.</p>
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<p>8. Ms Heidi Schmidt, South Perth Received: 27 March 2023</p>	<p>Responses provided by: Patrick Quigley – A/Director Development and Community Services</p>
<p><i>[Preamble]</i></p> <p><i>I have worked since December 2022 the City to try and understand what's occurring on my street which is child care that has not had to go through planning approval whatsoever. I note that 58 children can attend the child care business at the Saint Columbus Primary School site in the Parish Hall and a corner playground. The school never has 58 children in that particular site ever. I've had three responses from the city to condense the Preamble. My first response was that planning approval was required would be sought as soon as possible that did not occur. Under the Local Planning Scheme the definition of an Educational Establishment is: "...premises developed for the purpose of education and includes a school, college, university, technical centre or institute, lecture hall or kindergarten and includes playing fields and such other ancillary uses as the local government may permit, but does not include a corrective institution." The definition of a Child Day Care Centre is: "...premises used for the daily or occasional care of children in accordance with the regulations for child care under the Child Care Services Act 2007"</i></p>	
<p>1. My understanding of planning law is that the land use definition in the Local Planning Scheme that is the BEST FIT must be applied. The Camp Australia business is registered as a child care use, run by employees without educational qualifications and it is fundamentally child care – used for “the daily or occasional care of children”. It is not for the purpose of education. So can the City please explain why the child care use has been incorrectly determined to be an educational use?</p>	<p>The City considers that the correct interpretation has been applied and the use is ancillary to an educational establishment.</p>
<p>2. Will the City reconsider its decision and request that Camp Australia submit a Development Application for the child care use?</p>	<p>The City is not in receipt of any new information that would result in a reconsideration of its decision that the use is ancillary to the main use as an educational establishment.</p>
<p>3. How will the City address the detrimental impacts of the Camp Australia child care use on the amenity of local residents?</p>	<p>Any complaints received by the City will be dealt with in accordance with Policy P319 Planning Compliance.</p>

9. Ms Joanne Ord, Como

Received: 27 March 2023

Responses provided by: Garry Adams – Director Corporate Services

[Preamble]

The following questions pertain to the likely sale of Collier Park Village to a new Operator.

1. The uncertainty the RFP and sale process creates for the residents of Collier Park Village cannot be understated. Communication is a two-way street therefore does the City plan to keep the residents informed of the progress being made in the negotiations by holding regular meetings at the Village such as that on 20 March 2023 which allow residents to ask questions?

The City has been open and transparent in its communications with residents about the proposed RFP process.

Residents were informed of the proposed RFP process on Thursday 16 March by the City and were given a copy of the Council Report together with FAQs and information about how to address Council via a deputation or public question. Another information session was held on 20 March 2023 with a specific focus providing information about the protection of residents rights and additional time for questions. The FAQs were also published on the website.

On Friday 17 March, all residents received an individually addressed and hand signed letter from Mike Bradford, CEO. City officers have made themselves available to answer questions from residents and a designated email address has been established for residents and their families. Earlier today, Mike hosted an informal question and answer session for residents at the CPV Community Centre.

The City has scheduled a meeting with the Residents Committee for tomorrow to discuss the outcomes of tonight and will continue to keep all residents updated. We have made a commitment to do that and we will continue to meet with them regularly if we have further requests come in for us to go down there either myself or the CEO will go down there with appropriate staff members to talk to them about their concerns.

<p>2. At the village meeting on 20 March 2023, the City indicated that CPV has a current value of \$24m on their books. The City admitted that the Village had been making a loss since 2012 and that they would need to sell the village for less than it's value. What price is the City prepared to sell the village for, assuming the other criteria for a successful proposal are met?</p>	<p>While CPV is valued at \$24 million on the City's accounts, the City does not expect to receive \$24 million for the transfer of CPV to an Operator.</p> <p>The City is not looking to sell the Village as such. It is looking for proposals from the market that would see an improvement to how the Village operates and results in significant improvements to village infrastructure and amenity. All proposals will be considered in the context of the evaluation criteria separate to any assessment of the price being offered.</p> <p>So one of the reasons we are going to the market in this way is so that we can get a range of proposals that address the criteria without being too prescriptive and prescribing uh a price or anything like that so we are open to market proposals and we will evaluate them accordingly and bring something back to Council.</p>
<p>3. Given the importance of retaining mature tree canopy evident by the City's own push for increased protection of existing tree canopy within LPS7 - it is of note that there are no significant trees registered within the grounds of Collier Park Village as shown on IntraMaps. The gardens and mature trees are a special feature of CPV and appreciated by its residents and surrounding community. How does the City plan to protect the existing mature trees from removal by the new Operator?</p>	<p>The City has included protection of the existing landscape as part of the Vision Statement that accompanies the draft evaluation framework. In addition, the City commissioned an audit of trees above 5m on the CPV site and will make this available to proponents. A landscaping plan for all proposed development stages is proposed to form part of the contractual arrangements and will be made available to Council in making any final decision to proceed.</p>

10. Ms Caroyln Burnett, Salter Point

Received: 27 March 2023

Responses provided by: Warren Giddens – Manager Strategic Planning

[Preamble]

There were many concerns raised via feedback about the proposed LPS7. Densities that either are or will be too high, street parking, infrastructure etc.

1. It is of note that the City recommends ignoring the Department of Transport's own recommendations that the density increases in the Manning Road Urban Corridor Growth Area be delayed until a clear role for public transport in the relevant section of Manning Road can be confirmed. Why does the City choose to put the cart before the horse and make decisions ignoring the advice of the Department of Transport, when the future of Manning Road in terms of its transport serviceability is undecided. I also raised this, in my own feedback to the Council and no, I don't work for the Department of Transport. I am simply a resident of the City and have been for over 20 years with lived experience of the Manning/Salter Point Community.

The City has considered and responded to the comments raised in the submission received from the Department of Transport in its response to the Scheme [Attachment (b) - Schedule of Submissions, submission No. 461]. The proposed density increases do not prejudice the future function of Manning Road and are within walking distance of existing bus routes on Ley St and Canavan Crescent.

2. I refer to Table 1 and the summary of general issues raised. It is of note that further in the agenda these issues are addressed with reference to existing legislation, policies or being in-line with the "Strategy". Is the City telling its constituents that no matter their planning concern, it will be ignored because there is a Strategy, a policy of word salad or legislation that will be referred to as a default response so there is no point in the community providing feedback?

The Local Planning Strategy is a key document in providing the broad rationale underpinning the land use zonings, densities, planning provisions and development controls in the draft LPS 7, which were the subject of community engagement. Draft LPS 7 therefore must be consistent with the Local Planning Strategy.

13.1 QUESTIONS FROM MEMBERS taken on notice OCM 28 February 2022

Councillor Stephen Russell	Response provided by Garry Adams – Director Corporate Services
<p>1. When the City take questions on notice at the Agenda Briefing, the responses are given to Council in the memo and therefore the public don't get to see the responses because only the Agenda Briefing Note is attached to the OCM Agenda, is there any way and considering any kind of confidential questions, is there any way that those responses can be made public?</p>	<p>The responses to the questions taken on notice will be made available to the public on the Council meetings page of the website next to the Agenda Briefing heading.</p>

Councillor Glenn Cridland	Response provided by Anita Amprimo – Director Infrastructure Services																		
<p>1. What was the level of that allowance (for Councillor members of the Rivers Regional Council)?</p>	<p>The Member Sitting Fees for Rivers Regional Council is:</p> <table border="1" data-bbox="1176 730 2110 1171"> <thead> <tr> <th data-bbox="1176 730 1756 831">ITEM</th> <th data-bbox="1756 730 1868 831">NOTE</th> <th data-bbox="1868 730 2110 831">FEES AND ALLOWANCES</th> </tr> </thead> <tbody> <tr> <td data-bbox="1176 831 1756 900">Councillors Annual Meeting Attendance Fee</td> <td data-bbox="1756 831 1868 900">12</td> <td data-bbox="1868 831 2110 900">\$7,725 ea</td> </tr> <tr> <td data-bbox="1176 900 1756 968">Chairman's Annual Meeting Attendance Fee</td> <td data-bbox="1756 900 1868 968">12</td> <td data-bbox="1868 900 2110 968">\$10,300</td> </tr> <tr> <td data-bbox="1176 968 1756 1037">Chairman's Allowance</td> <td data-bbox="1756 968 1868 1037">12</td> <td data-bbox="1868 968 2110 1037">\$10,300</td> </tr> <tr> <td data-bbox="1176 1037 1756 1106">Deputy Chairman's Allowance</td> <td data-bbox="1756 1037 1868 1106">12</td> <td data-bbox="1868 1037 2110 1106">\$2,575</td> </tr> <tr> <td data-bbox="1176 1106 1756 1171">Deputy Councillors Fee</td> <td data-bbox="1756 1106 1868 1171">12</td> <td data-bbox="1868 1106 2110 1171">\$200 per meeting</td> </tr> </tbody> </table> <p>Other allowances include travel allowance at a cost in accordance with Local Government (WA) Officers Award.</p> <p>The information above was taken from the Rivers Regional Council 2022-2023 Budget.</p>	ITEM	NOTE	FEES AND ALLOWANCES	Councillors Annual Meeting Attendance Fee	12	\$7,725 ea	Chairman's Annual Meeting Attendance Fee	12	\$10,300	Chairman's Allowance	12	\$10,300	Deputy Chairman's Allowance	12	\$2,575	Deputy Councillors Fee	12	\$200 per meeting
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13.2 QUESTIONS FROM MEMBERS OCM 28 March 2023

Councillor Blake D'Souza	Response provided by Bernadine Tucker – Manager Governance
<p><i>[Preamble]</i></p> <p><i>It's on behalf of Mr Antonio Parascandola of Manning. Mr Parascandola was late last year attacked by a dog along Downey drive and was hospitalized for two nights. He has reported this issue of the dog on seven separate occasions with the City ranging from 21 November to 25th December of 2022 and I've also raised this through the Councillor Request System multiple times.</i></p>	
<p>1. I'm just seeking clarity as to what action the City can or will consider taking to rectify the situation?</p>	<p>As you mentioned you raised this in Councillor requests and a response was provided to you. We have also been communicating with that complainant in relation to the dog attack and it's ongoing at this point in time. The Rangers are communicating with that person.</p>
Councillor Stephen Russell	Response to Question 1 provided by Anita Amprimo – Director Infrastructure Services Response to question 2 and 3 provided by Warren Giddens – Manager Strategic Planning
<p>1. I note that the City's Urban Forest Strategy 2018 - 2023 is to expire this year. Could the city advise its future intent with respect to those and revision of this document.</p>	<p>We are currently considering how we might scope the approach to that review. Given that we need to balance our ability to meet managing the existing public open space and streetscape canopy and the budget provisions for that and we are conscious that how we approach reviewing the Urban Forest Strategy needs to be in a way that's mindful of something that could be affordable. So we are currently considering the best way to approach that, taking account of not creating a community expectation that we are unable to meet.</p>

[Preamble]

This actually goes to a question from the public this evening. Under the Planning and Development Regulations Clause 13 Heritage Conservation Notice it states “if the local government forms the view that a Heritage Place has not been properly maintained, the local government may give to a person who is the owner or occupier of the Heritage Place, a written notice requiring the person to carry out specified repairs to the Heritage Place by a specific time” and it goes on. So basically a Heritage Place under the Regulations includes a local government heritage list and therefore category B buildings within the City.

2. Can the City not therefore use these powers under the Planning Regulations to effect repairs to the category B buildings at 50 Dyson Street?	Yes we were looking at that Clause as we were answering the question time earlier this evening and in theory yes that would appear the case. I think the fact that there is a live development application for this particular site, I think we will explore that opportunity to see how far down the track that is, that closes on the 5th of April I think the consultation period. Certainly we can raise that with the compliance people. We have actually already been in touch with the owner of the property and they have tried to secure that front door which has the damage to it, so we have actually already approached them but naturally there's probably a little bit more to do and they are obviously waiting to get the development application approved and then improve the building in converting it into the day-care centre that they want it to be.
3. Just for clarification the City does have the powers under the Planning and Development Regulations to affect a repair notice on a Class B Heritage listed site within the City?	Taken on notice.

Councillor Mary Choy	Responses provided by Garry Adams – Director Corporate Services
1. I'm not sure if anyone else watched 60 minutes for the last couple of days. In particular on Tik Tok and the implications of access to such social media sites using government facilities. I'm just wondering is there any such policy or policy that needs to be thought about and or included on a strategic risk register or operational?	We do have policies on use of our Assets in terms of for public use for it but I'm not sure of the exact details what's in there with regard to Tik Tok so I will take it on notice. <i>CEO – Mike Bradford:</i> Can I just say we don't use Tik Tok as one of our social media channels for the City.

Mayor Greg Milner	Response provided by Patrick Quigley – A/Director Development and Community Services:
<p>1. I am aware that the Manning Men’s Shed members have been expressing concerns about their tenure. I'm not going to ask about the zoning because that was dealt with by Council earlier this evening but I am going to ask what the tenure of that particular block of land is, who owns it? I thought it was owned by the Crown but I could be mistaken and I guess is there any justification for the fear that I seem to be seeing from these emails concerned about losing their tenure?</p>	<p>Taken on notice.</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 18 April 2023

Signed _____

Presiding Member at the meeting at which the Minutes were confirmed