

MINUTES

Ordinary Council Meeting

23 April 2024

Mayor and Councillors

Here within are the Minutes of the Ordinary Council Meeting of the City of South Perth Council held Tuesday 23 April 2024 in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth.



GARRY ADAMS
ACTING CHIEF EXECUTIVE OFFICER

26 April 2024

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 23 April 2024.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 6.01pm.

2. DISCLAIMER

The Presiding Member read aloud the City’s Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil.

4. ATTENDANCE

Mayor Greg Milner (Presiding Member)

Councillors

Como Ward	Councillor Glenn Cridland (Arrived at 6.14pm)
Como Ward	Councillor Bronwyn Waugh
Manning Ward	Councillor Blake D’Souza
Manning Ward	Councillor André Brender-A-Brandis
Moresby Ward	Councillor Hayley Prendiville
Mill Point Ward	Councillor Mary Choy
Mill Point Ward	Councillor Nic Coveney

Officers

A/Chief Executive Officer	Ms Anita Amprimo
Director Development and Community Services	Ms Donna Shaw
Manager Development Services	Ms Fiona Mullen
Manager Customer, Communications & Engagement	Ms Danielle Cattalini (Retired at 8.00pm)
Manager Finance	Mr Abrie Lacock
Manager Governance	Ms Toni Fry
Manager People and Performance	Ms Pele McDonald
Governance Coordinator	Mr Morgan Hindle
Governance Officer	Ms Jane Robinson

Gallery

There were approximately 8 members of the public present.

4.1 APOLOGIES

- Nil.

4.2 APPROVED LEAVE OF ABSENCE

- Councillor Jennifer Nevard for the period 23 March 2024 to 25 April 2024 inclusive.

5. DECLARATIONS OF INTEREST

- CEO Mike Bradford – Impartiality Interest in Item 10.5.1 as ‘this item relates to my contract of employment.’
- Mayor Greg Milner – Financial and Proximity Interest in Item 12.1 as ‘one of my campaign donors owns the Coles Local site on the corner of Anstey Street and Angelo Street.’
- CEO Mike Bradford – Impartiality Interest in Item 15.1.1 as ‘this item relates to my contract of employment.’

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

The Presiding Member advised that the responses to previous public questions taken on notice are available in the **Appendix** of these Minutes.

Councillor Glenn Cridland arrived at 6.14pm during consideration of Item 6.2.

6.2 PUBLIC QUESTION TIME: 23 APRIL 2024

The Presiding Member opened Public Question Time at 6.03pm.

Written questions were received prior to the meeting from:

- Ms Margaret Davies-Slate of Como.
- Mr Shayne Sherman of Como.
- Mr John Bassett of Como.

At 6.16pm, in accordance with Clause 6.7 of the City of South Perth Standing Orders Local Law 2007, the Presiding Member extended Public Question Time by an additional 15 minutes to hear those questions not yet heard.

- Mr Barrie Drake of South Perth.

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

There being no further questions, the Presiding Member closed Public Question Time at 6.20pm.

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 26 March 2024

Officer Recommendation AND COUNCIL DECISION

0424/059

Moved: Councillor Nic Coveney

Seconded: Councillor André Brender-A-Brandis

That the Minutes of the Ordinary Council Meeting held 26 March 2024 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, Nic Coveney, Glenn Cridland, Blake D'Souza, Hayley Prendiville and Bronwyn Waugh.

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 matter at Concept Briefings and Workshops:

Date	Subject	Attendees
9 April 2024	Budget Workshop 2	Mayor Greg Milner and Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Hayley Prendiville.
10 April 2024	Community Events and Activation Workshop	Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Hayley Prendiville.
10 April 2024	Local Planning Policy Workshop	Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Hayley Prendiville.

Attachments

Nil.

7.2.2 Council Agenda Briefing - 16 April 2024

Officers of the City presented background information and answered questions on Items to be considered at the April Ordinary Council Meeting at the Council Agenda Briefing held 16 April 2024

Attachments

7.2.2 (a): Briefing Notes

Officer Recommendation AND COUNCIL DECISION

0424/060

Moved: Councillor Nic Coveney

Seconded: Councillor Mary Choy

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

- 7.2.1 Concept Briefings and Workshops
- 7.2.2 Council Agenda Briefing - 16 April 2024

CARRIED (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

8. PRESENTATIONS

8.1 PETITIONS

Nil.

8.2 PRESENTATIONS

Nil.

8.3 DEPUTATIONS

No Deputations were heard at the Council Agenda Briefing held 16 April 2024.

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 the following Agenda Item was a new report and was not presented to the Council Agenda Briefing held 16 April 2024:

- Item 10.5.1 – Chief Executive Officer Key Performance Indicator Report

The Acting Chief Executive Officer confirmed all the report items were discussed at the Council Agenda Briefing held 16 April 2024 with the exception of Item 10.5.1.

ITEMS WITHDRAWN FOR DISCUSSION

- 10.1.1 RFT 12/2023 - Provision of Salter Point Sewer Upgrade
- 10.3.1 Draft Local Planning Policy - Tree Retention (Advertising) and Revocation of P350.5 - Trees on Development Sites and Street Verges
- 10.3.3 Proposed Holiday House, Lot 1, Unit 1/31 Banksia Terrace, Kensington - Section 31 Reconsideration
- 10.4.3 Strategic Community Plan - Minor Review
- 10.5.1 Chief Executive Officer Key Performance Indicator Report
- 15.1.1 Independent Facilitator for Chief Executive Officer Evaluation Process 2023/24

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

Officer Recommendation AND COUNCIL DECISION

0424/061

Moved: Councillor Nic Coveney

Seconded: Councillor André Brender-A-Brandis

10.3.2 State Development Assessment Unit (SDAU) Referral of Significant Development Application (Amendment to Development Approval) - Lots 3 & 4 (Nos. 109 & 111) Robert Street, Como and Lots 118 & 119 (Nos. 469 & 471) Canning Highway, Como

10.4.1 Listing of Payments March 2024

10.4.2 Monthly Financial Statements March 2024

CARRIED (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

10. REPORTS

10.1 STRATEGIC DIRECTION 1: COMMUNITY

10.1.1 RFT 12/2023 - Provision of Salter Point Sewer Upgrade

File Reference: D-24-16650
Author(s): Con Angelidis, Manager Waste, Fleet & Facilities
Reporting Officer(s): Anita Amprimo, Director Infrastructure Services

Summary

This report considers submissions received from the advertising of Tender 12/2023 for the Provision of Salter Point Sewer Upgrade.

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

Officer Recommendation AND COUNCIL DECISION

0424/062

Moved: Councillor Blake D'Souza
Seconded: Councillor Nic Coveney

That Council:

1. Accepts the tender submitted by Pyramids Plumbing Pty Ltd for the Provision of Salter Point Sewer Upgrade in accordance with Tender Number 12/2023 for the period of supply up to 30 June 2024 inclusive;
2. Accepts the tender price of \$362,340.00, included in **Confidential Attachment (a)**;
3. Authorises the Chief Executive Officer to execute the contract with Pyramids Plumbing Pty Ltd for the Provision of Salter Point Sewer Upgrade.

CARRIED (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

Background

A Request for Tender (RFT) 12/2023 for the Provision of Salter Point Sewer Upgrade was advertised in The West Australian on 27 January 2024 and closed at 2pm AWST on 20 February 2024.

The project scope is to connect the Salter Point public toilet into the Ministers sewer. The toilet is currently connected into the septic tank system.

Sewer site and design plan of the proposed works can be found at **Attachment (b)**.

10.1.1 RFT 12/2023 - Provision of Salter Point Sewer Upgrade

Tenders were invited as a Lump Sum Contract.

The contract is for the period up to 30 June 2024.

Comment

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

TABLE A – Tender Submissions

Tender Submission
1. Civcon Civil & Project Management Pty Ltd
2. Hascon Civil Pty Ltd
3. Pyramids Plumbing Pty Ltd
4. Tracc Civil Pty Ltd
5. WA Plumbing Solutions Pty Ltd
6. Westline Plumbing & Drainage Pty Ltd
7. Drainflow Solutions Pty Ltd

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

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Demonstrated experience in completing similar projects/supply similar goods	35%
2. Skills & Experience of key personnel	30%
3. Respondent's resources	30%
4. Environmental and Social Outcomes	5%
Total	100%

Based on the assessment of all submissions received for Tender 12/2023 Provision of Salter Point Sewer Upgrade, it is recommended that the tender submission from Pyramids Plumbing Pty Ltd be accepted by Council.

More detailed information about the assessment process can be found in the Recommendation Report – **Confidential Attachment (a)**.

Consultation

Public tenders were invited in accordance with the *Local Government Act 1995* (the Act).

Policy and Legislative Implications

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

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

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

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

The following Council Policies also apply:

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

Financial Implications

The full cost of the works is included in the 2023/24 budget.

Key Risks and Considerations

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

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

- 10.1.1 (a): RFT 12/2023 - Provision of Salter Point Sewer Upgrade - Recommendation Report (*Confidential*)
- 10.1.1 (b): Sewer Site and Design Plan

10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

10.3.1 Draft Local Planning Policy - Tree Retention (Advertising) and Revocation of P350.5 - Trees on Development Sites and Street Verges

File Ref: D-24-16651
Author(s): Donna Shaw, Director Development and Community Services
Reporting Officer(s): Mike Bradford, Chief Executive Officer

Summary

The purpose of this report is for Council to consider revoking Policy P350.5 – Trees on Development Sites and Street Verges and adopting a new draft Local Planning Policy – Tree Retention for the purpose of advertising.

Officer Recommendation

Moved: Councillor Nic Coveney
Seconded: Councillor Hayley Prendiville

That Council:

1. Pursuant to Schedule 2, Part 2, Clause 6 of the Planning and Development (Local Planning Schemes) Regulations 2015, revokes P350.5 – Trees on Development Sites and Street Verges.
2. Pursuant to Schedule 2, Part 2, Clause 4(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, advertises draft Local Planning Policy – Tree Retention.

Amendment

Moved: Councillor André Brender-A-Brandis
Seconded: Councillor Mary Choy

That Council:

1. Pursuant to Schedule 2, Part 2, Clause 6 of the Planning and Development (Local Planning Schemes) Regulations 2015, revokes P350.5 – Trees on Development Sites and Street Verges.
2. Pursuant to Schedule 2, Part 2, Clause 4(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, advertises draft Local Planning Policy – Tree Retention subject to the following amendments to **Attachment (b)** Draft Local Planning Policy - Tree Retention, Section 10: Definitions;
 - a) Delete the word ‘and’ from (a) and (b) in the definition of a ‘Regulated Tree’; and
 - b) Delete the word ‘and’ from (a), (b), (c) and (d) in the definition of ‘Tree Damaging Activity’.

Reasons for Change

1. The intent of the Draft Local Planning Policy – Tree Retention is to protect and enhance the natural environment by maintaining biodiversity, protecting, and increasing tree canopy, and reducing urban heat island effects.
2. The tree protection provisions assist with the retention of vegetation of significant mature native vegetation.
3. The definition of a regulated tree requires clarity and should be devoid of ambiguity. The currently proposed draft policy creates uncertainty in the definition as this provides for the different elements of the criteria to be required to be achieved together, noted as an ‘and’ whilst simultaneously the ‘or’ implies for the elements are to be separately included to satisfy the definition. The current draft creates uncertainty, as the definition is unclear and when would the ‘and’ versus the ‘or’ be applied? This definition requires amending to ensure the definition is not open to discretionary interpretation or application.
4. The tree-damaging activity definition also creates confusion, uncertainty and discretionary subjectivity. With the tree-damaging activity definition including an ‘and’ between the criterion implies the union of the criterion needs to be achieved to satisfy the definition, and this is not the case. Whilst multiple criteria can satisfy the definition, they should all be considered separately in satisfying the definition and not in combination to satisfy multiple criteria together as with an ‘and’. Including ‘and’ in addition to an ‘or’ in this definition creates ambiguity and will lessen the desired impact of the tree-damaging activity definition.
5. Multiple criteria applying to this definition will still satisfy the tree-damaging activity definition with the use of the connector ‘or’ between the criteria, however applying the ‘and’ connector may preclude some activities from being considered as tree-damaging if all the criteria aren’t satisfied. The uncertainty and discretion as to the application of the tree-damaging activity definition in the draft Local Planning Policy needs to be avoided and this proposed amendment be accepted to achieve the clarity and avoid ambiguity.

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

For: Councillors André Brender-A-Brandis and Mary Choy.

Against: Mayor Greg Milner, Councillors Nic Coveney, Glenn Cridland, Blake D'Souza, Hayley Prendiville and Bronwyn Waugh.

Officer Recommendation AND COUNCIL DECISION**0424/063****Moved:** Councillor Nic Coveney**Seconded:** Councillor Hayley Prendiville

That Council:

1. Pursuant to Schedule 2, Part 2, Clause 6 of the Planning and Development (Local Planning Schemes) Regulations 2015, revokes P350.5 – Trees on Development Sites and Street Verges.
2. Pursuant to Schedule 2, Part 2, Clause 4(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, advertises draft Local Planning Policy – Tree Retention.

CARRIED (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.**Background**

Policy P350.5 – Trees on Development Sites and Street Verges (P350.5) was adopted by Council at its meeting held 25 November 2018 and seeks to promote designing residential development in a manner that retains trees, ensure new trees are planted and to preserve street trees. A copy of P350.5 is contained as **Attachment (a)**.

At its meeting held 26 March 2024, in response to a Notice of Motion from Councillor Hayley Prendiville, Council resolved to request the Chief Executive Officer prepare a Local Planning Policy (LPP) on matters related to tree protection and provision.

CommentPolicy P350.5 – Trees on Development Sites and Street Verges

It is recommended that P350.5 be revoked for the following reasons:

- The Policy was prepared under Town Planning Scheme No. 6 (TPS 6), which has since been revoked by virtue of Local Planning Scheme No. 7 (LPS 7) being gazetted. Various references are made to provisions within TPS 6 throughout the Policy;
- The Policy was prepared pursuant to a previous version of State Planning Policy 7.3 – Residential Design Codes (R-Codes), which did not require Western Australian Planning Commission approval for variations to tree planting requirements of the R-Codes;
- Reference to trees on the City's Register of Tree Preservation Orders is contained within the Policy. Tree Preservation Order provisions were removed under LPS 7;
- Reference to the preservation of dwelling entitlement is included in the Policy. LPS 7 introduced new zoning and density and in any instance, the City cannot vary the average site area requirements under the R-Codes without WAPC approval;
- Reference to valuation methods for tree removal are included, which are not provided in the Council's adopted fees and charges;

10.3.1 Draft Local Planning Policy - Tree Retention (Advertising) and Revocation of P350.5 - Trees on Development Sites and Street Verges

- The Policy addresses matters pertaining to street trees, which are contained within road reserves under the care and control of the local government in accordance with the *Local Government Act 1995* and the *Land Administration Act 1997*. LPPs are applicable to applications for development approval on private property; and
- Reference is made to P350.3 – Carparking, Siting and Design which has since been revoked.

Whilst P350.5 is recommended for revocation for the above reasons, it is noted that any additional matters related to street trees can be considered in a future review of Council Policy P10 – Street Verges.

Draft Local Planning Policy – Tree Provision

WALGA Tree Retention Model Local Planning Policy

The draft Policy is generally consistent with the WALGA model template with the exception of the following:

- Formatting – the draft Policy is consistent with other recently adopted LPPs, and the order of provisions therefore varies (e.g. definitions are included later in the Policy).
- Street Trees - matters related to street trees are addressed via Council Policy and Local Laws.
- Standard Conditions – imposition of conditions is an administrative function, with conditions imposed on a case-by-case basis. The City intends to include the standard conditions contained within the model template within its standard administrative conditions.
- Application of Policy - removing reference to ‘where no development or subdivision is proposed’ in the ‘any tree damaging activity to a regulated tree’ as the Policy itself provides that tree removal or tree damaging activity constitutes works under the *Planning and Development Act 2005*.
- Application Requirements – such information is contained in information sheets and discussed with applicants at pre-lodgement and lodgement meetings, and has not been included in recently adopted LPPs.
- General Requirements – removal of various general provisions of the template relating to retaining trees in perpetuity (trees are living and have a lifespan) and reference to prioritising tree retention and assessment against requirements of the policy, as this is a requirement in any instance and rhetoric that does not add to the statutory process.

Site Area Incentives

A potential incentive for tree retention is increasing the development yield by average site area variations. The R-Codes do not permit the local government to modify the average site area requirements of the R-Codes through an LPP without the approval of WAPC. Whilst the City could seek WAPC approval to vary the average site area requirements for single and grouped dwellings where a significant existing tree is retained via an LPP:

- Such a provision would unlikely meet the criteria of specific need relevant to the locality, as this matter is relevant to all metropolitan local governments;
- An LPP can be used to modify portions of deemed-to-comply criteria related to street setbacks, lot boundary setbacks and access without WAPC approval, which could be used to assist in designing to retain trees and in any instance; and
- Where deemed-to-comply criteria has not been achieved, assessment under the relevant design principles can be undertaken to ensure flexibility in development standards for tree retention regardless of lot size.

Tree Provision

The R-Codes do not permit the local government to modify the tree planting requirements of Part B (low density) or Part C (medium density) of the R-Codes via an LPP without the approval of the WAPC.

Whilst an incentive for tree retention is to offset the number of trees otherwise required to be planted via an LPP where an existing mature tree is retained, the City has not proposed such provisions for the same reason as site area incentives; a provision would unlikely meet the criteria of specific need relevant to the locality, as this matter is relevant to all metropolitan local governments.

Enforcement

The ability for the City to enforce LPP provisions is a relevant consideration in whether to adopt an LPP. Whilst this report recommends Council adopt the draft Policy for the purposes of advertising, should Council adopt the draft Policy following advertising, the provisions detail that tree removal is considered development, and it would therefore become an offence under the *Planning and Development Act 2005* to remove a tree without approval having first being obtained.

Should a tree be removed or damaged, it may be difficult for the City to prove (for the purposes of a prosecution) that the former tree met the criteria contained within the LPP (height, species etc.), which otherwise required a development approval prior to removal.

Whilst the City has aerial imagery and street photography, there is no guarantee that a prosecution action would ultimately be successful. Detailed mapping is therefore required to collect data to enable the City to identify trees over a certain height, consistent with LPP provisions for compliance purposes. If made publicly available, this would also enable landowners to undertake a self-assessment to determine if approval is likely to be required to remove a tree on private property.

Landgate has procured Urban Monitor data from CSIRO for 2024, which was collected in January and is expected to be available mid-2024 which can be used for this purpose. Whilst the City will seek updates as to the specific timeframe and availability, should Landgate data be unavailable, use of a private company could be procured.

Communication

The effect of adopting the Policy is such that tree damaging activity to a regulated tree without prior development approval being obtained is an offence under the *Planning and Development Act 2005*.

Beyond the statutory advertising requirements prescribed in the Regulations, the City considers that more detailed information is required to explain the implications of the draft Policy. Detailed FAQs will therefore be prepared in support of the draft Policy, and if ultimately adopted by Council, a broad community advertising campaign is recommended.

Consultation

Should Council proceed with the draft Policy, the Planning and Development (Local Planning Schemes) Regulations 2015 require public advertising for a minimum of 21 days.

Policy and Legislative Implications

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

“(a) publish in accordance with clause 87 the proposed policy and a notice giving details of

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

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

Financial Implications

Should the City require 3D modelling of tree canopy data from a private company, the cost is approximately \$12,000.

Key Risks and Considerations

Risk Event Outcome	<p>Environmental Damage</p> <p>Includes any detrimental impact upon the natural environment within the City. This includes pollutant spillages and leakages, failure to maintain or enhance the natural environment within the City or its connections with its natural or municipal neighbours.</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>
Risk rating	Medium
Mitigation and actions	<p>In the absence of an appropriate statutory planning instrument, the City has limited ability to maintain tree canopy on private property.</p> <p>In the absence of appropriate data for trees on private property, it may be difficult for the City to prove (for the purposes of a prosecution) that the former tree met the criteria contained within the LPP.</p>

Strategic Implications

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

Strategic Direction: Environment (Built and Natural)
 Aspiration: Sustainable, liveable, diverse and welcoming neighbourhoods that respect and value the natural and built environment
 Outcome: 3.3 Enhanced environment and open spaces
 Strategy: 3.3.2 Enhance the City's urban forrest

Attachments

- 10.3.1 (a): P350.5 - Trees on Development Sites and Street Verges
- 10.3.1 (b): Draft Local Planning Policy - Tree Retention

10.3.2 State Development Assessment Unit (SDAU) Referral of Significant Development Application (Amendment to Development Approval) - Lots 3 & 4 (Nos. 109 & 111) Robert Street, Como and Lots 118 & 119 (Nos. 469 & 471) Canning Highway, Como

Location:	Lots 3 & 4 (nos.109 & 111) Robert Street, Como and Lots 118 & 119 (Nos.469 & 471) Canning Highway, Como
Ward:	Como Ward
Applicant:	Como Baptist Church
File Reference:	D-24-16652
DA Lodgement Date:	28 February 2024
Author(s):	Remajee Narroo, Urban Planner
Reporting Officer(s):	Donna Shaw, Director Development and Community Services

Summary

This report presents the City's recommendation to a request for comment from the State Development Assessment Unit for amendments to a development approval issued by the Western Australian Planning Commission at Lots 3 & 4 (Nos. 109 & 111) Robert Street, Como and Lots 118 & 119 (Nos. 469 & 471) Canning Highway, Como.

The proposal involves amendments to conditions, design revisions which include variations to privacy screening, store areas, balconies and communal open space, the introduction of car stackers, and extending the approval timeframe by 24 months.

Officer Recommendation AND COUNCIL DECISION

0424/064

Moved: Councillor Nic Coveney

Seconded: Councillor André Brender-A-Brandis

That Council advises the State Development Assessment Unit that the proposed amendments are supported subject to the conditions and advice notes specified in the approval letter dated 5 January 2022 issued by the Western Australian Planning Commission, except were amended as follows:

1. The development approval is extended to 9 December 2025. If the development is not substantially commenced by 9 December 2025, this approval shall lapse and be of no further effect.
- 8(b). Prior to occupation or use of the development, part of the East Site Unit 107 balcony shall be screened with a minimum 1.6 metre high visual privacy screen that is at least 75% visually obscure and made of a durable material that integrates with the design of the building to the satisfaction of the Western Australian Planning Commission.
- 8(c). Prior to occupation or use of the development, part of the East Site Unit 108 balcony shall be screened with a minimum 1.6 metre high visual privacy screen that is at least 75% visually obscure and made of a durable material that integrates with the design of the building to the satisfaction of the Western Australian Planning Commission.

8(d). Prior to occupation or use of the development, part of the East Site Unit 205 edge of balcony shall be screened with a minimum 1.6 metre high visual privacy screen that is at least 75% visually obscure and made of a durable material that integrates with the design of the building to the satisfaction of the Western Australian Planning Commission.

Condition No. 11 of the approval letter issued by the Western Australian Planning Commission is deleted and have no further effect.

The following new Conditions are recommended:

Transport, Access and Parking

31. Prior to or in conjunction with the submission of a building permit application, details are to be provided to the satisfaction of the Western Australian Planning Commission, on advice from the City of South Perth relating to the car stacker system, which must achieve the following minimum internal dimensions and specifications for each car bay within the system:

Height: 2.1m;

Length: 5.5m;

Width: 2.5m; and

Weight bearing capacity: 2,600kg.

32. The car stacker system shall be maintained as operational for the life of the development including in the event of a power failure, to the satisfaction of the City of South Perth.

The following Advice Note is recommended:

m. With regard to Condition No. 35, the final Waste Management Plan is to be amended to include the following:

- Dimensions of the dedicated service bay on Lily Lane.
- Dimensions of bin stores and access ways over which the bins will be traversed.
- Dimensions of the embayment for the collection vehicle from Robert Street.
- Location of drainage outlets in each bin storeroom as per the City of South Perth Guidelines for Waste Management Plans - New Multi-residential Developments.
- Location of bulky goods collection room as per the City of South Perth Guidelines for Waste Management Plans - New Multi-residential Developments.

CARRIED BY EXCEPTION RESOLUTION (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

Applicant Details	Altus Planning
Landowner	Como Bridge Pty Ltd and The Baptist Union of Western Australia Inc.

Development Site Details

The development site details are as follows:

Zoning	Centre
Density coding	R-ACO
Lot area	5,720m ² which includes both eastern and western sites.
Building height limit	10 Storeys (32.0m)
Development potential	N/A
Plot ratio limit	N/A

Comment

(a) Background

The Part 17 Significant Development Pathway was a temporary initiative introduced by the State Government in 2020 to encourage major developments as part of its COVID-19 economic recovery program. A 'significant' development means any proposal (except for a Warehouse) with an estimated cost of \$20 million or more.

This temporary pathway is now closed and was replaced by the Part 11B Significant Development Pathway on 1 March 2024 in accordance with the Planning and Development (Significant Development) Regulations 2024. Notwithstanding, the Western Australian Planning Commission (WAPC) will continue to determine applications lodged under Part 17 of the *Planning and Development Act 2005*, including amendments to these applications.

The WAPC is supported in determining Part 17 applications by a team in the Department of Planning, Lands and Heritage - the State Development Assessment Unit (SDAU) and it should be noted that local planning scheme provisions can be varied by the WAPC for this type of application.

At its meeting held 22 June 2021, Council noted:

“1. The development cannot be approved under the City’s Town Planning Scheme No. 6 as it:

- *Does not meet all of the requirements to permit a variation to the 10 storey (32m) building height limit.*

2. *The City offers the following additional comments in relation to the development assessment:*
 - *The proposed Early Learning Centre is not listed as a preferred land use under Element 1 of the Canning Bridge Activity Centre Plan;*
 - *The proposed development does not comply with Element 4 'Street Setbacks', Element 5 'Side and Rear Setbacks', Element 6 'Linking Pathways', Element 7 'Canning Highway', Element 9 'Facades', Element 18 'Parking', Element 19 'Servicing and Functionality', Element 21 'Development Bonus based on Design Considerations' and Element 22 'Development Bonus based on Community Considerations' of the Canning Bridge Activity Centre Plan;*
 - *The City recommends that the Transport Impact Assessment be peer reviewed and approved by Main Roads Western Australia; and*
 - *The City notes that the consideration for bonus height and exemplary design is largely dependent on the part closure of the Robert Street road reserve to accommodate a proposed public plaza. The City recommends that this application not be approved until the part closure of the Robert Street road reserve is determined by the Council.*
3. *That if the Western Australian Planning Commission is of the view to support the proposal using the special provisions under Part 17 of the Planning and Development Act 2005, the City has included 'without prejudice' conditions of development approval in Attachment (a).*
4. *The City will submit a separate advice letter to the State Development Assessment Unit (SDAU) addressing technical considerations including waste management, parking design, landscaping and related matters."*

The application was subsequently considered by the WAPC at its meeting held 9 December 2021 where it resolved to approve the application in accordance with Part 17 of the *Planning and Development Act 2005*. A copy of the determination notice is included in **Attachment (a)**.

(b) **Description of the Surrounding Locality**

The site has a frontage to Canning Highway to the southeast, Cassey Street to the South, Robert Street to the north and Lily Lane to the west. The site immediately abuts two single storey houses and one two storey single house to the north, as seen in Figure 1 below:



Figure 1: Aerial image of the subject site.

(c) **Existing Development on the Subject Site**

The subject site is located at Lots 3 & 4 (Nos. 109 & 111) Robert Street, Como and Lots 118 & 119 (Nos. 469 & 471) Canning Highway, Como. The existing development on Lots 3 & 4 (Nos. 109 & 111) Robert Street, Como currently contains a Place of Worship, associated Office, auditorium and early learning centre. Lots 118 & 119 (Nos. 469 & 471) Canning Highway, Como, are currently vacant.

Lot 119 contains a large Tuart Tree which was registered on the City's Significant Tree Register. Provisions relating to significant trees were removed by the Minister for Planning when approving Local Planning Scheme No. 7 (LPS 7) and as such, the tree has no statutory protection.

(d) **Description of the Proposal**

The proposal involves the redevelopment of the existing sites and the construction of a mixed-use development. Specifically, the proposed development comprises of three towers, two of which are to be located at Nos. 109 and 111 Robert Street (the West Site) and developed around the Place of Worship, with the third tower located at Nos. 469 and 471 Canning Highway (the East Site). The tower on the East Site proposes a maximum height of 10 storeys, whilst the towers on the West Site propose a maximum height of 15 storeys. Both the East and West sites will be serviced by two levels of basement parking, with an access point for each site's basement levels provided from Robert Street.

(e) **Assessment Comments**

The application is required to be assessed against the requirements of the Canning Bridge Activity Centre Plan (CBACP) and State Planning Policy - Residential Design Codes - Volume 2 – Apartments (R-Codes).

This application seeks amendments to the development approval granted by the WAPC which include conditions of approval, design revisions, car stackers and a request for an extension to the development approval timeframe for a further two years.

It is noted that the amendments/design revisions relate to the proposed building on the East Site. The amended plans and planning report submitted as part of this application are contained as **Attachments (b)** and **(c)** respectively.

The City's consideration of the proposed amendments to the development approval are as follows:

Conditions 8(b), 8(c) and 8(d) - Visual Privacy Variations

Units 107 and 108 have been amalgamated from two studio apartments into one two-bedroom apartment which is now Unit 107, reducing the total number of apartments in Stage 1 to 86 and the total number of apartments across the entire development from 224 to 223. Given the amalgamation of Units 107 and 108, Unit 109 becomes Unit 108 as denoted on the amended plans. The following visual privacy variations have been identified as a result of the proposed design modifications:

- The visual privacy setback from part of the balcony of Unit 107 to the northern boundary is 4.7m in lieu of the required 6.0m. The cone of vision will extend into the rear of the adjoining northern property (102 Robert Street, Como).
- The redesigned revised Unit 108 results in a visual privacy setback variation of 4.0m in lieu of the required 6.0m to 102A Robert Street, Como.
- Unit 204 balcony and the community garden deck comply with the privacy requirements. Part of the balcony to unit 205 is setback 5.5m in lieu of 6m to the northern boundary which will result in overlooking of the backyard of the adjoining property at 102A Robert Street Como.

The City does not support these variations as they do not satisfy the element objectives for visual privacy in accordance with the R-Codes. To address the above visual privacy variations of the R-Codes, Condition 8(b), 8(c) and 8(d) are proposed to be amended to require screening with a minimum 1.6m high visual privacy screen that is at least 75% visually obscure and made of a durable material that integrates with the design of the building, to the satisfaction of the City of South Perth.

It is also noted that the floor area of the balconies of units 204 and 205 have been reduced to provide a new communal open space for all residents. A 2.1m high privacy screen/fence is proposed between the major openings of units 204, 205 and the community garden deck which will minimise overlooking and noise impacts from the community garden deck to these two units, which is supported.

Condition 11

Condition 11 provided the following:

“Enclosure of balconies to create ‘winter gardens’ is only to be applied to balconies facing Canning Highway where it has been demonstrated that the associated apartments have unacceptable road traffic noise ingress, with the balcony enclosures to be fully openable above a 1.0m balustrade height, with final details being submitted to and approved by the Western Australian Planning Commission, prior to submission of the relevant building permit application. “

This submitted plans indicate wintergardens with a masonry balustrade up to 1m with fully openable glazing above all balconies facing Canning Highway and as such, it is recommended that the condition be deleted.

Car Stackers for Parking

The basement plans have been amended to provide car stackers for parking which will provide an additional 13 car parking spaces.

A revised Transport Memorandum - Car Parking has been submitted as part of this amended application to support the revised parking arrangement and vehicle trip movements generated by the development.

Two new conditions are recommended to ensure design compliance in this respect.

Store Areas

The approved development provided storage units in dedicated store areas within the apartments and the basement. As a result of the modification to car parking, additional storage space is available for units and as such, some units will have dedicated storage in the basement whilst others will rely on the initial arrangement of split storage areas.

The revised proposal provides a greater number of units with one dedicated storage area which is supported.

Balconies

The balconies on levels 7, 8 and 9 have been redesigned to improve amenity, usability and for structural requirements. Specifically, specified balconies have been amended in size, additional private open space created and in one Unit, a balcony provided as opposed to a balcony and wintergarden to increase useability, all of which are supported.

Communal Open Space

The approved development provided a total area of 302m² of communal open space split into the communal roof terrace on Level 9 and the roof. The amended plans propose communal open space within varied areas on levels 2,7, 9 and 10, resulting in a total area of 325m². The revised communal open space is supported.

10.3.2 **State Development Assessment Unit (SDAU) Referral of Significant Development Application (Amendment to Development Approval) - Lots 3 & 4 (Nos. 109 & 111) Robert Street, Como and Lots 118 & 119 (Nos. 469 & 471) Canning Highway, Como**

Extension of Development Approval

The applicant has requested that the development approval be extended for a further two years to enable the development to be substantially commenced by 9 December 2025. In considering an extension of approval, the following is relevant:

1. Whether the planning framework has changed substantially since the development approval was granted;
2. Whether the development would likely receive approval now; and
3. Whether the applicant has actively and relatively conscientiously pursued the implementation of the development approval.

Whilst LPS 7 has since been gazetted, this has not resulted in changes to the assessment framework within the CBACP and given the proposed amendments are minor in nature, the development would likely receive approval by the WACP.

As detailed in the Planning Consultant report, the applicant has actively and relatively conscientiously pursued the implementation of the development approval by appointing a Quantity Surveyor and Specialist Engineering Consultants, as well as actively marketing the development.

Given the above, it is recommended that the approval be extended for a further two years.

(f) Consultation

Advertising has been undertaken by the SDAU. The SDAU has advised that no submissions were received during the consultation period.

(g) Landscaping

The City's previous advice to the SDAU required the Tuart tree located within the site to be protected during construction. Whilst the City has no statutory mechanism to protect the tree, the City's previous advice remains unchanged.

(h) Waste Services

Condition No.35 required a final Waste Management Plan be submitted and approved by the WAPC, on advice from the City. A detailed advice note has been recommended for inclusion to specify the matters to be addressed in this plan.

Policy and Legislative Implications

Nil.

Financial Implications

Nil.

Key Risks and Considerations

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

Strategic Implications

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

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

Sustainability Implications

Nil.

Conclusion

The amendments are considered minor in nature and, subject to appropriate conditions, are not considered to have an adverse impact on the amenity of adjacent properties. Accordingly, it is recommended that Council advises the SDAU supports the application subject to the amended conditions and advice notes.

Attachments

- 10.3.2 (a): Copy of Approval Letter WAPC
- 10.3.2 (b): Amended Development Plans
- 10.3.2 (c): Consultant Planning Report

10.3.3 Proposed Holiday House, Lot 1, Unit 1/31 Banksia Terrace, Kensington - Section 31 Reconsideration

Location: Lot 1, Unit 1/31 Banksia Terrace, Kensington
Ward: Moresby Ward
Applicant: Ms Shylet Y Maphosa
File Reference: D-24-16653
DA Lodgement Date: 3 July 2023
Author(s): Fiona Mullen, Manager Development Services
Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

The purpose of this report is for Council to reconsider its previous refusal of a change of use from a Single House to a Use Not Listed (Short-Term Accommodation) at Lot 1, Unit 1/31 Banksia Terrace, Kensington under section 31 of the *State Administrative Tribunal Act 2004*. The application is recommended for approval.

Officer Recommendation AND COUNCIL DECISION

0424/065

Moved: Councillor Hayley Prendiville

Seconded: Councillor Nic Coveney

That pursuant to the provisions of the City of South Perth Local Planning Scheme No. 7 and the Metropolitan Region Scheme, the application for development approval for a Holiday House on Lot 1, Unit 1/31 Banksia Terrace, Kensington, **be approved** subject to the following conditions:

1. A maximum of six occupants are permitted on site at any one time.
2. The use must be undertaken in accordance with the submitted Management Plan dated 6 March 2024 at all times, to the satisfaction of the City of South Perth.

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

CARRIED (7/1)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza and Hayley Prendiville.

Against: Councillor Bronwyn Waugh.

Applicant Details	Ms Shylet Y Maphosa
Landowner	Ms Shylet Y Maphosa

Development Site Details

The development site details are as follows:

Zoning	Residential
Density coding	R80
Lot area	282m ²
Building height limit	14m

Comment

(a) Background

In July 2023, the City received an application for a change of use from a Single House to a Use Not Listed (Short-Term Accommodation) at Lot 1, Unit 1/31 Banksia Terrace, Kensington. A copy of the building plans and Management Plan submitted with the application are contained in **Attachment (a)**.

The application was required to be determined by Council as the proposed land use was a 'Use Not Listed' under Town Planning Scheme No. 6 and therefore fell outside of the delegation to Officers.

Whilst the application was recommended for conditional approval by the City, the application was refused by Council at its meeting held 12 December 2023 for the following reasons:

- “1. *The proposed short-term accommodation is situated adjacent low-medium, density residential dwellings and will adversely impact the residential amenity of adjacent owners and occupiers associated with noise disturbance from guest activity and is not consistent with the object of the zone.*
2. *The proposed short-term rental accommodation is an introduction of a commercial land use in an area that is surrounded by premises used for permanent residential purposes.*
3. *The proposed use does not identify how carparking and safe ingress and egress will be dealt with.*
4. *The management plan is not able to ensure the behaviours of the guests and visitors will not have an ongoing impact on the amenity of existing residents given the context of the subject site, that will have a consequential impact on the residential use by surrounding residents.*
5. *The application is inconsistent with the requirements of orderly and proper planning.”*

On 17 January 2024 the City received notice that the applicant had made an application to the State Administrative Tribunal (SAT) for review.

Following mediation and the submission of further information, the City was invited by the SAT to have Council reconsider its previous decision.

It is noted that the City's Local Planning Scheme No. 7 (LPS 7) was gazetted on 27 March 2024. The proposed land use is now a 'Holiday House' under LPS 7. Council determination is required for a Holiday House land use and those applications previously considered by Council under Delegation DC690 to LPS 7.

(b) Description of the Surrounding Locality

The existing development on the site are two (two storey) grouped dwellings. The proposal is contained within the front dwelling as depicted in the site photographs at Attachment (b).

The site is located on the corner of Banksia Terrace and Flax Lane, in close proximity to Canning Highway, and is surrounded by a mixture of single house and grouped dwelling developments to the west, north and east as seen in **Figure 1** below:



Figure 1: Aerial image of the subject site

(c) Description of the Proposal

The application is for a change of use from a Single House to a Holiday House (to be used for the purposes of short-term rental accommodation). Following mediation, the applicant submitted a revised Management Plan in support of the proposal as detailed below.

Previous Management Plan	Revised Management Plan
Check in and Check out Times: 3:00pm – 9:00pm	3:00pm – 10:00pm
Number of Guests: Maximum six adults	Maximum six guests (can include adults and children)
Length of Stay: Minimum two nights	Minimum three nights
Mitigation and Complaints: The property would be equipped with a noise monitoring device that will notify the owner and guests through an SMS and call alert if the noise level exceeds acceptable levels.	Additional information in relation to noise monitoring equipment. Five noise monitors will be strategically placed throughout the property including both external courtyards and the front door facing the carport.

Car Parking: Two vehicle parking bays are available on site.	Additional parking information. Guest will also be advised that vehicles should not use Flax Lane/Hovia Terrace to access Canning Highway.
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The revised Management Plan dated March 2024 and supporting information is contained in **Attachment (c)**.

(d) Land Use

A Holiday House is a 'D' (i.e. discretionary) use in the Residential zone under LPS 7 which means that the use is not permitted unless the local government has exercised its discretion by granting development approval.

(e) Short Term Accommodation Policy

Local Planning Policy P350.18 – Short-Term Accommodation (Policy) was adopted by Council at its meeting held 27 March 2018 and seeks to facilitate the provision of self-contained visitor accommodation for short term occupancy and guide decision making in respect to the appropriateness of various forms of tourist accommodation facilities, as determined by the locality, the appropriateness of facilities and scale of the proposal.

The following outlines those matters that do not comply with the Policy:

Matter	Comment
(i) The proximity of the development site to tourist features. The City will generally not support proposals located more than 400m walking distance from a site, feature or area considered to be of tourism significance, or located in isolated locations such as cul-de-sac streets or in rear grouped dwellings. Sites and features considered to be of tourism significance include Perth Zoo, regional foreshore reserves, activity centres and Curtin University.	Following mediation, the applicant provided further justification in relation to the proximity of the application site to tourist features (Policy requirement 2.0 (a)), emphasising the properties proximity to the Canning Highway/Douglas Avenue centre being an established commercial strip and the availability a high frequency bus route on Canning Highway leading to popular attractions such as the Swan River Foreshore and Perth Zoo. The Canning Highway/Douglas Avenue centre is not identified as an activity centre, and whilst the subject site is not within 400m walking distance of a tourist site, it is located within 60m of a high frequency bus route which provides access to a number of tourist attractions.

<p>(iii) The potential impact of increased vehicle access demand to a site, namely whether the proposal results in a significant increase in the volume of vehicle traffic and/or movements in the area. The City may request a transport impact assessment for proposals likely to generate large volumes of vehicle traffic.</p>	<p>A proposed maximum number of guests remains unchanged at six guests. The existing grouped dwelling provides two car parking bays.</p> <p>Notwithstanding, it is considered unlikely that guests would require six separate vehicles. Compliance with the City's Parking Local Law 2017 is otherwise required for on-street parking. The Local Law does not prohibit street parking in this area.</p> <p>The applicant has advised that guests will also be advised at the time of booking that parking is available on site for two vehicles only.</p> <p>The revised Management Plan also requires guests to be provided with a guidebook that details vehicles should not use Flax Lane/Hovia Terrace to access Canning Highway.</p>
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(f) Western Australian Planning Commission Position Statement: Planning for Tourism and Short -Term Accommodation (Statement)

The intent of the Statement is to:

- Guide the appropriate location and management of tourism and short-term rental accommodation land uses through the planning framework.
- Facilitate acceptable development of new and evolving tourism opportunities.
- Provide a high-level of amenity in tourism areas.
- Deliver quality land use planning outcomes.

In accordance with clause 67(2)(e) of the Deemed Provisions, due regard must be given to the Statement when assessing a development application. It is considered the proposal satisfactorily addresses all relevant considerations outlined above.

(g) Compatibility and Amenity

Clause 67(2)(m) and Clause 67(2)(n) of the Deemed Provisions requires the local government to have regard to the compatibility of the proposal with its setting as well as amenity considerations (including environmental, character and social impacts).

The applicant has provided additional information in relation to noise management and stated that five noise monitors will be strategically placed throughout the property including both external courtyards and the front door facing the carport. It is considered that these controls will mitigate potential adverse amenity impacts to nearby landowners and occupiers.

Furthermore, the applicant is proposing a minimum three-night stay policy to discourage the misuse of the property for parties etc.

10.3.3 Proposed Holiday House, Lot 1, Unit 1/31 Banksia Terrace, Kensington - Section 31 Reconsideration

Based on the above, it is considered that the risk of amenity impacts to surrounding landowners is low, where the management plan is followed correctly. The assurance that the property will not be utilised for events and/or large gatherings would result in the dwelling not being used beyond what could be reasonably expected within a low to medium density residential area.

The proposed development is considered satisfactory subject to compliance with the Management Plan, which has been recommended as a condition.

(i) Proposed Amendments to the Planning and Development (Local Planning Schemes) Regulations 2015

In early April 2024, the State Government released amendments to the Regulations to introduce 'Hosted Short-Term Rental accommodation' and 'Unhosted Short-Term Rental accommodation' land uses and associated exemptions from the requirement to obtain development approval.

The proposed use is considered 'Unhosted Short-Term Rental Accommodation' as the owner or occupier, or an agent of the owner or occupier, does not ordinarily reside at the dwelling nor will reside during the short-term rental arrangement.

When the Regulations come in effect (expected late 2024), Unhosted Short-Term Rental Accommodation will be exempt from the need to obtain development approval if the property is not rented for more than 90 nights in a 12-month period.

The applicant seeks to obtain development approval to provide greater use of the premises for STRA, however, should Council refuse the application, the applicant will be able to use the premises for STRA for less than 90 nights in a 12-month period without development approval once the Regulations are in effect in any instance.

(j) Consultation

Consultation was previously undertaken in accordance with the Regulations and Local Planning Policy – Advertising of Planning Proposals.

Advertising was undertaken for a period of 28 days between 4 October 2023 and 1 November 2023. A total of 378 letters were sent to owners and occupiers within a 200m radius of the application site, a sign erected on site and a copy of the application was made available on the City's website.

At the close of the consultation period, no submissions were received.

No further consultation has been undertaken.

Policy and Legislative Implications

In accordance with clause 68(2) of the Deemed Provisions, the local government may determine an application for development approval by:

- (a) granting development approval with conditions; or
- (b) granting development approval with conditions; or
- (c) refusing to grant development approval.

Financial Implications

This determination has minimal financial implications, however, should Council reaffirm its earlier decision to refuse the application, the matter may progress to a final hearing at the State Administrative Tribunal, which will incur further consultant fees for representation.

To date the City has expended \$6,599.32 in consultant fees, in addition to staff time. It is estimated should the matter progress to a hearing, a further \$19,500 would be expended on consultants' fees.

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	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring.

Strategic Implications

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

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

Sustainability Implications

Being non-residential land uses of a non-sensitive nature, it is considered that the development enhances sustainability by providing local businesses and employment opportunities.

Conclusion

Notwithstanding that no objections to the proposal were received during advertising, the City acknowledges that the land use, if not managed appropriately, has the potential to result in adverse impacts to nearby residents. The City considers that the revised detailed and extensive Management Plan proposed can appropriately mitigate any potential amenity impacts.

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

Attachments

- 10.3.3 (a):** Building plans and original management plan
- 10.3.3 (b):** Site photographs
- 10.3.3 (c):** Management Plan March 24 and Supporting Information

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 Listing of Payments March 2024

File Ref: D-24-16654
Author(s): Abrie Lacock, Manager Finance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report presents to Council a list of accounts paid under delegated authority between 1 March 2024 to 31 March 2024 for information. It also includes purchase card transactions between 1 February 2024 to 29 February 2024 in line with new legislative requirements. The City made the following payments:

EFT Payments to Creditors	(441)	\$6,283,034.88
Cheque Payment to Creditors	(3)	\$3,177.90
Total Monthly Payments to Creditors	(444)	\$6,286,212.78
EFT Payments to Non-Creditors	(71)	\$256,184.24
Cheque Payments to Non-Creditors	(27)	\$17,874.78
Total EFT & Cheque Payments	(542)	\$6,560,271.80
Credit Card Payments	(86)	\$23,151.84
Fleet Card Payments	(35)	\$2,542.92
Total Payments	(663)	\$6,585,966.56

Officer Recommendation AND COUNCIL DECISION

0424/066

Moved: Councillor Nic Coveney
Seconded: Councillor André Brender-A-Brandis

That Council receives the Listing of Payments for the month of March 2024 as detailed in **Attachment (a)**.

CARRIED BY EXCEPTION RESOLUTION (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

Background

Council has delegated to the Chief Executive Officer (CEO) the exercise of 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 Council at the next Ordinary Meeting of the Council after the list is prepared. The Local Government (Financial Management) Regulations 1996 have been amended. Regulation 13A have been inserted requiring payments made with purchase cards to be included in the list of accounts paid.

Comment

The payment listing for March 2024 is included in **Attachment (a)**.

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

The report records payments are classified as:

- Creditor Payments
These include payments by both cheque and EFT to regular suppliers with whom the City transacts business. The reference numbers represent a batch number of each payment.
- Non-Creditor Payments
These are one-off payments that include both cheque and EFT that are made to individuals/suppliers who are not listed as regular suppliers. The reference numbers represent a batch number of each payment.
- Purchase Cards
Purchase card payments are included in the listing of payments as required by the amended Regulations. The amended Regulations requires the City to prepare a list of the payments made with each card and to present it to Council. Due to the time lag between receiving the statements and the successful acquittal of transactions in the City’s system this listing will always be for the month preceding the month for which creditor and non-creditor payments are being reported.

Details of payments made by direct credit to employee bank accounts, in accordance with contracts of employment, are not provided in this report for privacy reasons. The payments of bank fees, such as merchant service fees which are directly debited from the City’s bank account in accordance with the agreed fee schedules under the contract for provision of banking services, are also not provided in this report.

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

The payment of authorised amounts is within existing budget provisions.

Key Risks and Considerations

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

Strategic Implications

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

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

Attachments

10.4.1 (a): Listing of Payments March 2024

10.4.2 Monthly Financial Statements March 2024

File Ref: D-24-16655
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

0424/067

Moved: Councillor Nic Coveney
Seconded: Councillor André Brender-A-Brandis

That Council notes the Financial Statements and report for the month ended 31 March 2024.

CARRIED BY EXCEPTION RESOLUTION (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

Background

Regulations 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. In addition to the above Regulation 35 requires a local government to present a Statement of Financial Position. The 2023/24 budget adopted by Council on 27 June 2023, determined the material variance amounts of \$10,000 or 10% for the financial year. The Financial Management Reports contains an Original and Revised Budget column for comparative purposes.

Comment

The Statement of Financial Position and the Statement of Financial Activity is required to be produced monthly in accordance the Local Government (Financial Management) Regulations 1996. The Statement of Financial Activity is a financial report 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.

Despite monetary policy measures taken by central banks across the globe inflation worldwide including Australia remains stubbornly high. The monthly weighted average CPI of eight capital cities February 2023 to February 2024 of 3.4% is still regarded as too high. This monthly CPI figure has remained at 3.4% for the last 3 months. The next quarterly CPI is scheduled for release in late April. Indications are that CPI will remain higher than the Reserve Bank of Australia (RBA) target rates of between 2% and 3%.

To curb the high inflation the RBA have raised interest rates. The cash rate target increased from 0.10% in June 2022 to the current 4.35%. At its March meeting the RBA decided to leave the cash rate target unchanged.

The RBA made the following statement at its Board meeting of 19 March 2024: “While there are encouraging signs that inflation is moderating, the economic outlook remains uncertain. The December quarter national accounts data confirmed growth has slowed. Household consumption growth remains particularly weak amid high inflation and the rise in interest rates. After recent declines, real incomes have stabilised and are expected to grow from here, which is expected to support growth in consumption later in the year.”

Council adopted the midyear budget review on 27 February 2024 reflecting a forecasted operating surplus (\$0.76m) as opposed to the original budgeted operating loss (-\$1.06m). The year-to-date budget versus actual expenditure have been updated to reflect the revised budget. Budget phasing has also been revised as part of the review this is demonstrated by the lower year-to-date (YTD) variances between revised budget and actual results. The City continues to prudently manage its finances whilst remaining conscious of the need to provide quality services to our community.

Actual income from operating activities for March year-to-date (YTD) is \$66.24m in comparison to budget of \$66.09m, favourable to revised budget by \$0.15m or 0.23%. Actual expenditure from operating activities for March is \$49.78m in comparison to the budget of \$49.74m, unfavourable to budget by \$0.03m or 0.07%. The March Net Operating Position of \$16.46m is \$0.12m favourable in comparison to budget.

Capital Revenue is only marginally higher than budget by \$0.01m, \$1.29m compared to budget of \$1.28m, revenue recognition is dependent on capital project completion. Actual Capital Expenditure YTD is \$6.87m in comparison to budget the budget of \$6.84m marginally higher than the revised budget by \$0.03m or 0.22%. A variance analysis is provided within **Attachment (e)** titled Significant Variance Analysis.

Cash and Cash Equivalents which amounted \$77.95m, \$9.10m more than the prior year comparative. 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 seems to have steadied, with banks offering average interest rates of 4.69% for investments under 12 months. The City holds a portion of its funds in financial institutions that do not invest in fossil fuels. Investment in this market segment is contingent upon all the other investment criteria of Policy P603 Investment of Surplus Funds being met. At the end of March 2024, the City held 39.85% 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 regulations 34 and 35 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 Strategic Community Plan - Minor Review

File Ref: D-24-16656
Author(s): Fleur Wilkinson, Coordinator Organisational Planning & Performance
Pele McDonald, Manager People and Performance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

The purpose of this report is to provide an overview of the minor review conducted of the City's Strategic Community Plan (SCP) 2021-2031 and gain endorsement of the changes made to adopt the new SCP.

Officer Recommendation AND COUNCIL DECISION

0424/068

Moved: Mayor Greg Milner
Seconded: Councillor Nic Coveney

1. That Council adopts the revisions to the Strategic Community Plan 2021-2031 as contained in **Attachment (a)**.
2. That Council confirms the minor review is complete.

CARRIED BY ABSOLUTE MAJORITY (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

Background

The [Strategic Community Plan 2021 - 2031](#) (SCP) was endorsed by Council at the 14 December 2021 Ordinary Council Meeting following a major review. Section 19C of the Local Government (Administration) Regulations 1996 specify:

- “(4) A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) In making or reviewing a strategic community plan, a local government is to have regard to:*
- (a) the capacity of its current resources and the anticipated capacity of its future resources; and*
 - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
 - (c) demographic trends.*

10.4.3 Strategic Community Plan - Minor Review

- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan”*

The [Department of Local Government, Sport and Cultural Industries \(DLGSC\) Integrated Planning and Reporting Framework \(IPRF\) Guidelines](#) suggests that the SCP is reviewed every two years, alternating between major and minor reviews.

DLGSC’s IPRF Guidelines go on to suggest that:

“A Minor Strategic Review is primarily a desktop exercise and usually focuses on resetting the Corporate Business Plan with consequential amendments to the core informing strategies as required. Assuming there are no major changes proposed, community engagement is discretionary. However, if significant changes are on the cards, then community engagement or consultation is expected. The degree of consultation or engagement should be reflective of the significance of the proposed change.”

Comment

A Strategic Community Plan (SCP) is the starting point of the Integrated Planning and Reporting Framework (IPRF). It is a long term, overarching strategy document that outlines the community’s aspirations and priorities for the future and sets out the key strategies required to achieve these.

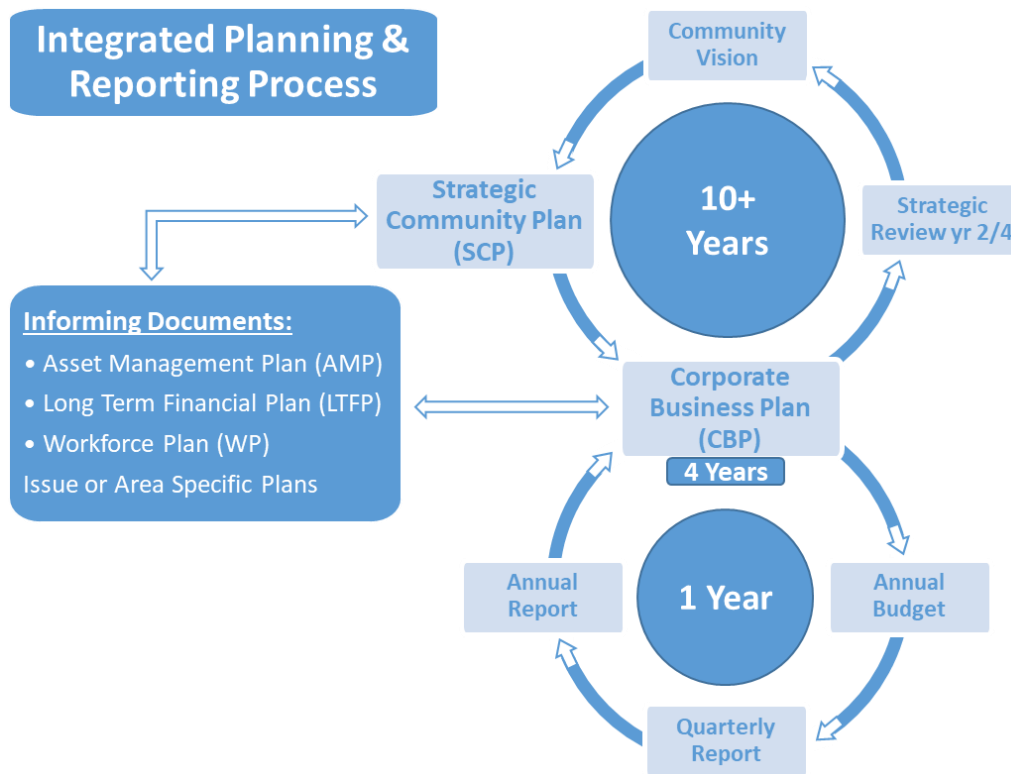
Once the SCP is adopted, a Corporate Business Plan (CBP) should be developed and adopted that articulates how and when things will be undertaken to deliver on the community vision as articulated in the SCP. The CBP outlines in detail the projects, services and performance measurements required to ensure delivery of the SCP.

The IPRF is the overarching framework that encompasses both the SCP and CBP and the suite of strategic and operational informing documents that the City is required by legislation to prepare with the involvement of the community.

Informing plans include the:

- Asset Management Plans (AMP);
- Workforce Plan (WP); and
- Long Term Financial Plan (LTFP).

The diagram below shows how all of the elements of the IPRF fit together to deliver and report on Council priorities which are informed by the community vision and aspirations.



Impacts of Local Government Act Reform

As part of the *Local Government Act* reform, changes are proposed to the IPRF. This includes changing the current requirement for a local government to ‘plan for the future’ to a requirement for a local government to prepare a ‘Council Plan’.

The timing of the commencement of the new legislative requirements is subject to the development of the Regulations. The Regulations will provide the detail of the new requirements and the DLGSC has advised that they hope to have the Regulations passed later in 2024.

Whilst the structure and form of the Regulations remains unknown, a key point communicated by the DLGSC indicated that the changes will include the requirement to align the Council Plan reviews with the Council election cycle. Depending on the timing of the enactment of the legislation, the first Council Plan may be required to be endorsed for implementation commencing on 1 July 2026.

The minor review of the City’s SCP in 2024 will align the review cycle with the Council election cycle and set up the process to be in sync with the proposed timing requirements of the new Regulations and Council Plan. It is proposed to commence the process for a major strategic review (i.e. the development of a Council Plan) in 2024/25.

Minor Review

In principle, and further to DLGSC's advice that the minor review be predominantly a desktop exercise, a minor review of the SCP should not result in significant changes to the strategic intent and therefore should not require community engagement. The minor review process ideally should consider changes in external context and any resulting impacts. Generally, this results in minor amendments to the wording of strategies and updates to the contextual information provided in the SCP. Resulting changes will then be incorporated into the annual review of the CBP due to be endorsed by Council in June 2024.

This review was completed through sessions with the City's Leadership Team and Elected Members to identify changes required to the 2021 - 2031 SCP as follows:

5 February 2024 - Leadership Team workshop

- Environmental scan to determine changes in aspects including political, economic, sociocultural, technological, environmental and legal (PESTEL).
- Review of the priorities and strategies in the SCP, using the PESTEL analysis as a point of reference.

12 February 2024 – Leadership Team workshop

- Finalisation of the proposed amendments, with the result being minor wording changes, removal of duplications and any completed strategies.

5 March 2024 - Elected Members workshop

- Consultation with respect to the minor review and the proposed changes.

The review identified minor changes to update demographic & statistical information, a new message from the Mayor, updated dates throughout, plus some minor grammatical text changes. More significantly, the review recognised the need to delete two strategies that were either complete or considered duplicated by another strategy and the amalgamation of the 'Local Business' and 'Activated Places' outcomes.

The main changes to the 2021 - 2031 Strategic Community Plan as a result of the minor review are tabled below.

Page	Page heading	Change made
Page 3	Message from the Mayor	Updated with new message from Mayor
Pages 6- 7	About Our City	Updated demographic and statistical information
Pages 8-11	How the plan was developed and will be used	Wording changes to include specifics of the minor review and summarise the previous major review as historical as well as incorporating reference to the Local Government Act reform
Page 14	Our plan at a glance	Updates in accordance with changes to the outcomes and strategies within each strategic direction

Page 17	Community	Wording and grammatical changes as follows: Priorities: Dot points 3 and 4 Strategies: 1.1.1, 1.1.2, 1.2.1, 1.2.2, 1.2.3 Strategy Deleted: 1.3.2 (completed)
Page 19	Economy	Wording and grammatical changes as follows: Priorities: Dot points 1, 2 and 3 Strategies: 2.1.2, 2.1.3, 2.1.4, 2.1.5 Strategy Deleted: 2.2.1 (duplicated in 1.1.1) Outcomes: Local Business and Activated Places combined into Outcome 2.1
Page 21	Environment (Built and Natural)	Wording and grammatical changes as follows: Priorities: 'Natural' Dot points 1, and 3 Strategies: 3.1.1, 3.3.1, 3.3.2, 3.3.4, 3.4.1
Page 23	Leadership	Wording and grammatical changes as follows: Priorities: Dot point 1 Strategies: 4.1.1, 4.2.1
Pages 24-25	Delivering on the plan	Dates updated

The DLGSC guidelines state 'assuming there are no major changes proposed, community engagement is discretionary'. Given that an extensive consultation and engagement process was undertaken when formulating the SCP and as no major changes were made during this minor review process, the need to engage was limited to internal (Leadership Team and Elected Members).

The proposed changes to the SCP strategies will now be incorporated into the review and amendment of the City's CBP, which is to be presented to Council in June 2024. The changes will also flow through to the applicable informing plans and reporting documents, including the quarterly progress report and annual report.

Consultation

Extensive consultation with the community was undertaken as part of the development of the SCP in 2021. As no major changes have been made, the minor review has only required consultation with the Leadership Team and Elected Members.

Policy and Legislative Implications

Local Government Act 1995

Local Government (Administration) Regulations 1996

Financial Implications

The updated SCP will help guide the City's financial planning, including the LTFP and annual budgets.

Key Risks and Considerations

Risk Event Outcome	<p>Legislative Breach</p> <p>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</p> <p>Reputational Damage</p> <p>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.</p>
Risk rating	Low
Mitigation and actions	Minor review of the SCP has followed the recommendations of the DLGSC Guidelines and the requirements of the regulations.

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:	4.1 Engaged community and leadership
Strategy:	4.1.1 Engage, consult and listen to our community to understand and deliver on identified priorities

Attachments

10.4.3 (a): Strategic Community Plan 2021 - 2031 - Reviewed March 2024

10.5 MATTERS REFERRED FROM COMMITTEE MEETINGS

CEO Mike Bradford declared an Impartiality Interest in Item 10.5.1.

10.5.1 Chief Executive Officer Key Performance Indicator Report

File Ref: D-24-16693
Author(s): Pele McDonald, Manager People and Performance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report seeks the CEO Evaluation Committee's consideration of the Chief Executive Officer's Key Performance Indicator Report, 1 July 2023 to 30 June 2024.

Officer, Committee Recommendation AND COUNCIL DECISION

0424/069

Moved: Mayor Greg Milner
Seconded: Councillor Nic Coveney

That the CEO Evaluation Committee recommends to Council that it receives the Chief Executive Officer's Key Performance Indicator Report, 1 July 2023 to 30 June 2024 as contained in **Confidential Attachment (a)**.

CARRIED (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

Background

On 27 June 2023, Council endorsed the Chief Executive Officer's performance review evaluation process, evaluation instrument and KPI's for the review period.

Comment

The Chief Executive Officer has prepared a Key Performance Indicator Report, for the period 1 July 2023 to 30 June 2024 as shown at **Confidential Attachment (a)**.

At the CEO Evaluation Committee Meeting held 15 April 2024, the Chief Executive Officer spoke to the report and presented observations that draw from the 1 July 2023 to 30 June 2024 period. The presentation is contained at **Confidential Attachment (b)**.

Consultation

Nil.

Policy and Legislative Implications

Nil.

Financial Implications

Nil.

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	The CEO Recruitment, Performance and Termination Policy is adhered to and reviewed in accordance with legislation.

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): Chief Executive Officer’s Key Performance Indicator Report *(Confidential)*
- 10.5.1 (b): Chief Executive Officer Presentation *(Confidential)*

11. APPLICATIONS FOR LEAVE OF ABSENCE

Councillor Glenn Cridland for the periods:

- 25 April 2024 to 5 May 2024 inclusive; and
- 18 May 2024 to 30 May 2024 inclusive.

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

COUNCIL DECISION

0424/070

Moved: Councillor Nic Coveney

Seconded: Councillor Mary Choy

That Council:

1. Approve the Leave of Absence applications received from Councillor Glenn Cridland for the periods:
 - 25 April 2024 to 5 May 2024 inclusive; and
 - 18 May 2024 to 30 May 2024 inclusive.

CARRIED (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Mayor Greg Milner disclosed a Financial and Proximity Interest in Item 12.1.

Mayor Greg Milner accordingly left the Chamber at 7.02pm prior to consideration of Item 12.1 and Councillor Bronwyn Waugh assumed the Chair.

12.1 NOTICE OF MOTION - COUNCILLOR MARY CHOY - ANGELO AND MENDS STREET PRECINCTS - LETTERS TO MAIN ROADS WA

File Ref: D-24-16657
Author(s): Anita Amprimo, Director Infrastructure Services
Reporting Officer(s): Anita Amprimo, Director Infrastructure Services

Summary

Councillor Mary Choy submitted the following Notice of Motion prior to the Council Agenda Briefing held 16 April 2024.

Notice of Motion Recommendation

Moved: Councillor Mary Choy
Seconded: Councillor André Brender-A-Brandis

1. That Council request the CEO to write a letter to and/or follow-up with Main Roads Western Australia, requesting the provision of:
 - (a) a pedestrian crossing on Anstey Street in South Perth nearby Coles Local, to complement and supplement the existing pedestrian crossing on Angelo Street; and
 - (b) pedestrian safety upgrades to the existing crossing on Mends Street in South Perth.with the aim of improving traffic safety and accessibility for the diverse range of users in both these increasingly busy South Perth precincts.
2. Feedback or report to be provided to Council as the City considers appropriate, together with any other safety recommendations or plans, either during the 2024/25 Annual Budget process or at a future Council meeting, but by no later than June 2024.

Amendment**0424/071****Moved:** Councillor Nic Coveney**Seconded:** Councillor Hayley Prendiville

That the Notice of Motion recommendation be amended as follows:

1. Delete recommendation 1(b);
2. Delete the words 'in both these increasingly busy South Perth precincts' in recommendation 1; and
3. Delete the words 'or report' in recommendation 2.

Reasons for Change

1. Amendment to 1(b) - Mends Street is one of many streets within the Peninsula with traffic safety and congestion issues. The true extent of those issues will be unknown until the completion of the Civic Heart development. My alternative motion 12.3 deals with the Mends Street crossing as part of a wholistic approach to that area to ensure efficient use of resources.
2. Amendment to Recommendation 2 – That is focused on a costing issue and time issue for the Administration. I see no reason why informal feedback can't be provided. I don't see why we need a report on an isolated issue that to me seems rather minor.

The Amendment was put and declared CARRIED (5/2)

For: Councillors Nic Coveney, Glenn Cridland, Blake D'Souza, Hayley Prendiville and Bronwyn Waugh.

Against: Councillors André Brender-A-Brandis and Mary Choy.

Amended Substantive Motion and COUNCIL DECISION**0424/072****Moved:** Councillor Mary Choy**Seconded:** Councillor André Brender-A-Brandis

1. That Council request the CEO to write a letter to and/or follow-up with Main Roads Western Australia, requesting the provision of:
 - (a) a pedestrian crossing on Anstey Street in South Perth nearby Coles Local, to complement and supplement the existing pedestrian crossing on Angelo Street;

with the aim of improving traffic safety and accessibility for the diverse range of users.
2. Feedback to be provided to Council as the City considers appropriate, together with any other safety recommendations or plans, either during the 2024/25 Annual Budget process or at a future Council meeting, but by no later than June 2024.

CARRIED (7/0)

For: Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

Background

Councillor Mary Choy submitted a Notice of Motion regarding the Angelo Street and Mends Street Precincts. The reasons for the Notice of Motion are as follows:

- “1. Both the Mends and Angelo Street precincts have evolved into heavy mixed-use areas, with commercial, residential, and recreational users co-existing, and including an independent retirement village and nursing home, senior citizen centre and services, schools, daycares, sporting clubs and tourist attractions. As these precincts continue to grow and flourish, residents have reported witnessing numerous close calls between vehicles and pedestrians, including cyclists and scooter riders, on these increasingly bustling streets within these areas. I have heard first-hand accounts mainly from elderly residents who live in these precincts for its proximity to local services and who may also rely on walking or assistive mobility aids to access nearby amenities, recounting instances of actually being knocked or nudged by vehicles, including a man in a wheelchair and expressing a lack of feeling very safe or at ease crossing the roads.*
- 2. I believe other Councillors may have also received some verbal and written testimonies from residents, since this item was listed on the Council Agenda, for tonight's meeting, including sadly an alleged report of someone being knocked unconscious and hospitalised around identified conflict points on Anstey Street in South Perth, which includes both adjacent and across from Coles – Local, where traffic is known to get most congested, especially during peak times. The determination of any pedestrian crossing is I understand ultimately a decision of Main Roads W.A. as the decision-maker, taking into account surrounding road and traffic conditions and the City administration understanding the intent of the motion as we have discussed, will no doubt craft their request to Main Roads appropriately according to that intent concurrently with the relevant requirements (if of course this motion is endorsed by Council) and nevertheless I understand that the City has already commenced preliminary engagement with Main Roads. I have also been advised today that any type of crossing adjacent to Coles – Local (e.g. on or around the footpath near the vehicle entry/exit points) does not need Main Roads approval and so I will liaise with the City on this further following this meeting, and hence the word ‘adjacent’ has been removed from the motion and replaced with the suggested word ‘nearby’.*

The motion is therefore not prescriptive, it is sufficiently broad for its purpose, defining the intent and approximate area of Anstey Street the crossing is required, as Anstey Street runs across two Wards, from Angelo Street to South Terrace.

3. *I understand that there may be a view that the status quo for the already existing pedestrian crossing on Mends Street perhaps could or should await completion of the new surrounding developments, including but not limited to the Civic Heart apartments. However, for various reasons, estimated development completion dates can be delayed and nevertheless, no sooner could one large development be completed, another one commences, which is actually the case right now, unsurprisingly in this increasingly apartment dense Precinct. This motion is also not seeking the installation of a new pedestrian crossing at Mends Street, it is ensuring the current pedestrian crossing, as already approved and installed by Main Roads W.A and which is strategically positioned to connect to the Mends Street Arcade and takes into account already surrounding established infrastructure, is maintained and enhanced at a level that optimises its safety function and purpose, in readiness for the significant influx of new residents and visitors predicted to the Mends Street Precinct. This motion is also being raised now so that due consideration is afforded to it in the Council's 2024/25 Annual Budget if endorsed, not a future budget a year or two or more down the track.*
4. *Given the increased densification of what were traditionally recognised as "village" precincts, and with further densification anticipated under the City's new Local Planning Scheme 7 into the future, it is crucial to provide additional support for the diverse range of user-groups who frequent these precincts and sooner rather than later. This includes enhancing road-sharing practices and bolstering safety measures for people of all ages, abilities and modes of transportation accessing local facilities and the surrounding areas.*
5. *Feedback to Council should include any additional safety recommendations or plans the City may be considering to further upgrade and improve safety and amenity in these significant South Perth precincts."*

Comment

The City has approached Main Roads WA to seek feedback on if it is likely to be supported. Subject to funding and approval these works could be completed next financial year.

Consultation

Standard communication for minor traffic improvements would be followed for this project.

Policy and Legislative Implications

Nil.

Financial Implications

Project could be funded from the annual minor traffic improvements fund.

Key Risks and Considerations

Risk Event Outcome	Not Applicable
Risk rating	Not Applicable
Mitigation and actions	Not Applicable

Strategic Implications

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

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

Attachments

Nil.

Mayor Greg Milner returned to the Chamber at 7.22pm and resumed the Chair prior to consideration of Item 12.2.

Councillor Blake D'Souza left the meeting at 7.22pm and returned to the meeting at 7.28pm during consideration of Item 12.2.

12.2 NOTICE OF MOTION - COUNCILLOR MARY CHOY - INCENTIVISATION FOR LONG-TERM UNOCCUPIED DWELLINGS AND VACANT LAND

File Ref: D-24-16658
Author(s): Garry Adams, Director Corporate Services
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

Councillor Mary Choy submitted the following Notice of Motion prior to the Council Agenda Briefing held 16 April 2024.

Notice of Motion Recommendation

Moved: Councillor Mary Choy
Seconded: Councillor André Brender-A-Brandis

1. That Council request the CEO to prepare a report for Council detailing potential strategies for incentivising owners of vacant land and unoccupied residential housing, to develop their land or make their unoccupied housing available for long term rentals, with the aim of increasing the number of houses available for rent in the City of South Perth and improving the amenity of suburbs within the district.
2. The report to be presented no later than the June 2024 Ordinary Council Meeting.

During debate on the Item, it was suggested that recommendation 2 be amended from 'June 2024 Ordinary Council Meeting' to '2024/25 Annual Budget process'.

With the agreement of the mover and seconder, recommendation 2 of the Notice of Motion was amended as follows:

COUNCIL DECISION

0424/073

Moved: Councillor Mary Choy
Seconded: Councillor André Brender-A-Brandis

1. That Council request the CEO to prepare a report for Council detailing potential strategies for incentivising owners of vacant land and unoccupied residential housing, to develop their land or make their unoccupied housing available for long term rentals, with the aim of increasing the number of houses available for rent in the City of South Perth and improving the amenity of suburbs within the district.

2. The report to be presented during the 2024/25 Annual Budget process.

CARRIED (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

Background

Councillor Mary Choy submitted a Notice of Motion regarding long-term unoccupied dwellings and vacant land. The reasons for the Notice of Motion are as follows:

- “1. *According to Australian Bureau of Statistics data from the last recorded Census of Population and Housing conducted on 10 August 2021 and subsequent media articles published throughout 2022-23, South Perth as an apartment-dense area, was identified as having one of the highest rates of unoccupancies, with around 1 in every 5 to 6 homes vacant, despite the State’s reported rental crises. It may be that a significant number of these homes were and remain investment properties or second homes or holiday homes, but also perhaps some were vacant due to residents being regional or fly-in fly-out workers and other residents for whatever reason did not complete the census. Nonetheless, as urban infilling and apartments reportedly attract higher levels of vacancy, the number of unoccupied residential dwellings within the district appears only set to rise.*
2. *One of the important objectives of the City’s Strategic Community Plan 2021-2031 is to facilitate and foster safe and connected communities. Long-term vacant blocks for land banking purposes and empty homes, sometimes referred to as “ghost houses”, are generally not great for a vibrant and thriving community. Walking down a street on any given day past vacant blocks overgrown with weeds or rubbish continually dumped or past houses on an evening when you know no lights are going to be on, sometimes at multiple properties on the same street, because no one lives there may not provide that sense of a connected, safe or secure community for other residents who may live nearby and this also reportedly applies to residents living in apartment complexes where multiple units may sit empty for long periods.*
3. *Some local governments across Australia have already responded to their local housing supply crisis and increasing home unoccupancy rates, whilst awaiting direction from respective State Governments, by introducing various short-term measures, from writing to residents encouraging them to rent out their unoccupied homes (with some reportedly astounding results) to increasing rates for unoccupied homes and vacant land without a good reason for over 6 months. As there could be many reasons why a property may remain unoccupied or undeveloped long-term and up-to-date data collection and enforceability could prove difficult and costly for the City to undertake, it is the view that incentivisation is the best approach for this local government. Since Council is already considering a Short Term Accommodation Local Planning Policy, it is the view this is the right time to also consider ways of reducing land banking and long-term unoccupancy rates throughout the district, with the aim of not just addressing housing supply, but also to maintain the amenity local residents expect and further promote connected communities with local visual amenity, vibrancy and security of our streets.”*

Comment

Given that some work has previously been undertaken to address these issues, City Officers can provide a report on the matters raised within the Notice of Motion for the June Ordinary Council meeting without any significant impact on budget.

Consultation

Nil.

Policy and Legislative Implications

Nil.

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	Not Applicable
Risk rating	Not Applicable
Mitigation and actions	Not Applicable

Strategic Implications

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

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

Attachments

Nil.

12.3 NOTICE OF MOTION - COUNCILLOR MARY CHOY - MILL POINT ROAD TRAFFIC SAFETY REVIEW

File Ref: D-24-16659
Author(s): Anita Amprimo, Director Infrastructure Services
Reporting Officer(s): Anita Amprimo, Director Infrastructure Services

Summary

Councillor Mary Choy submitted the following Notice of Motion prior to the Council Agenda Briefing held 16 April 2024.

Notice of Motion Recommendation

Moved: Councillor Mary Choy
Seconded: Councillor André Brender-A-Brandis

1. That Council request the CEO to:
 - (a) Scope a traffic study of the Mill Point Peninsula informed by community feedback received; and con-currently
 - (b) Undertake a “high-level” review of the following City Plans:
 - (i) The South Perth Activity Centre Plan (SPACP);
 - (ii) The Integrated Transport Plan; and
 - (iii) The Parking Management Action Plan for the SPACP, with respect to traffic safety and traffic congestion issues within the SPACP Area; and
2. Provide feedback to Council on the scope and costings as part of the 2024/25 Annual Budget process; and
3. Report to Council on the conclusion of the above activities outlined in paragraphs 1 - 2 above, with recommendations to address traffic safety and traffic congestion issues within the South Perth Activity Centre Area, at an appropriate time during the 2024/25 financial year.

12.3 Notice of Motion - Councillor Mary Choy - Mill Point Road Traffic Safety Review

At 8.00pm, following the Notice of Motion being moved and seconded, the Presiding Member moved a motion to adjourn the meeting for 10 minutes.

COUNCIL DECISION

0424/074

Moved: Mayor Greg Milner
Seconded: Councillor Mary Choy

That the meeting be adjourned for 10 minutes.

CARRIED (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

The meeting reconvened at 8.08pm.

Notice of Motion Recommendation

Moved: Councillor Mary Choy
Seconded: Councillor André Brender-A-Brandis

1. That Council request the CEO to:
 - (a) Scope a traffic study of the Mill Point Peninsula informed by community feedback received; and con-currently
 - (b) Undertake a “high-level” review of the following City Plans:
 - (iv) The South Perth Activity Centre Plan (SPACP);
 - (v) The Integrated Transport Plan; and
 - (vi) The Parking Management Action Plan for the SPACP, with respect to traffic safety and traffic congestion issues within the SPACP Area; and
4. Provide feedback to Council on the scope and costings as part of the 2024/25 Annual Budget process; and
5. Report to Council on the conclusion of the above activities outlined in paragraphs 1 - 2 above, with recommendations to address traffic safety and traffic congestion issues within the South Perth Activity Centre Area, at an appropriate time during the 2024/25 financial year.

LOST (3/5)

For: Councillors André Brender-A-Brandis, Mary Choy and Bronwyn Waugh.

Against: Mayor Greg Milner, Councillors Nic Coveney, Glenn Cridland, Blake D'Souza and Hayley Prendiville.

Foreshadowed Notice of Motion**Moved:** Councillor Nic Coveney**Seconded:** Councillor Mary Choy

That Council requests the CEO to:

1. Subject to Council allocating appropriating funds in the 2024/25 Budget, conduct a high-level review of:
 - (a) the South Perth Activity Centre Plan;
 - (b) the Integrated Transport Plan; and
 - (c) the Parking Management Action Plan for the South Perth Station Precinct,

with respect to traffic safety and traffic congestion issues within the South Perth Activity Centre Area, following the completion of Civic Heart.
2. Advise Council of the necessary Budget funding required to conduct the abovementioned review during the 2024/25 Budget discussions, so that Council can allocate the necessary funding in the 2024/25 Budget.
3. Subject to paragraphs 1 and 2 above, report back to Council with recommendations to address traffic safety and traffic congestion issues within the South Perth Activity Centre Area at an appropriate time during the 2024/25 financial year.

During Debate, with the agreement of the mover and seconder, the Foreshadowed Notice of Motion was amended to include the wording 'taking community feedback received into account' to recommendation 1.

COUNCIL DECISION**0424/075****Moved:** Councillor Nic Coveney**Seconded:** Councillor Mary Choy

That Council requests the CEO to:

1. Subject to Council allocating appropriating funds in the 2024/25 Budget, conduct a high-level review of:
 - (a) the South Perth Activity Centre Plan;
 - (b) the Integrated Transport Plan; and
 - (c) the Parking Management Action Plan for the South Perth Station Precinct,

with respect to traffic safety and traffic congestion issues within the South Perth Activity Centre Area, following the completion of Civic Heart, taking community feedback received into account.
2. Advise Council of the necessary Budget funding required to conduct the abovementioned review during the 2024/25 Budget discussions, so that Council can allocate the necessary funding in the 2024/25 Budget.

3. Subject to paragraphs 1 and 2 above, report back to Council with recommendations to address traffic safety and traffic congestion issues within the South Perth Activity Centre Area at an appropriate time during the 2024/25 financial year.

Reasons for Change

1. Mill Point Road between the signalised intersection at Labouchere Road and Millers Pool is one of many streets within the Peninsula which faces traffic safety and congestion issues. The true extent of those issues will be unknown until the completion of the Civic Heart development.
2. Dealing with traffic safety and congestion issues collectively mitigates the risk of simply shifting an issue somewhere else, as well as ensures the efficient use of City resources by dealing with the same/similar issue at once.
3. There is significant traffic congestion every morning and afternoon during peak hour along Mill Point Road, Labouchere Road, and at the Mends Street lights.
4. There are significant safety issues on particular streets caused by the existing configuration of parking, particularly on Mill Point Road between Mill Point Close and Labouchere Road, Harper Terrace, and on Mends Street.
5. These sorts of congestion and safety related issues will only increase with what appears to be inevitable medium to high density development along the river between Canning Bridge and the South Perth Peninsula. Equally, parking remains at a premium.
6. The Parking Management Action Plan for the South Perth Station Precinct prepared in 2017, the South Perth Activity Centre Plan approved in 2021, and the Integrated Transport Plan approved in September 2021, are useful starting points for this review, but being mindful of the changing landscape of this area over the last few years and into the future.

CARRIED (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

Background

Councillor Mary Choy submitted a Notice of Motion regarding traffic safety on Mill Point Road. The reasons for the Notice of Motion are as follows:

- “1. *Residents are repeatedly raising concerns about traffic safety, particularly with vehicles exiting driveways along Mill Point Road (Peninsula end). The presence of large street trees and parked cars on both sides of the road, unfortunately with some inconsiderate motorists also constantly parking over the yellow line markings near property driveways, are consistently obstructing driver visibility and line of sight. This in turn is creating daily apprehension for residents attempting to drive their vehicles safely without incident out onto busy Mill Point Road, with reportedly many near misses occurring with other road users including cyclists.*
2. *City Officers have responded accordingly on request to these residents’ concerns on a seemingly individual complaint basis, occasionally adjusting parking spaces or altering road markings. However, despite these efforts, residents from the same and other properties continue to raise the issue, offering a variety of suggestions along the way, indicating the need for a more comprehensive solution to be found to improve safety and enhance accessibility along Mill Point Road and to protect the future amenity of the area for residents and other road users.*
3. *Given the increased densification of what was a traditionally considered a “village” precinct, with further densification anticipated under the City’s new Local Planning Scheme 7 from now and into the future, it is also an opportune time for a review of the City’s suite of plans as it pertains to the SPACP Area to be undertaken, with foreseen recommendations flowing from that review for Council’s further consideration in due course.*
4. *I understand that there may be a view that the status quo for residents living along Mill Point Road (Peninsula end) could or should remain, until completion of the plan review requested, and whilst new surrounding developments, including but not limited to the Civic Heart apartments are completed. However, for various reasons, estimated development completion dates can be delayed and nevertheless, no sooner could one large development be completed, another one commences, in this increasingly apartment dense Precinct; and it is also anticipated that the plan review may take some time. Hence, it is the view there is no reason why the traffic study (in accordance with the suggested Officer recommendation) and plan review cannot be undertaken concurrently, to provide immediate relief to the residents who need it now and in readiness for the significant influx of new residents and visitors predicted to arrive into the SPACP Area in the future.*
5. *This motion is also being raised now so that due consideration is afforded to it in the Council’s 2024/25 Annual Budget if endorsed.”*

Comment

City officers have reviewed the site and consider that the road network design is consistent with an inner city location. Officers did note that some of the no stopping lines were faded and may be resulting in parking within the no stopping zones. These will be repainted and should residents observe parking within the no stopping zone they can contact the City. An audit of all signage will also be completed.

It is noted that multiple varying feedback is received from the community relating to the road network in the Mill Point area. This includes hazards for cars, cyclists and pedestrians, both lack of parking and parking where people perceive it is not appropriate, driver behaviour and congestion. When the City receives a small, targeted amount of feedback it is appropriate to implement a localised solution, however when the feedback is of a broader nature it warrants a review at a higher level to develop a more comprehensive solution. In the instance of the Mill Point Peninsula, the City is of the opinion that implementing changes now would be premature and that a more comprehensive traffic study is necessary to inform a number of interventions. It is proposed that provision for this traffic study would be included in the draft 2024/25 Annual Budget for Council consideration.

Consultation

Consultation would occur on any recommendations or findings from the traffic assessment and the study would complement existing community feedback with other stakeholders feedback as required.

Policy and Legislative Implications

Nil.

Financial Implications

Provision to be included in the 2024/25 Draft Annual Budget for a traffic assessment. Costs for replacing existing line marking would be funded from existing operational budgets.

Key Risks and Considerations

Risk Event Outcome	Financial Loss 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
Risk rating	Low
Mitigation and actions	The study scope will be determined by a pre assessment to ensure it is fit for purpose.

Strategic Implications

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

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

Suggested Officer Recommendation

That Council request the CEO to:

1. Scope a traffic study of the Mill Point Peninsula informed by community feedback received; and
2. Provide feedback to Council on the scope and costings as part of the 2024/25 Annual Budget process.

Reason for Alternative Recommendation

Officers have already assessed the area and as noted above do not consider any intervention is required based on this localised issue but note the multiple issues raised by the community and believe a wider assessment would be more appropriate.

Attachments

Nil.

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

Nil.

13.2 QUESTIONS FROM MEMBERS

- Councillor Mary Choy
- Councillor Glenn Cridland

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

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

Nil.

15. MEETING CLOSED TO THE PUBLIC

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

15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Officer Recommendation AND COUNCIL DECISION

0424/076

Moved: Mayor Greg Milner

Seconded: Councillor Mary Choy

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 Independent Facilitator for Chief Executive Officer Evaluation Process 2023/24

CARRIED (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

The meeting was closed to members of the public at 8.23pm.

CEO Mike Bradford disclosed an Impartiality Interest in Item 15.1.1.

15.1.1 Independent Facilitator for Chief Executive Officer Evaluation Process 2023/24

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

File Ref: D-24-16660
Author(s): Pele McDonald, Manager People and Performance
Reporting Officer(s): Garry Adams, Director Corporate Services

Moved: Councillor André Brender-A-Brandis
Seconded: Councillor Mary Choy

That Clause 10.1A of the City of South Perth Standing Orders Local Law 2007 be suspended to present an Alternative Motion as opposed to the Officer Recommendation.

LOST (3/5)

For: Councillors André Brender-A-Brandis, Mary Choy and Bronwyn Waugh.
Against: Mayor Greg Milner, Councillors Nic Coveney, Glenn Cridland, Blake D'Souza and Hayley Prendiville.

Moved: Councillor Mary Choy
Seconded: Councillor André Brender-A-Brandis

That Council defer Item 15.1.1 to the next Ordinary Council Meeting.

Reasons

It is just purely that I believe that Councillor André Brender-A-Brandis brought his Alternative Motion, but as it turns to be was an Amendment. He submitted it in the timeframe for an Amendment. I think he was advised, he can correct me if I'm wrong that it was actually an Alternative Motion. Council don't get the benefit of hearing the Alternative Motion because of that technicality. This is the reason I am moving a deferral option.

LOST (3/5)

For: Councillors André Brender-A-Brandis, Mary Choy and Bronwyn Waugh.
Against: Mayor Greg Milner, Councillors Nic Coveney, Glenn Cridland, Blake D'Souza and Hayley Prendiville.

Officer Recommendation AND COUNCIL DECISION

0424/077

Moved: Mayor Greg Milner

Seconded: Councillor Blake D'Souza

That Council endorses Hammond Woodhouse Advisory as the external independent facilitator for the CEO Evaluation process for the period 1 July 2023 to 30 June 2024.

CARRIED (7/1)

For: Mayor Greg Milner, Councillors Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Hayley Prendiville and Bronwyn Waugh.

Against: Councillor André Brender-A-Brandis.

COUNCIL DECISION

0424/078

Moved: Mayor Greg Milner

Seconded: Councillor Mary Choy

That the meeting be reopened to the Public.

CARRIED (8/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

The meeting was reopened to the public at 8.44pm.

16. CLOSURE

The Presiding Member thanked everyone for their attendance and closed the meeting at 8.45pm.

APPENDIX

6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

1 Mr Bill Gleeson, South Perth Received: 26 March 2024	Response to question provided by: Donna Shaw – Director Development and Community Services
1. Are you aware that the Officer’s comment in 10.4.3, does not say that the honour boards cannot go back to the City’s Civic Centre’s reception area where they came from in the first place?	Yes – Council will determine whether it reinstates the honour boards.

6.2 PUBLIC QUESTION TIME: 23 APRIL 2024

<p>1 Ms Margaret Davies-Slate, Como Received: 16 April 2024</p>	<p>Responses provided by: Donna Shaw – Director Development and Community Services</p>
<p><i>[Preamble] A proposal for a two-storey child daycare centre on the corner of Ryrie Avenue and Murray Street, Como is currently being considered and as my husband and I live close by, we have been notified of the proposal and given the opportunity to comment, which we appreciate and we have made some comments which we have submitted. We understand that development applications such as this go to the Development Assessment Panel (DAP) for approval and the City of South Perth provides a report on the proposal for consideration by the DAP. We are aware that the DAP recently approved a Child Daycare Centre to be built in Birdwood Avenue, Como. This one will have the capacity to cater for 86 children. The proposed centre on the corner of Ryrie Avenue and Murray Street near where I live would cater for 78 children. We understand that applications for development approval of childcare premises in South Perth are guided by the Child Care Premises Local Planning Policy.</i></p>	
<p>1. This Policy includes a requirement that development applications include information on the level of existing or proposed services in the locality and proximity to other centres and population catchments for the proposed centre.</p> <p>Is there a policy or plan which sets out how the information provided under the above requirement which I have just cited, is assessed in relation to whether the application will be approved? If so, does that carry weight when the DAP considers a development application?</p>	<p>There are various pieces of legislation and planning instruments which the application is assessed against, including the Planning and Development (Local Planning Schemes) Regulations 2015, the City’s Local Planning Scheme No. 7 and various Local Planning Policies. The relevance to the application determines the weight to which the DAP will give in considering the application.</p> <p>The Local Planning Policy – Childcare Premises was updated by Council in November 2023 to include the consideration of service levels, and this will be considered as part of the assessment of the application. The City will be providing its assessment against relevant planning considerations and the instruments in the Responsible Authority Report to the DAP.</p> <p>So we will effectively do an assessment against all of the relevant pieces of legislation in an applicable planning framework and present them for the DAP to consider.</p>

2. Is there a policy or plan setting out how many child daycare centres there should be in the City of South Perth, taking into account commercial viability and amenity considerations? If so, does that carry weight when the DAP considers a development application?

The short answer is no. The expanded version is that under the Planning Regulations that I mentioned earlier, Clause 67(2) provides all the matters that need to be considered when we're assessing a development application.

One of the sections within that section provides for 'the potential loss of any community service or benefit resulting from the development', however, that section also expressly states that this will exclude the potential loss that may result from economic competition between new and existing businesses.

There is an existing High Court decision that has determined that the threat of competition to existing businesses it not what is known as a relevant planning consideration in the assessment of the application. It can only be considered if there is a prospect that there is a reduction in available community facilities.

The Western Australian Planning Commission has further expanded on this and clarified in its draft Position Statement on Childcare Centres, that an applicant does not have to demonstrate that there is sufficient demand for the facility, however, it provides the ability for the local government to consider this in the assessment of the application.

As I previously advised, when Council revised its Local Planning Policy on Child Care Centres, it required consideration of service levels, as part of an additional the provision to that Local Planning Policy and the City will be giving consideration to that in its assessment of the application itself, but it is likely to relate to the impact of service levels on the amenity as a result of the development, rather than commercial competition.

3. I think you possibly you have answered it now, but I will read it out. If there is no policy or plan relating to the number of child day care centres which may be approved, will the Council consider what would be an appropriate number of childcare centres to accommodate need, taking into account commercial viability and amenity considerations?

Effectively, as I have previously advised, but we will be expanding on the amenities section as well to consider the other associated amenity impacts such as traffic, noise and parking and the alike and providing an assessment of that in the Responsible Authority Report to the DAP.

<p>2 Mr Shayne Sherman, Como Received: 17 April 2024</p>	<p>Response provided by: Donna Shaw – Director Development and Community Services</p>
<p><i>[Preamble] In relation to the childcare centre at Birdwood Avenue, the Council did not appear to have been given the opportunity to consider the views of residents. As I understand 96% of responses were objections and as a result did not advocate on behalf of the concerned residents when the application went before the Development Assessment Panel (DAP).</i></p>	
<p>1. It therefore lacked transparency, residential consultation appeared inconsequential and made the process appear to be a foregone conclusion. As a consequence of the manner in which the City progressed the DAP consideration of Birdwood Avenue, will the Council call for the Responsible Authority Report being prepared by City Officers in relation to the 76 childcare premises application to develop 78 Ryrie Avenue, Como and fully consider the report, application and objections by residents? Again, as I understand it there is 96% against, and following which put forward the Council’s view on the application to the DAP?</p>	<p>Unlike other types of decisions, planning applications requires a judicial decision. The submissions that are received is not a poll in terms of how we can consider the submissions. Even though there may be circumstances where there is a large percentage in opposition, what the City is required to do is to consider whether the submissions themselves are relevant planning considerations. With the Birdwood Application, the City reviewed the submissions on the matter and provided the key themes in the Responsible Authority Report. In reviewing those submissions, it was quite obvious that there were a lot of concerns to do with traffic, loss of amenity, trees and the alike.</p> <p>The make-up of DAP itself is established under the separate DAP Regulations and includes three technical experts and two local government Elected Members. The Elected Members on the DAP can represent the views of the community in consideration the applications. Given the makeup of the DAP panel’s themselves, they are outnumbered in terms of the decision-making process. The Department of Planning, Lands and Heritage has previously provided advice to Councillors in respect to considering Responsible Authority Reports at Council prior to considering by the DAP. Their advice is for those Elected Members that are also on the DAP, to avoid participating in voting at Council in relation to a DAP application to avoid any Impartiality Interest on the matter.</p>

<p>3 Mr John Bassett, Como Received: 22 April 2024</p>	<p>Responses provided by: Donna Shaw – Director Development and Community Services</p>
<p><i>[Preamble]</i></p> <p><i>Council recently provided advice to the DAP on the application for a Childcare Centre at 5 Birdwood Avenue. When the application was made to Council it was refused on a range of issues but, with little change to the application, Council then recommended the same proposal to the DAP. In the submissions from at least two of the residents, technical details were provided as to the reason why the application should be refused on noise issues.</i></p>	
<p>1. Considering the detailed report that I provided, as an acoustician, why was it that the only thing conveyed to the DAP was that a handful of residents had noise concerns?</p>	<p>Certainly not to discredit your professional background at all. The DAP is required to consider the information that is being submitted by the applicant in support of the development application. The applicant provided an Acoustic Report by Herring Storer Acoustics which was then assessed by the City and provided to the DAP as an attachment for its consideration.</p> <p>Noise was a matter that was certainly raised in a number of submissions and we see it quite frequently with application for childcare centres. As a result of that, the City then recommended two conditions related to noise which were, thankfully, accepted by the DAP, which included confirmation of the recommendations that were provided in the Acoustic Report by the applicant, ensuring that they're implemented prior to the occupation of the development, as well as the provision of a Noise Management Plan. That was more to do with the ongoing management of the facility after it has been constructed for the life of the development to the City's satisfaction.</p>

2. At the DAP meeting a Council officer stated that Council had relied on internal expertise in assessing the aspects of the proposal. In relation to the acoustics aspects, what expertise is there on Council and what qualification do they hold?

The City has qualified Environmental Health Officers that undertake the assessments for our Acoustic Reports and Noise Management Plans in accordance with the Environmental Protection (Noise) Regulations 1997.

Environmental Health Officers are appointed as Authorised Persons under sections 87 and 88 of the Environmental Protection Act 1986. They need to have completed training, education and various tertiary studies and be recognised by the Department of Water and Environmental Regulation (DWER), to be able to hold that position and to undertake those assessments. All of the City's Environmental Health Officers have those relevant qualifications and have been endorsed by DWER in that respect. They are suitably qualified to review the pre and post acoustic assessments provided in support of the application.

4 Mr Barrie Drake, South Perth Received: 22 April 2024	Responses provided by: Abrie Lacock – Manager Finance
<p>1. In August last year I paid to the City of South Perth \$73,568 in Council Rates; some of this money would have gone to the maintenance of Sir James Mitchell Park. How much did Wesley College pay to the City of South Perth for Council Rates last year?</p>	<p>As a school, Wesley College is exempt from paying Council Rates in accordance with the <i>Local Government Act 1995</i> Section 6.26. The school does, however, own some properties that are used for residential purposes which was and are subject to rates.</p>
<p>2. The street frontage of my properties in Scenic Crescent and Heppingstone Street, South Perth is approximately 150 metres in length for which I have been charged by the City, \$99,100 for the undergrounding of the power lines. Wesley College’s street frontage on several streets is many hundreds of metres. How much did the City of South Perth charge Wesley College for the undergrounding of the power lines which pass Wesley’s properties?</p>	<p>Wesley College is not situated within the boundaries of the South Perth/Hurlingham underground power scheme area as such they were not charged as part of this scheme. The school would have been part of one of the very first underground power schemes and so charges would differ significantly. Incomparable as that scheme is more than 20 years ago.</p>
<p>3. Do any of the Councillors including the Mayor agree with me when I say: The Government should scrap all local governments; convert their offices and administration buildings into Maternity hospitals and medical centres; assign their duties to the State Government and increase the GST to cover those costs?</p>	<p>I’m not in a position to respond on behalf of any Councillor or Corporately as Council however, that question is better directed via email to individual Councillors.</p>

13.2 QUESTIONS FROM MEMBERS OCM 23 April 2024

Councillor Mary Choy	Response to question provided by: Donna Shaw – Director Development and Community Services
<p><i>[Preamble]</i></p> <p><i>This is regarding the development at 74 Mill Point Road, which has been subject to a number of emails over the past week. Which I'm sure the relevant officers are aware of.</i></p>	
<p>1. I'm just wanting to confirm the process and procedure for residents accessing their Construction Management Plan? I understand they may be able to inspect it. I just wanted to get some confirmation around that and how that availability of those documents are being communicated to residents. I believe that maybe Councillor Nic Coveney can confirm this, that we are receiving quite a few requests for it. So, I'm just wondering if there is something that can be put out there for residents generally in that area to receive or contact the City about?</p>	<p>We receive Construction Management Plans, typically as part of the Building Permit Application or where it is a condition of a Development Approval. For the Lumiere Development that you are referring to, we have received an initial Construction Management Plan, and after it has been reviewed and approved by the City, we do make those available to the residents to view. We have provided a copy to the local residents in that respect and as the subsequent stages of the development occur and we received additional Construction Management Plans, the residents will be able to view those plans.</p> <p>In general, in terms of access to plans, given that the intellectual property of the landowner and the applicant, we don't typically provide electronic copies of those documents. But the public are able to come into the office and inspect the documents.</p>

Councillor Glenn Cridland

Response to questions 1 and 2 provided by: Donna Shaw – Director Development and Community Services

Response to question 3 provided by: Anita Amprimo – Director Infrastructure Services

[Preamble]

I have had raised with me, a matter that I'm not aware of. That's in respect of the entry to Waterford at Waterford Avenue, at the corner of Manning, Kent and Waterford. Apparently there has been some change on the left or something to that fence.

1. I was asked whether I would just ask Council whether or not that was a Council change or where it has come from or what the City Officers know about it.

The corner there, even from the street, it probably looks like it's part of the verge but that's actually a residential lot. The landowner has erected the Colorbond fence as a boundary fence around the property and as a result it has removed visibility of the entry statement signage that the original developer had installed to the entry to the estate. So, they are entitled to install the Colorbond fence in that location.

2. So, the entry location statement was put on someone's land?

Yes, that is correct.



[Preamble]

I had a follow up question from a question I asked last month. This would be to the Acting CEO – Director of Infrastructure Services. That was in respect of how the Council had set aside \$50,000 in this year’s budget for drainage works in respect to Gardner Street. Out the front of 53 Gardner Street because it had flooding in previous winters and the residents had to clean out City drains. I had at the last Council meeting asked whether those works had been undertaken and completed. I think Ms Amprimo said she was going to get back to me about that. At least, that’s what’s in the minutes.

3. I couldn’t find anything in my emails, so I’m just wondering whether or not I could get some advice on that one?

Apologies, Councillor Cridland. We did minor maintenance intervention, which we believe has resolved the issue. We will continue to monitor the situation and we don’t believe that any further Capital Works at this time would change the situation there. So, we will just continue to monitor and make sure that the works we have done are effective.

Councillor Mary Choy

Response to question provided by: Fiona Mullen – Manager Development Services

1. Just that property on the corner of Gwentyfred and Canning Highway, can we maybe receive an update as to when the demolition might be happening there. It’s a real eye sore and I keep getting residents asking me about it. The one that’s all fenced up, I think on the corner. I think Ms Mullen knows about it.

I am aware of the site, thank you. But we don’t have an update unfortunately, on the date for demolition.

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 28 May 2024

Signed _____

Presiding Member at the meeting at which the Minutes were confirmed