

MINUTES

Ordinary Council Meeting

24 August 2021

Mayor and Councillors

Here within are the Minutes of the Ordinary Council Meeting of the City of South Perth Council held Tuesday 24 August 2021 in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth.



MIKE BRADFORD
CHIEF EXECUTIVE OFFICER

27 August 2021

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.

Contents

1.	DECLARATION OF OPENING	5
2.	DISCLAIMER	5
3.	ANNOUNCEMENTS FROM THE PRESIDING MEMBER	5
4.	ATTENDANCE	5
4.1	APOLOGIES	6
4.2	APPROVED LEAVE OF ABSENCE	6
5.	DECLARATIONS OF INTEREST	6
6.	PUBLIC QUESTION TIME	9
6.1	RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	9
6.2	PUBLIC QUESTION TIME: 24 AUGUST 2021	9
7.	CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS	10
7.1	MINUTES	10
7.1.1	Ordinary Council Meeting Held: 27 July 2021	10
7.2	CONCEPT BRIEFINGS	10
7.2.1	Council Agenda Briefing - 17 August 2021	10
7.2.2	Concept Briefings and Workshops	10
8.	PRESENTATIONS	12
8.1	PETITIONS	12
8.2	PRESENTATIONS	12
8.3	DEPUTATIONS	12
9.	METHOD OF DEALING WITH AGENDA BUSINESS	12
10.	REPORTS	14
10.0	MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS	14
10.0.1	Consent to Advertise Draft Local Planning Scheme 7	16
10.0.2	Consent to Advertise Draft Local Planning Policy - Building Height	47
10.0.3	Consent to Advertise Draft Local Planning Policy P323 - Salter Point Escarpment	53
10.0.4	Annual Review of Council Delegations	57

10.1 STRATEGIC DIRECTION 1: COMMUNITY	59
10.1.1 CSRFF Small Grants Program 2021/22 - Application for 'In-principle' Council Support - Como Bowling Club Plinth Replacement Project	59
10.1.2 Recreation and Aquatic Facility	64
10.1.3 Tender 5/2021 Provision of Event Management for Australia Day	72
10.1.4 eQuote 02/2021 Provision of Road Resurfacing, Rehabilitation and Ancillary Services	76
10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)	80
10.3.1 Proposed Additions and Alterations to Single House. Lot 803 No. 76 River Way, Salter Point	80
10.3.2 Consideration of City of Melville's proposed modifications to the Canning Bridge Activity Centre Plan	88
10.3.3 Proposed Lease - Portion Lot 80 Ley Street, Manning (Manning Primary School Bushland)	92
10.4 STRATEGIC DIRECTION 4: LEADERSHIP	96
10.4.1 Listing of Payments - July 2021	96
10.4.2 Monthly Financial Statements - July 2021	99
10.4.3 Proposed Council Meeting Schedule 2022	102
10.4.4 Proclamation of Kwinana Freeway southbound on-ramp	105
11. APPLICATIONS FOR LEAVE OF ABSENCE	107
12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	108
12.1 NOTICE OF MOTION - COUNCILLOR BLAKE D'SOUZA - BMX TRACK AT GEORGE BURNETT RESERVE, KARAWARA	108
13. QUESTIONS FROM MEMBERS	111
13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE	111
13.2 QUESTIONS FROM MEMBERS	111
14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	111
15. MEETING CLOSED TO THE PUBLIC	112
16. CLOSURE	112
APPENDIX	113
DISCLAIMER	129

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 24 August 2021.

1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 6.01pm

2. DISCLAIMER

The Presiding Member read aloud the City's Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil.

4. ATTENDANCE

Mayor Greg Milner (Presiding Member)

Councillors

Como Ward

Como Ward

Manning Ward

Manning Ward

Moresby Ward

Moresby Ward

Mill Point Ward

Mill Point Ward

Councillor Carl Celedin

Councillor Glenn Cridland

Councillor Blake D'Souza

Councillor André Brender-A-Brandis

Councillor Samantha Bradder

Councillor Stephen Russell

Councillor Mary Choy

Councillor Ken Manolas

Officers

Chief Executive Officer

Acting Director Corporate Services

Director Development and Community Services

Director Infrastructure Services

Manager Business and Construction

Manager Community, Culture and Recreation

Manager Finance

Manager Development Services

Manager Governance

Manager Strategic Planning

Senior Governance Officer

Communications Officer

Governance Officer

Project Director

Advisor - RAF

Mr Mike Bradford

Ms Danielle Cattalini

Ms Vicki Lummer (via audio link)

Mr Mark Taylor

Ms Jacqueline Scott

Mr Patrick Quigley

Mr Abrie Lacock

Ms Fiona Mullen

Ms Bernadine Tucker

Mr Warren Giddens

Ms Christine Lovett

Ms Freya O'Brien

Mr Morgan Hindle

Ms Beverley Davies

Ms Rebecca De Boer

Gallery

There were approximately 17 members of the public present.

4.1 APOLOGIES

Nil.

4.2 APPROVED LEAVE OF ABSENCE

Nil.

5. DECLARATIONS OF INTEREST

In accordance with authority delegated by the Minister for Local Government on 13 August 2021, approval has been given by the Department of Local Government, Sport and Cultural Industries under section 5.69(3) of the *Local Government Act 1995* to allow Mayor Greg Milner and Councillors Carl Celedin, Glenn Cridland, Stephen Russell, Samantha Bradder, Ken Manolas, Mary Choy and André Brender-A-Brandis to fully participate in the discussion and decision making relating to Item 10.0.1 Consent to Advertise Draft Local Planning Scheme 7. Approval under the same conditions has also been granted for Mayor Greg Milner and Councillors Stephen Russell, Ken Manolas, Mary Choy and André Brender-A-Brandis to fully participate in the discussion and decision making relating to Item 10.0.2 Consent To Advertise Draft Local Planning Policy – Building Height.

The approval is subject to the following conditions:

1. The approval is only valid for the 17 August 2021 Council Agenda Briefing and the 24 August 2021 Ordinary Council Meeting when agenda items 10.0.1 and 10.0.2 are considered;
2. The abovementioned Councillors must declare the nature and extent of their interests at the abovementioned meetings when the matters are considered, together with the approval provided;
3. The CEO is to provide a copy of the Department's letter of approval to the abovementioned Councillors;
4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meetings, when the items are considered;
5. The CEO is to provide a copy of the confirmed minutes of the abovementioned meetings to the Department, to allow the Department to verify compliance with the conditions of this approval; and
6. The approval granted is based solely on the interests disclosed by the abovementioned Councillors, made in accordance with the application.

Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.

The interests for Item 10.0.1 are as follows:

- Mayor Greg Milner - Financial, Proximity and Impartiality interest in Item 10.0.1 as “Local Planning Policy Scheme 7 affects the zoning or potential use of properties where persons or entities (that are closely associated or otherwise associated with me) either own the property, or have an estate or interest in the property. Those persons and entities include: not-for-profit entities that I have previously served on the boards of; a not-for-profit entity where I presently serve on a sub-committee; not-for-profit entities that I am the patron of; not-for-profit entities that my wife is a committee member of; and people who may have made donations to my election campaign in 2019.”
- Councillor Glenn Cridland - Financial, Proximity and Impartiality interest in Item 10.0.1 as “the making of a new Local Planning Scheme for the City of South Perth is certain to impact upon the development potential, permissible (and prohibited) uses and amenity of many real properties in the City of South Perth including potentially our family home at 61 Thelma Street Como, our neighbours’ homes as well as the homes of family, friends, colleagues and acquaintances.”
- Councillor Carl Celedin - Financial interest in Item 10.0.1 as “I own a property in the City of South Perth where the value of the property may be affected (increased or decreased) because of this item.”
- Councillor Stephen Russell - Proximity interest in Item 10.0.1 as “The LPS7 includes my primary residence and adjoining properties.”
- Councillor Samantha Bradder - Financial and Proximity interest in Item 10.0.1 as “both myself and my extended family own property in the City of South Perth.”
- Councillor Ken Manolas - Financial, Proximity and Impartiality interest in Item 10.0.1 as “the two family homes at 193 Mill Point Road and 28 Victoria Street are the subject of zoning changes that may increase or decrease the value of our homes. My son owns property at 23 Cygnus Parade, Waterford and an adjacent property has a zoning change which may increase or decrease the value of his home. The Citywide changes will affect my family, our neighbours, and a great many people that I know in the City.”
- Councillor Mary Choy - Financial, Proximity and Impartiality interest in Item 10.0.1 as “I, my immediate and extended family and close friends own multiple properties throughout the City of South Perth to which the LPS7 will apply.”
- Councillor André Brender-A-Brandis - Proximity interest in Item 10.0.1 as “I am a property owner within the City of South Perth.”

The interests for Item 10.0.2 are as follows:

- Mayor Greg Milner - Financial, Proximity and Impartiality interest in Item 10.0.2 as “Draft Local Planning Policy (Building Height) affects the zoning or potential use of properties where persons or entities (that are closely associated or otherwise associated with me) either own the property, or have an estate or interest in the property. Those persons and entities include; not-for-profit entities that I have previously served on the boards of; not-for-profit entities that I am the patron of; not-for-profit entities that my wife is a committee member of; and people who have made donations to my election campaign in 2019.”
- Councillor André Brender-A-Brandis - Financial interest in Item 10.0.2 as “I own a property within the City, which may be subject of valuation changes due to the application of this Local Planning Policy with regards to Building Height.”
- Councillor Ken Manolas - Financial, Proximity and Impartiality interest in Item 10.0.2 as “The policy may increase or decrease the value of properties that I, my family or friends own in the City.”
- Councillor Mary Choy - Financial, Proximity and Impartiality interest in Item 10.0.2 as “I, my immediate and extended family and close friends own multiple properties throughout the City of South Perth, some on sloping lots, which the Draft Local Planning Policy on Building Height may apply.”
- Councillor Stephen Russell - Financial interest in Item 10.0.2 as “in the context of the introduction of LPS7 and as the proposed height policy is in essence an excerpt from TPS6, then I consider the definition of ‘scheme’ as per the Act to apply to this position. Hence a review of Section 5.63(3) & (4) of the Act does not exempt me from not declaring an interest.”

The following interests were also received in relation to item 10.1.1:

- Councillor Carl Celedin – Impartiality interest in Item 10.1.1 as ‘I am a social member (un financial) of the Como Bowling Club.’
- Councillor Mary Choy – Impartiality interest in Item 10.1.1 as I have attended the Como Bowling Club socially and also on behalf of Council for their last AGM.’
- Councillor Glenn Cridland –Impartiality interest in Item 10.1.1 as ‘I am a social club member of the Como Bowls Club.’

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

6.2 PUBLIC QUESTION TIME: 24 AUGUST 2021

The Presiding Member opened Public Question Time at 6.11pm

Written questions were received prior to the meeting from:

- Mr George Watts of Yallambee Place, Karawara.
- Dr Sarah Schladow of Garden Street, South Perth
- Mr Trevor Hill of Forrest Street, South Perth.
- Mr Cam Tinley of South Perth.
- Mrs Cecilia Brooke of Garden Street, South Perth.

Written questions were received at the meeting by:

- Mr George William Gleeson of Canning Highway, South Perth.

At 6.24pm the Presiding Member called for a Motion to extend Public Question Time to hear those questions not yet heard.

0821/124

MOTION TO EXTEND PUBLIC QUESTION TIME AND COUNCIL DECISION

Moved: Mayor Greg Milner

Seconded: Councillor Carl Celedin

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

CARRIED (9/0)

For: Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

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

Questions received at the meeting were Taken on Notice. The answers to these questions will be made available in the September 2021 Agenda.

There being no further questions, the Presiding Member closed Public Question Time at 6.32pm.

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 27 July 2021

Councillor André Brender-A-Brandis raised a question in regard to the Minutes of the Ordinary Council Meeting held 27 July 2021 and consideration of this Item was deferred until later in the meeting. Refer page 111.

7.2 CONCEPT BRIEFINGS

7.2.1 Council Agenda Briefing - 17 August 2021

Officers of the City presented background information and answered questions on Items to be considered at the 24 August Ordinary Council Meeting at the Council Agenda Briefing held 17 August 2021.

Attachments

7.2.1 (a): Briefing Notes

7.2.2 Concept Briefings and Workshops

Officers of the City/Consultants provided Council with an overview of the following matters at Concept Briefings and Workshops:

Date	Subject	Attendees
2 August 2021	Risk Strategy Workshop	Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Blake D'Souza, Ken Manolas and Stephen Russell.
2 August 2021	Delegations Presentations	Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Blake D'Souza, Ken Manolas and Stephen Russell.
3 August 2021	RAF Project Briefing	Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas and Stephen Russell.

3 August 2021	Strategic Community Plan Briefing	Mayor Greg Milner and Councillors André Brender-A-Brandis, Mary Choy, Glenn Cridland, Blake D'Souza and Stephen Russell.
10 August 2021	RAF Project Briefing	Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas and Stephen Russell.
16 August 2021	RAF Curtin University Update	Mayor Greg Milner and Councillors Blake D'Souza, Ken Manolas and Stephen Russell.
16 August 2021	Integrated Transport Plan	Mayor Greg Milner and Councillors Blake D'Souza, Ken Manolas and Stephen Russell.

Attachments

Nil.

0821/125

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Mary Choy

Seconded: Councillor Samantha Bradder

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

- 7.2.1 Council Agenda Briefing - 17 August 2021
- 7.2.2 Concept Briefings and Workshops

CARRIED (9/0)

For: Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

8. PRESENTATIONS

8.1 PETITIONS

Nil.

8.2 PRESENTATIONS

- **Gold communication Award for the 2019/20 Annual Report at the Australasian Annual Report Awards.**

The City's Communication and Marketing team won the Gold Communication Award at the 2021 Australasian Annual Report Awards. The report was described as bold and colourful, projecting South Perth as an active and up-beat place to live.

8.3 DEPUTATIONS

Deputations were heard at the Council Agenda Briefing held 17 August 2021.

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 Chief Executive Officer confirmed all the report items, with the exception of Item 10.1.1 CSRFF Small Grants Program 2021/22 - Application for 'In-principle' Council Support - Como Bowling Club Plinth Replacement Project were discussed at the Council Agenda Briefing held 17 August 2021.

ITEMS WITHDRAWN FOR DISCUSSION

- | | |
|--------|--|
| 10.0.1 | Consent to Advertise Draft Local Planning Scheme 7 |
| 10.0.2 | Consent to Advertise Draft Local Planning Policy – Building Height |
| 10.0.3 | Consent to Advertise Draft Local Planning Policy P323 – Salter Point Escarpment |
| 10.0.4 | Annual Review of Council Delegations |
| 10.1.1 | CSRFF Small Grants Program 2021/22 - Application for 'In-principle' Council Support - Como Bowling Club Plinth Replacement Project |
| 10.1.2 | Recreation and Aquatic Facility |

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

0821/126

COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Ken Manolas

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

- 10.1.3 Tender 5/2021 Provision of Event Management for Australia Day
- 10.1.4 eQuote 02/2021 Provision of Road Resurfacing, Rehabilitation and Ancillary Services
- 10.3.1 Proposed Additions and Alterations to Single House. Lot 803 No. 76 River Way, Salter Point
- 10.3.2 Consideration of City of Melville's proposed modifications to the Canning Bridge Activity Centre Plan
- 10.3.3 Proposed Lease - Portion Lot 80 Ley Street, Manning (Manning Primary School Bushland)
- 10.4.1 Listing of Payments - July 2021
- 10.4.2 Monthly Financial Statements - July 2021
- 10.4.3 Proposed Council Meeting Schedule 2022
- 10.4.4 Proclamation of Kwinana Freeway southbound on-ramp

CARRIED (9/0)

For: Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

10. REPORTS

10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

In accordance with authority delegated by the Minister for Local Government on 13 August 2021, approval has been given by the Department of Local Government, Sport and Cultural Industries under section 5.69(3) of the *Local Government Act 1995* to allow Mayor Greg Milner and Councillors Carl Celedin, Glenn Cridland, Stephen Russell, Samantha Bradder, Ken Manolas, Mary Choy and André Brender-A-Brandis to fully participate in the discussion and decision making relating to Item 10.0.1 Consent to Advertise Draft Local Planning Scheme 7. Approval under the same conditions has also been granted for Mayor Greg Milner and Councillors Stephen Russell, Ken Manolas, Mary Choy and André Brender-A-Brandis to fully participate in the discussion and decision making relating to Item 10.0.2 Consent To Advertise Draft Local Planning Policy – Building Height.

The approval is subject to the following conditions:

1. The approval is only valid for the 17 August 2021 Council Agenda Briefing and the 24 August 2021 Ordinary Council Meeting when agenda items 10.0.1 and 10.0.2 are considered;
2. The abovementioned Councillors must declare the nature and extent of their interests at the abovementioned meetings when the matters are considered, together with the approval provided;
3. The CEO is to provide a copy of the Department's letter of approval to the abovementioned Councillors;
4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meetings, when the items are considered;
5. The CEO is to provide a copy of the confirmed minutes of the abovementioned meetings to the Department, to allow the Department to verify compliance with the conditions of this approval; and
6. The approval granted is based solely on the interests disclosed by the abovementioned Councillors, made in accordance with the application.

Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.

The interests for Item 10.0.1 are as follows:

- Mayor Greg Milner - Financial, Proximity and Impartiality interest in Item 10.0.1 as “Local Planning Policy Scheme 7 affects the zoning or potential use of properties where persons or entities (that are closely associated or otherwise associated with me) either own the property, or have an estate or interest in the property. Those persons and entities include: not-for-profit entities that I have previously served on the boards of; a not-for-profit entity where I presently serve on a sub-committee; not-for-profit entities that I am the patron of; not-for-profit entities that my wife is a committee member of; and people who may have made donations to my election campaign in 2019.”
- Councillor Glenn Cridland - Financial, Proximity and Impartiality interest in Item 10.0.1 as “the making of a new Local Planning Scheme for the City of South Perth is certain to impact upon the development potential, permissible (and prohibited) uses and amenity of many real properties in the City of South Perth including potentially our family home at 61 Thelma Street Como, our neighbours’ homes as well as the homes of family, friends, colleagues and acquaintances.”
- Councillor Carl Celedin - Financial interest in Item 10.0.1 as “I own a property in the City of South Perth where the value of the property may be affected (increased or decreased) because of this item.”
- Councillor Stephen Russell - Proximity interest in Item 10.0.1 as “The LPS7 includes my primary residence and adjoining properties.”
- Councillor Samantha Bradder - Financial and Proximity interest in Item 10.0.1 as “both myself and my extended family own property in the City of South Perth.”
- Councillor Ken Manolas - Financial, Proximity and Impartiality interest in Item 10.0.1 as “the two family homes at 193 Mill Point Road and 28 Victoria Street are the subject of zoning changes that may increase or decrease the value of our homes. My son owns property at 23 Cygnus Parade, Waterford and an adjacent property has a zoning change which may increase or decrease the value of his home. The Citywide changes will affect my family, our neighbours, and a great many people that I know in the City.”
- Councillor Mary Choy - Financial, Proximity and Impartiality interest in Item 10.0.1 as “I, my immediate and extended family and close friends own multiple properties throughout the City of South Perth to which the LPS7 will apply.”
- Councillor André Brender-A-Brandis - Proximity interest in Item 10.0.1 as “I am a property owner within the City of South Perth.”

This Item was deferred by Council at its meeting held 27 July 2021 to allow Councillors time to review the impact of all the information to hand.

10.0.1 Consent to Advertise Draft Local Planning Scheme 7

Location:	Not Applicable
Ward:	All
Applicant:	Not Applicable
File Ref:	D-21-64428
Meeting Date:	24 August 2021
Author(s):	Aaron Augustson, Principal Strategic Urban Planner
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

Summary

At its meeting held 25 May 2021, Council considered a report relating to the consent to advertise draft Local Planning Scheme 7 (LPS7). The Council resolved to defer consideration of the matter to a later meeting in order to hold a Workshop.

A Workshop was held 6 July 2021. A number of modifications to the officers recommendation from the 25 May 2021 meeting have been made as a result of the Workshop;

- Inclusion of minimum vehicle, bicycle and end-of-trip facility criteria within the Scheme Text of LPS7
- Refinement of criteria of the Scheme Text relating to areas of the City that are subject to potential flooding
- Incorporation of provisions relating to Amendment 63 to TPS6 (Preston Street Neighbourhood Centre) as this amendment has been approved by the Minister for Planning since the 25 May Council meeting.

LPS7 aligns with the City's Local Planning Strategy (Strategy), which was adopted by the Western Australian Planning Commission (WAPC) in February 2021. LPS7 addresses a number of strategic outcomes outlined in the Strategy.

It is noted that reports relating to policies intended to support and be concurrently advertised with LPS7 are also included in this meeting's agenda.

This report recommends that Council endorse LPS7 for the purpose of undertaking consultation.

Officer Recommendation

Moved: Councillor Carl Celedin

Seconded: Councillor Samantha Bradder

That Council:

- a. Pursuant to section 72(1) of the *Planning and Development Act 2005*, endorse the draft Local Planning Scheme 7 as included at **Attachment (a)** (Scheme Text) and **Attachment (b)** (Scheme Map) for the purpose of undertaking public consultation.
- b. Prior to submission of Local Planning Scheme 7 to the Western Australian Planning Commission, the City have a suitably qualified lawyer undertake a legal review of the draft Local Planning Scheme Text and Scheme Map. Modifications to address improper or inconsistent language, correct anomalies or elements of ambiguity identified by the review shall be made prior to submission of Local Planning Scheme 7 to the Western Australian Planning Commission.
- c. Following legal review but prior to submission of Local Planning Scheme 7 to the Western Australian Planning Commission under (d), the City refer Local Planning Scheme 7 to the Environmental Protection Authority pursuant to clause 81 of the *Planning and Development Act 2005*.
- d. Authorise the Chief Executive Officer to submit copies of the endorsed draft Local Planning Scheme 7 to the Western Australian Planning Commission requesting the Commission grant approval to advertise the scheme without modification.
- e. Authorise the Chief Executive Officer, as soon as practicable following submission of the draft Local Planning Scheme 7 to the Western Australian Planning Commission, to publish a copy of the Council endorsed version on the City's website, noting that the draft Scheme is yet to be advertised.
- f. Following approval of the Western Australian Planning Commission to advertise the draft Local Planning Scheme 7, the City undertakes community consultation and invites submissions on the scheme for a period of 90 days.

During debate on the following amendment Councillor Stephen Russell was granted an additional five minutes to speak.

0821/127

COUNCIL DECISION

Moved: Mayor Greg Milner
Seconded: Councillor Glenn Cridland

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

CARRIED (9/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Samantha Bradder, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

During debate of the following amendment and at the request of Council, the Presiding Member put the items separately.

Amendment

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

That the Officers recommendation be amended as follows:

That Council:

- a. Pursuant to Section 72(1) of the Planning and Development Act 2005 endorse the draft Local Planning Scheme 7 as included at Attachment (a) (Scheme Text) and Attachment (b) (Scheme Map) for the purpose of undertaking public consultation, with the following amendments:

1. Modify the scheme map to re-code No. 2 (Lot 3296) Bruce Street (Collier Retirement Village) to R40.

The amendment was put and declared LOST (3/6)

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

Against: Mayor Greg Milner and Councillors Samantha Bradder Carl Celedin, Mary Choy, Glenn Cridland, Ken Manolas.

2.
 - a. Modify the scheme map to re-code No. 6 (Lot 1) Elderfield Road, No. 53 (Lot 502) Redmond Street, No. 0 (Lot 4) Mt Henry Road and No. 295 (Lot 5000) Manning Road from no-code to R20.
 - b. Modify the scheme map to re-code No. 58 (Lot 503) Mt Henry Road from no-code to R25.
 - c. Modify the scheme map to re-code No. 40 (Lot 504) Coode Street and No. 101 (Lot 2199) Thelma Street from no-code to R30.

- d. Modify the scheme map to re-code all lots without a density code North of No. 40 (Lot 504) Coode Street and bounded by Coode Street, Mill Point Road and Leane Street to R40.
- e. Modify the scheme map to re-code No 2 (Lot 1) Alexandra Street from no-code to R40.
- f. Modify the scheme map to re-code No 16 (Lot 3) York Street from no-code to R50.

The amendment was put and declared LOST (1/8)

For: Councillor Stephen Russell.

Against: Mayor Greg Milner and Councillors André Brender-A-Brandis, Samantha Bradder, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas.

3.

- a. Modify the scheme map to re-code all R100 coded lots bounded by Canning Highway, South Terrace, Thelma Street and McDonald Street to R80.
- b. Modify the scheme map to recode No 364 (Lot 2) Canning Highway, No 362 (Lot 1) Canning Highway and No 360 (Lot 796) Canning Hwy to R80.
- c. Modify the scheme map such that all R50 lots bounded by Canning Highway, South Terrace, Thelma Street and Murray Street, to be recoded to R40.

The amendment was put and declared LOST (4/5)

For: Councillors André Brender-A-Brandis, Samantha Bradder, Glenn Cridland, Stephen Russell.

Against: Mayor Greg Milner and Councillors Carl Celedin, Mary Choy, Blake D'Souza, Ken Manolas.

4.

- a. Modifying clause 32(1), Table 10, Item 5(1) by specifying the following minimum vehicle and bicycle parking spaces as follows, with all other details remained unchanged:

	Minimum vehicles parking spaces (or part thereof)	Minimum bicycle parking spaces (or part thereof)
Zone		
Mixed Use	1:20sqm NLA	1:175sqm NLA – (staff & visitor mix)
Commercial	1:20sqm NLA	1:175sqm NLA – (staff & visitor mix)

Local Commercial	1:25sqm NLA	1:100sqm NLA – (staff & visitor mix)
Private Clubs, Institutions and Places of Worship	1:20sqm NLA	1:100sqm NLA – (staff & visitor mix)
Land Use		
Office	1 per 25sqm NLA for staff with an additional of no less than 10% with a minimum of 2 spaces for visitors.	1:150sqm NLA – staff 1:500sqm NLA – visitors
Restaurant / Café	1 per 5sqm NLA for visitors with an additional of no less than 10% with a minimum of 2 spaces for staff.	1:200sqm NLA – staff 1:50sqm NLA – visitors
Shop	1 per 25sqm NLA for visitors with an additional of no less than 10% with a minimum of 2 spaces for staff.	1:200sqm NLA – staff 1:25sqm NLA – visitors
Tavern	1 per 5sqm NLA for visitors with an additional of no less than 10% with a minimum of 2 spaces for staff.	1:200sqm NLA – staff 1:50sqm NLA – visitors

- b. The end-of-trip facilities detailed in Clause 32(1) Table 10 Item 5(4) shall be modified as follows:

(4) Where development is required to provide bicycle parking spaces in accordance with (1), the following end-of-trip facilities shall also be provided:

Number of bicycle parking spaces required	Minimum End of Trip Facilities
For four (4) or less bicycle parking spaces for staff use.	Nil
For ten (10) or less and greater than four (4) bicycle parking spaces for staff use.	1 shower cubicle in each separate female and male staff changing rooms, or 2 staff unisex facilities each with 1 shower cubicle. 1 secure clothes locker for every bicycle space.
More than ten (10) bicycle parking spaces for staff use.	An additional 1 shower cubicle in each changing room for every

	<p>additional 5 bicycle parking spaces.</p> <p>1 secure clothes locker for every bicycle space.</p>
For none (9) or less bicycle parking spaces for staff and visitor mixed use.	Nil
More than ten (10) bicycle parking spaces for staff and visitor mixed use.	<p>1 shower cubicle in each separate female and male staff changing rooms for every 10 spaces, or</p> <p>2 staff unisex facilities each with 1 shower cubicle for every 10 spaces.</p> <p>Secure clothes locker as deemed necessary for staff purposes.</p>

- c. Modify the scheme text by adding an additional sub-item (6) to Clause 32(1), Table 10, Item 5 stating:

(6) Notwithstanding (5) all bicycle spaces to be used for visitor use shall be within public street view, sheltered from the weather and ground mounted.

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

For: Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

5. Under Clause 38(1) 'Home Business' (f) and 'Home Occupation' (g) the respective sub-clauses shall be modified as follows:

'does not involve the presence, use or calling of a motor vehicle with a gross vehicle mass (GVM) greater than 4,500 kg or constructed or equipped to seat more than 12 adults (including the driver).'

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

For: Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Reasons for change:

- For point 1 it is deemed that the proposed density code of R50 is inconsistent with the surrounding neighbourhood which is either R30 or R40. The City has advised that for this lot a re-coding from R50 to R35 would incur a 74 loss of dwellings and therefore recoding at R40 would incur a lesser loss of dwellings.

The loss of less than 74 dwellings is considered minimal in the context of a more amenable built-form transition and character for the surrounding neighbourhood. Furthermore, if the retirement village required an apartment style aged care facility to complement the existing village, then this could be adopted under a Local Development Plan thereby providing increased density potential with development limitations in place. This would result in multiple dwelling outcomes similar to the Berrington Aged Care development which sits on the adjacent R40 lot and the Waterford Triangle. In this way, development is a win-win for both the surrounding neighbourhood, the residents wishing for in-place aged care and the retention of the parts of the retirement village e.g. the stream and its landscaping.

2. For point 2, under the current Town Planning Scheme 6, various private educational institute properties are coded with a density code consistent with the surrounding neighbourhood. However, under the proposed LPS7 draft, the zoning for these properties is set to a non-code and therefore there is the potential for future subdivisions to result that are inconsistent with the surrounding neighbourhood. By including the suggested coding for these properties which aligns with the surrounding neighbourhood, then at least the WAPC will need to give due regard to Council's coding requirements when a subdivision application is considered.
3. For point 3, the City has advised that if all Canning Highway R100 properties South of Arundel Street and North of Alston Street were re-coded to R80 then this would incur a 102 dwelling loss. This option has not been exercised as consistent with Amendment 57, it is proposed that R80 lots now dominate blocks between controlled intersections (South Tce/Canning & Thelma/Canning) whilst retaining R100 lots at such intersections. Hence, in combination with better transitioning of R15 & R20 lots with R80 via R40, as seen elsewhere within the City, then the dwelling loss is considered minimal for a better built-form transition and character for the entire Canning Highway corridor and the Avenues. Furthermore, for the properties West of Canning Hwy then as the crossovers are potentially onto Canning Hwy, then the use of the local road network as rat-runs, in particular McDonald St, will be reduced when Canning Hwy is widened and right-turn in & out manoeuvres are restricted.
4. For point 4, it is noted that whilst the City has endeavoured to reflect the car and bicycle requirements of TPS6, it is considered that there are details lacking in terms of specific land uses where vehicle and bicycle space allowance cannot be generalised and where a separation of staff and visitors is needed. In addition, it is considered that the additional details for bicycle space numbers /supporting infrastructure and end-of-trip facilities is consistent with the Integrated Transport Plan which calls for the encouragement of alternative transport modes to the motor

vehicle. Of importance is the quality of the visitor parking infrastructure in terms of prevention of bicycle theft and environmental protection to encourage bicycle use. These amending points address such considerations.

5. For point 5, in accordance with the Department of Transport WA, a heavy weight vehicle is one with a Gross Vehicle Mass (GVM) of more than 4.5tonne and therefore a 4.5tonne tare weight vehicle would fall into this category i.e. being either a Light Rigid (up to 8tonnes GVM) or a Medium Rigid (greater than 8tonnes GVM) heavy weight vehicle dependent upon payload capacity. It is the opinion that these heavy vehicles when servicing Home Business or Home Occupations will result in an amenity loss to residents who will be living within a future inner-City like environment. Hence amenity losses such as elevated noise of larger vehicles, longer vehicles occupying more on-street parking bays, the manoeuvring of larger vehicles on streets with large numbers of on-street parking becoming difficult, will all be realised. Hence a 4.5tonne GVM vehicle (which can still be a light truck) or a 12-passenger vehicle is considered a more appropriate vehicle class for the City's future residential streets, and if a heavier vehicle is required then discretion should be sought by the applicant.

During debate of the following amendment and at the request of Council, the Presiding Member put the items separately.

During debate on the following amendment Councillor Ken Manolas was granted an additional five minutes to speak.

0821/128

COUNCIL DECISION

Moved: Mayor Greg Milner

Seconded: Councillor Mary Choy

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

CARRIED (9/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Samantha Bradder, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Amendment

Moved: Councillor Ken Manolas

Seconded: Councillor Mary Choy

That recommendation a. of the Officers recommendation be amended as follows:

That Council:

- a. Pursuant to Section 72(1) of the *Planning and Development Act 2005*, endorse the draft Local Planning Scheme 7 as included at **Attachment (a)** (Scheme Text) and **Attachment (b)** (Scheme Map) for the purpose of undertaking public consultation subject to the following modifications:

- i. Modify Table 10 (1) of the Scheme Text as follows:

No.	Description of land	Requirements																											
1.	All land zoned or reserved under this Scheme	<p>Building height</p> <p>(1) Unless otherwise provided for in this Scheme, or set out in an adopted Precinct Structure Plan, Precinct Plan or Local Development Plan, the height of any building on a site with an R-Code as identified on the Scheme Map, shall not exceed the following requirements:</p> <table> <tr> <th>Density code</th><th>Maximum wall height</th><th>Maximum building height</th></tr> <tr> <td>R15, R20, R25, R30, R35, R40</td><td>7.0 metres</td><td>9.0 metres</td></tr> <tr> <td>R50 & R60</td><td>10.0 metres</td><td>12.0 metres</td></tr> <tr> <td>R80, R100</td><td>N/A</td><td>15.0 metres</td></tr> <tr> <td>R160</td><td>N/A</td><td>18.0 metres</td></tr> <tr> <td>R-AC4</td><td>N/A</td><td>12.0 metres</td></tr> <tr> <td>R-AC3</td><td>N/A</td><td>21.0 metres</td></tr> <tr> <td>R-AC2</td><td>N/A</td><td>24.0 metres</td></tr> <tr> <td>R-AC1</td><td>N/A</td><td>30.0 metres</td></tr> </table> <p>(2) Notwithstanding (1), the local government may permit variations to where the maximum building height is measured on a lot in a local planning policy. However the local planning policy must be consistent with matters set out in table 10 (1) in relation to maximum wall height and maximum building height for the relevant R code.</p>	Density code	Maximum wall height	Maximum building height	R15, R20, R25, R30, R35, R40	7.0 metres	9.0 metres	R50 & R60	10.0 metres	12.0 metres	R80, R100	N/A	15.0 metres	R160	N/A	18.0 metres	R-AC4	N/A	12.0 metres	R-AC3	N/A	21.0 metres	R-AC2	N/A	24.0 metres	R-AC1	N/A	30.0 metres
Density code	Maximum wall height	Maximum building height																											
R15, R20, R25, R30, R35, R40	7.0 metres	9.0 metres																											
R50 & R60	10.0 metres	12.0 metres																											
R80, R100	N/A	15.0 metres																											
R160	N/A	18.0 metres																											
R-AC4	N/A	12.0 metres																											
R-AC3	N/A	21.0 metres																											
R-AC2	N/A	24.0 metres																											
R-AC1	N/A	30.0 metres																											

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

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Samantha Bradder, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

- ii. Modifying clause 34 (6) to state as follows:

‘(6) The power conferred by this clause shall not apply to any development or site requirement set out in Schedule B, Schedule C and Table 10(1) with regard to maximum wall height and maximum building heights.’

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

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Samantha Bradder, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

- iii. Modifying the Scheme Map by depicting the lots inside the area bounded by Coode Street, Mill Point Road, Angelo Street and King Edward Street, coded R40 to be substituted with R35, with the exclusion of the lots 17, 19 Rose Avenue and 43 York Street which should remain as R40.

The amendment was put and declared LOST (4/5)

For: Mayor Greg Milner and Councillors Mary Choy, Blake D'Souza, Ken Manolas.

Against: Councillors André Brender-A-Brandis, Samantha Bradder, Carl Celedin, Glenn Cridland, Stephen Russell.

- iv. Modify the scheme map to re-code No. 6 (Lot 1) Elderfield Road, No. 53 (Lot 502) Redmond Street, No. 0 (Lot 4) Mt Henry Road and No. 295 (Lot 5000) Manning Road from no-code to R20.

The amendment was put and declared LOST (3/6)

For: Councillors Blake D'Souza, Mary Choy, Ken Manolas.

Against: Mayor Greg Milner and Councillors André Brender-A-Brandis, Samantha Bradder, Carl Celedin, Glenn Cridland, Stephen Russell.

- v. Modify the scheme map to re-code No. 58 (Lot 503) Mt Henry Road from no-code to R25.

The amendment was put and declared LOST (3/6)

For: Councillors Blake D'Souza, Mary Choy, Ken Manolas.

Against: Mayor Greg Milner and Councillors André Brender-A-Brandis, Samantha Bradder, Carl Celedin, Glenn Cridland, Stephen Russell.

- vi. Modify the scheme map to re-code No. 40 (Lot 504) Coode Street and No. 101 (Lot 2199) Thelma Street from no-code to R30.

The amendment was put and declared LOST (3/6)

For: Councillors Blake D'Souza, Mary Choy, Ken Manolas.

Against: Mayor Greg Milner and Councillors André Brender-A-Brandis, Samantha Bradder, Carl Celedin, Glenn Cridland, Stephen Russell.

- vii. Modify the scheme map to re-code all lots without a density code North of No. 40 (Lot 504) Coode Street and bounded by Coode Street, Mill Point Road and Leane Street to R30.

The amendment was put and declared LOST (3/6)

For: Councillors Blake D'Souza, Mary Choy, Ken Manolas.

Against: Mayor Greg Milner and Councillors André Brender-A-Brandis, Samantha Bradder, Carl Celedin, Glenn Cridland, Stephen Russell.

- viii. Modify the scheme map to re-code No 2 (Lot 1) Alexandra Street from no-code to R35.

The amendment was put and declared LOST (3/6)

For: Councillors Blake D'Souza, Mary Choy, Ken Manolas.

Against: Mayor Greg Milner and Councillors André Brender-A-Brandis, Samantha Bradder, Carl Celedin, Glenn Cridland, Stephen Russell.

- ix. Modify the scheme map to re-code No 16 (Lot 3) York Street from no-code to R30

The amendment was put and declared LOST (3/6)

For: Councillors Blake D'Souza, Mary Choy, Ken Manolas.

Against: Mayor Greg Milner and Councillors André Brender-A-Brandis, Samantha Bradder, Carl Celedin, Glenn Cridland, Stephen Russell.

Reasons for change:

I believe that Table 10, clause 1, subclause (2), and clause 34 of the LPS7, are too broad and does not give certainty to the overall maximum building heights for each R Code.

- i) Section (2) of the Table 10 – To be modified to allow a Local Planning Policy to be approved, relating to where on a lot the maximum height is measured.

By deleting and inserting the words in red the clause will read as follows.

(2) Notwithstanding (1), the local government may permit variations to where the maximum building height is measured on a lot in a local planning policy. However, the local planning policy must be consistent with matters set out in table 10 (1) in relation to maximum wall height and maximum building height for the relevant R code.

The changes enable the Council to implement policies varying where the building height is measured on a lot but retains the maximum building heights for each R code. This ensures the Community has clarity and definite certainty of the maximum building height for each R code as set out Building Height Table 10 (1).

- ii) Clause 34 - insert the wording shown in red, ensures Table 10(1) applies in all circumstances.

‘(6) The power conferred by this clause shall not apply to any development or site requirement set out in Schedule B, Schedule C and Table 10(1) with regard to maximum wall height and maximum building height.’

Clause 34 in its current form, does not give certainty for the application of maximum building heights in Table 10 (1). To ensure the maximum building heights remain as noted in Table 10.1 for each R Code, the additional wording needs to be inserted and this then is in line with the motion passed at the Ordinary Council Meeting 28th July 2020 Local Planning Strategy, Community submissions, deputations and petitions.

- iii) The lots bounded by the area Mill Point Road, Coode St., Angelo Street and King Edward Street, coded R 40 to be reduced to R 35 with the exclusion of Lots 17,19, Rose Avenue and 43 York St.

The areas requested in Point iii to be considered for recoding from R40 to R35 were not part of the original Managed Growth Area advertised for density in 2019.

Density and additional dwellings are well catered for. There is a mix of different housing types that cater for a variety of residential uses. An R35 code, would retain the existing single residential character of the area, attracting families with children and children can be walked to school, reducing traffic.

Schools play an important role in attracting families to live in the City of South Perth. The three schools, Wesley College, South Perth Primary School, and St. Columbas are in this area and a R35 code will provide a development which is consistent in providing family styled green titled homes on smaller lots with carbays on site. This type of development provides density and safety for children, and will not adversely effect existing residents street parking and amenities.

There is a Community concern that the safety of the children may be compromised as an increase in building height may create overlooking issues into school grounds.

In relation to the lots inside the area bounded by Coode Street, Mill Point Road, Angelo Street and King Edward Street, the City has advised, recoding the lots currently proposed R40 to R35 would incur a minimum loss of dwellings, and if one accounts “for the fact that not everyone would subdivide or may not subdivide to the most number of lots”, the City “estimates the total loss of dwelling yield in all of the areas combined , would be less than 10 dwellings compared to the officers recommendation “of retaining the coding of R40 for this small area surrounding the three school zones. The Officer further states,” In almost all instances, each lot will be able to achieve the same or more number of dwellings/lots than currently under TPS6”.

Therefore, the loss of potential development, under LPS7 is less than 10 dwellings. The benefit to the Community in the context of a more responsible, amenable built form, and better transition from the immediate surrounding neighbourhood which is R30 and R15, is sufficient to consider the recoding of this area to R35.

As this area comprises of narrow streets, narrow footpaths, narrow verges, the traversing vehicles up or down the narrow streets is difficult when cars are parked on both sides of the Street. Should the WAPC in keeping with the review of the State Planning Policy 7.3 Draft Residential Design Codes Volume 1, Low and Medium Density removes the R40 – 2 storey code, and inserts the new building code for R40, 3 storey in our Draft Local Planning Scheme 7, the impact of the bulk and scale would affect the amenity and streetscape of this area.

The proposed R40 by the WAPC in the Draft State Planning Policy 7.3 Residential Design Codes Volume 1 Low and Medium Density, also has other changes that will have an impact.

Refer extract: Height (storeys), Site, Parking - Draft Residential Design Codes Low and Medium Density below shows potential impact.

A R40, multi-dwelling needs to only achieve an average of 115sqm per lot within 250 metres of a high frequency bus route. City Officers have stated, the Medium Density Code (MDC) allows development, if within a 250m high frequency bus route, “to reduce residential parking requirements potentially to zero bays”. The City Officer has suggested to “mitigate this issue, the Council would need to “add minimum residential parking criteria into LPS7”, but “this would be subject to WAPC approval”. Therefore, any Local Planning Policy relating to parking would require WAPC approval.

In contrast, an R35 is averaging 260sqm per lot, which would promote a more suitable built form for this area. The lower R Code of R35, has sufficient development providing for family residential dwellings on smaller lots with the provision for onsite parking. Overall, a lower R code of R35, would make it a more desirable place for family living, and a safe environment to age in place, compatible with the surrounding neighbourhood area being R15 – R30.

I am proposing the change R40 to R35 two storey, to ensure the single residential character development of this area is retained, should the WAPC institutes changes proposed in the Draft Medium Density Code.

The Community in this area have actively engaged with the City by way of correspondence - emails, street Resident meetings, Agenda Briefing Deputations in July 2020/May/August 2021, two Petitions, one of which was delivered to residents with maps requesting, if in agreeance, to return to the initiator – 1000 Petitioners responded, requesting “Codes R15 to Code R50 inclusive” to be maintained to “two Storey – 9 meter including roof” for the Angelo Street Neighbourhood and Surrounding Areas. I am aware of other areas that want R40, 3 storeys or even a higher R Code and greater development, but this area is not one of them.

iv – ix) For points (iv), (v), (vi), (vii), (viii), and (ix), under the current Town Planning Scheme 6, various private educational institutions and religious properties are coded consistent with the surrounding neighbourhood. Under the proposed Draft Local Planning Scheme 7, there is no code for these lots. By allocating a codes of R20-R35, the Lots will be consistent with the surrounding neighbourhood streets of R15 – R30, two storey. Therefore, should there be a potential subdivision development application, the building design and maximum building height, will align with the surrounding neighbourhood streets.

Both the St. Columbas Church, and the Catholic Convent are currently listed on the register of Heritage Places, Heritage Council of WA. The Church of St. Columbas is set high on the hill of Forrest Street, a focal point at night for South Perth, lit up and seen from afar.

The Catholic Convent No. 16 York St. is currently coded under TPS6 - R50 - two storeys, however, under LPS7, R50 will increase to 3 storeys. At present an R50 has an average of 180 square metres single house or group dwelling. The Convent adjoins Lots in Alexandria Street, coded R15, comprising several single storey old significant character homes and is opposite York Street's character old homes. If development was to occur

on the Convent site, R50 at three storeys, the bulk and scale would not align with the residential streetscape and surrounding areas all coded R15 in LPS7. Ultimately this type of development, may affect the viability of retaining the single storey character homes, hence my motions requests an R35 code being two storey for the Catholic Convent Lot. R35 is averaging 260sqm per lot, which would promote a more suitable built form for this area.

St. Columbas School and the Church are also opposite York Street, and Forrest St. This area also has single storey old significant character homes all coded R15 under LPS7. Due to the heritage listing of both the Catholic Convent, and St. Columbas Church, and the significant character homes in the neighbouring streets, an R30, two storey R code for St. Columbas School and Church Lot, would be of a greater benefit to the Community and would be compatible to the area.

With regards to Wesley College, an R30 code is more suitable, as the Lots abutting the school being north of Angelo St. are R30, the Lots east of the School being Tate Street are coded R15 and the Lots west of Wesley College being Victoria St south, to Albert St. are proposed R30 in LPS7.

The suggested coding of R30, two storey for Lots relating to the two schools and St. Columbas Church, and an R35 coding for the Catholic convent, clearly aligns with the R codes in the surrounding neighbourhood Lots.

All the Lots under points (iii), (iv), (v), (vi), (vii), (viii), and (ix), noted for recoding were not part of the original Managed Growth area for density increase, and therefore should not have a higher R code than the surrounding neighbourhood Lots being R15-R30.

My amended Motion includes more appropriate changes in R Codes for Wesley College, St. Columbas School and Church, Catholic Convent, and leaving the balance as requested by Cr. Russell, pertaining to Penrhos College, Aquinas and Clontarf.

0821/129

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

That the Officers recommendation be modified as follows:

That Council:

- a. Pursuant to section 72(1) of the *Planning and Development Act 2005*, endorse the draft Local Planning Scheme 7 as included at **Attachment (a)** (Scheme Text) and **Attachment (b)** (Scheme Map) for the purpose of undertaking public consultation, subject to the following modifications:
 - i. Modify the Scheme Map by depicting Lot 387 (No. 20) Allen Street, South Perth (known as the Burch Street Car Park) as 'Civic and Community' reserve and removing the 'R50' coding.
 - ii. Modifying the Scheme Text by:
 - (i) Deleting the table titled 'Area 5 - No. 20 Allen Street, South Perth (Burch Street Car Park)' from Schedule B;
 - (ii) Deleting Item (4) from Table 5.
 - (iii) Adding the following to Table 1:

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

- (iv) Modifying the Scheme Text by adding the following to clause 15;

No.	Description of land	Additional Use	Conditions
1.	Lot 387 (#20) Allen Street, South Perth (known as the Burch Street Car Park)	Car park	Car Park is a permitted use.

- b. Prior to submission of Local Planning Scheme 7 to the Western Australian Planning Commission, the City have a suitably qualified lawyer undertake a legal review of the draft Local Planning Scheme Text and Scheme Map.
- c. Following legal review but prior to submission of Local Planning Scheme 7 to the Western Australian Planning Commission under (d), the City refer Local Planning Scheme 7 to the Environmental Protection Authority pursuant to clause 81 of the *Planning and Development Act 2005*.

- d. Authorise the Chief Executive Officer to submit copies of the endorsed draft Local Planning Scheme 7 to the Western Australian Planning Commission requesting the Commission grant approval to advertise the scheme without modification.
- e. Authorise the Chief Executive Officer, as soon as practicable following submission of the draft Local Planning Scheme 7 to the Western Australian Planning Commission, to publish a copy of the Council endorsed version on the City's website, noting that the draft Scheme is yet to be advertised.
- f. Following approval of the Western Australian Planning Commission to advertise the draft Local Planning Scheme 7, the City undertakes community consultation and invites submissions on the scheme for a period of 90 days.

Reasons for change:

1. Proposing a residential R50 coding for the Burch Street Car Park is inconsistent with the existing and the proposed LPS7 residential zoning within the area. The inconsistent application of R50 to the Burch Street Car Park has not been suitably justified and does not represent good and orderly town planning. Residential properties within Hensman Street, Coode Street, South Terrace and the Ernst Johnson Oval boundaries, are zoned R15 or R20, with the exception of three old strata dwellings. The proposed R50 coding, which would allow for a maximum building height of 12 metres, is inconsistent with adjacent residential properties with a R15/R20 zoning, which only allows for a maximum building height of 9 metres.
2. The immediate adjacent residential properties to the Burch Street Car Park are zoned R15 under TPS6, and remain unchanged under the proposed LPS7. The Burch Street Car Park is being provided with a greater development potential than these adjacent properties, with insufficient justification having been provided.
3. The only justification provided by the City for the coding change to the Burch Street Car Park is to capitalise on the land as an 'opportunity site'. However, the opportunity to be gained from rezoning the Car Park to an R50 residential property has not been adequately determined. Consideration of a potential 'opportunity' has not been provided to the Community. If the opportunity manifests itself through the proposed R50 Residential rezoning, then consideration needs to be given by the elected members to consider; not just how the value will be extracted from this opportunity, but the opportunity cost to the City of the land being residential, before proposing a R50 residential zoning for this location.
4. Adequate financial justification and a cost-benefit analysis for rezoning this property to R50 residential has not been provided to elected members and the community. This property should not be considered for rezoning with an intention to gain an opportunity as a residential property, without compelling justification being provided for the consideration. Real property assets, such as this, do not often become available to acquire. When property is disposed by the City, the repurchasing of similar assets is not likely. Significant City property sales have occurred in recent years, without replacement. If the potential opportunity to realise this property as a R50 residential property, this would prevent the property being

available to future members of the district use for Civic or Community purposes.

5. Consultation prior to the proposal to change the purpose and objectives of the Burch Street Car Park should have been undertaken with the community residing within proximity of this property.
6. Rezoning the Burch Street Car Park to a Civic and Community Reserve purpose will provide opportunities for a range of community facilities which are compatible with surrounding development. These opportunities include halls, theatres, art galleries, education, health, aged care, social care facilities and other services by organisations involved in activities for community benefit. This provides an opportunity for community centres and day care centres to potentially utilise this land, which are operated by or where the City has an interest. A Civic and Community Reserve are appropriate given the adjacent Ernest Johnson Oval, Como Bowling and Recreation Club, Civic Centre and Administration Buildings and the South Perth Hospital.
7. Retaining the land with a Civic and Community Reserve zoning, ensures the City retains the land with the ability to use it for worthwhile Community services and also ensures this land is retained for a future use.
8. The “Additional Use” as a car park will be retained, ensuring the community and the South Perth Hospital patrons can use the car park as an ancillary offering.

This amendment is inconsequential to the South Perth Hospital, which will still be required to consider and address the requirements for any future development application and has committed to work with the City. In a Media Announcement on 22 July 2021 the City and the South Perth Hospital made a joint announcement confirming;

- The location of the public carpark on Burch Street means it is used by members of the community including South Perth Hospital.
- The City of South Perth and South Perth Hospital are working collaboratively to ensure certainty of access to parking for South Perth Hospital into the future. Discussions are ongoing and intend to provide a solution that balances the requirements of the hospital, the City and the community.
- The City intends that public parking will remain available at Burch Street and any future option presented to Council would ensure that adequate parking is provided.

9. With increasing density, more vehicles, increased traffic congestion and reduced dwelling lot sizes the need to retain public common land for Civic and Community purposes for the future has become important and will become more important. Retention of this land for public use will ensure Community Reserves are retained, allowing amenity and utility to the ratepayers and residents.

The amendment was put and declared CARRIED (5/4) and formed part of the substantive motion

For: Councillors André Brender-A-Brandis, Mary Choy, Blake D’Souza, Ken Manolas, Stephen Russell.

Against: Mayor Greg Milner and Councillors Carl Celedin, Samantha Bradder, Glenn Cridland

During debate on the amendment above Councillor André Brender-A-Brandis was granted an additional five minutes to speak.

0821/130

COUNCIL DECISION

Moved: Mayor Greg Milner

Seconded: Councillor Mary Choy

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

CARRIED (9/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Samantha Bradder, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

During debate on the amendment above Councillor Ken Manolas raised a motion to close the meeting the public.

0821/131

COUNCIL DECISION

Moved: Councillor Ken Manolas

Seconded: Councillor Mary Choy

In accordance with Clause 6.2(2) of the City of South Perth Standing Orders Local Law 2007 the meeting be closed to the public to discuss a matter containing confidential information in accordance with section 5.23(e)(iii) of the *Local Government Act 1995*.

CARRIED (9/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Samantha Bradder, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

The Presiding member closed meeting to the public at 8.13pm. All members of the public gallery left the meeting.

During closed session, Councillor Stephen Russell moved that the operation of Standing Orders be suspended.

0821/132**COUNCIL DECISION****Moved:** Councillor Stephen Russell**Seconded:** Councillor Ken Manolas

In accordance with Clause 17.1 of the City of South Perth Standing Orders Local Law 2007, the operation of clauses 8.9 and 8.10 of the Standing Orders be suspended.

CARRIED (9/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Samantha Bradder, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

0821/133**COUNCIL DECISION****Moved:** Mayor Greg Milner**Seconded:** Councillor Blake D'Souza

In accordance with Clause 17.1 of the City of South Perth Standing Orders Local Law 2007, the operation of clauses 8.9 and 8.10 of the Standing Orders be reinstated.

CARRIED (9/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Samantha Bradder, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

0821/134**COUNCIL DECISION****Moved:** Mayor Greg Milner**Seconded:** Councillor Blake D'Souza

In accordance with Clause 6.2 of the City of South Perth Standing Orders Local Law 2007 the meeting was reopened to the public.

CARRIED (9/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Samantha Bradder, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

The meeting was reopened to the public at 8.25pm and members of the public returned to the meeting.

During debate on the above amendment Councillor Glenn Cridland was granted an additional five minutes to speak.

0821/135

COUNCIL DECISION

Moved: Mayor Greg Milner

Seconded: Councillor Mary Choy

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

CARRIED (9/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Samantha Bradder, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

0821/136

Amendment

Moved: Councillor Glenn Cridland

Seconded: Councillor Stephen Russell

That following modification be added to the recommendation a. of the Officers recommendation

- i. insert the following words "*or to reduce minimum car park requirements provided by clause 32*" at the end of clause 34 (6) immediately before the "*.*"

Reason for change:

Adequate onsite car parking provision in new developments is a legitimate concern for local residents as more dwellings are created in the City and higher and larger buildings are built under the State Government's plan for South Perth.

The proposed amendment to the scheme text (for consultation) results in a limiting of discretion to reduce car parking minimum requirements in Non-Residential and Residential (Other) Uses to ensure, as far as possible, that adequate onsite car provision is supplied by new developments to provide certainty in development planning and protect the amenity of residents and visitors.

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

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Samantha Bradder, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

0821/137

Amended Substantive Motion AND COUNCIL DECISION**Moved:** Councillor Carl Celedin**Seconded:** Councillor Samantha Bradder

That Council:

- a. Pursuant to section 72(1) of the *Planning and Development Act 2005*, endorse the draft Local Planning Scheme 7 as included at **Attachment (a)** (Scheme Text) and **Attachment (b)** (Scheme Map) for the purpose of undertaking public consultation with the following amendments:

- Modify clause 14 by adding the following to Table 1:

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

- Modify clause 15 by inserting the following table:

Table 2 – Additional Uses for Local Reserves

No.	Description of land	Additional Use	Conditions
1.	Lot 387 (#20) Allen Street, South Perth (known as the Burch Street Car Park,	Car Park	Car Park is a Permitted Use.

- Modify clause 19 by deleting Item (4) from Table 5;
- Modify clause 32(1), Table 10, item (1) of the Scheme Text as follows:

No.	Description of land	Requirements
1.	All land zoned or reserved under this Scheme	<p>Building height</p> <p>(1) Unless otherwise provided for in this Scheme, or set out in an adopted Precinct Structure Plan, Precinct Plan or Local Development Plan, the height of any building on a site with an R-Code as identified on the Scheme Map, shall not exceed the following requirements:</p>

Density code	Maximum wall height	Maximum building height	
R15, R20, R25, R30, R35, R40	7.0 metres	9.0 metres	
R50 & R60	10.0 metres	12.0 metres	
R80, R100	N/A	15.0 metres	
R160	N/A	18.0 metres	
R-AC4	N/A	12.0 metres	
R-AC3	N/A	21.0 metres	
R-AC2	N/A	24.0 metres	
R-AC1	N/A	30.0 metres	
(2) Notwithstanding (1), the local government may permit variations to where the maximum building height is measured on a lot in a local planning policy. However the local planning policy must be consistent with matters set out in table 10 (1) in relation to maximum wall height and maximum building height for the relevant R code.			

- Modifying clause 32(1), Table 10, item 5(1) by specifying the following minimum vehicle and bicycle parking spaces as follows:

	Minimum vehicles parking spaces (or part thereof)	Minimum bicycle parking spaces (or part thereof)
Zone		
Mixed Use	1:20sqm NLA	1:175sqm NLA – (staff & visitor mix)
Commercial	1:20sqm NLA	1:175sqm NLA – (staff & visitor mix)
Local Commercial	1:25sqm NLA	1:100sqm NLA – (staff & visitor mix)
Private Clubs, Institutions and Places of Worship	1:20sqm NLA	1:100sqm NLA – (staff & visitor mix)
Land Use		
Office	1 per 25sqm NLA for staff with an additional of no less than 10% with a minimum of 2 spaces for visitors.	1:150sqm NLA – staff 1:500sqm NLA – visitors

Restaurant / Café	1 per 5sqm NLA for visitors with an additional of no less than 10% with a minimum of 2 spaces for staff.	1:200sqm NLA – staff 1:50sqm NLA – visitors
Shop	1 per 25sqm NLA for visitors with an additional of no less than 10% with a minimum of 2 spaces for staff.	1:200sqm NLA – staff 1:25sqm NLA – visitors
Tavern	1 per 5sqm NLA for visitors with an additional of no less than 10% with a minimum of 2 spaces for staff.	1:200sqm NLA – staff 1:50sqm NLA – visitors’;

- Modify clause 32(1), Table 10, item 5(4) end-of-trip facilities as follows:

“Where development is required to provide bicycle parking spaces in accordance with (1), the following end-of-trip facilities shall also be provided:

Number of bicycle parking spaces required	Minimum End of Trip Facilities
For four (4) or less bicycle parking spaces for staff use.	Nil
For ten (10) or less and greater than four (4) bicycle parking spaces for staff use.	1 shower cubicle in each separate female and male staff changing rooms, or 2 staff unisex facilities each with 1 shower cubicle. 1 secure clothes locker for every bicycle space.
More than ten (10) bicycle parking spaces for staff use.	An additional 1 shower cubicle in each changing room for every additional 5 bicycle parking spaces. 1 secure clothes locker for every bicycle space.

For none (9) or less bicycle parking spaces for staff and visitor mixed use.	Nil
More than ten (10) bicycle parking spaces for staff and visitor mixed use.	<p>1 shower cubicle in each separate female and male staff changing rooms for every 10 spaces, or</p> <p>2 staff unisex facilities each with 1 shower cubicle for every 10 spaces.</p> <p>Secure clothes locker as deemed necessary for staff purposes”;</p>

- Modify Clause 32(1) by adding an additional sub-item (6) to, Table 10, Item 5 stating:

“Notwithstanding (5) all bicycle spaces to be used for visitor use shall be within public street view, sheltered from the weather and ground mounted”;

- Modifying clause 34 (6) to state as follows:

“The power conferred by this clause shall not apply to any development or site requirement set out in Schedule B, Schedule C and Table 10(1) with regard to maximum wall height and maximum building heights or to reduce minimum car park requirements provided by clause 32”;

- Under Clause 38(1) ‘Home Business’ (f) and ‘Home Occupation’ (g) the respective sub-clauses shall be modified as follows:

“does not involve the presence, use or calling of a motor vehicle with a gross vehicle mass (GVM) greater than 4,500 kg or constructed or equipped to seat more than 12 adults (including the driver”;

- Modify the Scheme Map in Schedule B by depicting Lot 387 (No. 20) Allen Street, South Perth (known as the Burch Street Car Park) as ‘Civic and Community’ reserve and removing the ‘R50’ coding;
- Modify Schedule B by deleting the table titled ‘Area 5 - No. 20 Allen Street, South Perth (Burch Street Car Park)’;

- Prior to submission of Local Planning Scheme 7 to the Western Australian Planning Commission, the City have a suitably qualified lawyer undertake a legal review of the draft Local Planning Scheme Text and Scheme Map.
- Following legal review but prior to submission of Local Planning Scheme 7 to the Western Australian Planning Commission under (d), the City refer Local Planning Scheme 7 to the Environmental Protection Authority pursuant to clause 81 of the *Planning and Development Act 2005*.
- Authorise the Chief Executive Officer to submit copies of the endorsed draft Local Planning Scheme 7 to the Western Australian Planning Commission requesting the Commission grant approval to advertise the scheme without modification.

- e. Authorise the Chief Executive Officer, as soon as practicable following submission of the draft Local Planning Scheme 7 to the Western Australian Planning Commission, to publish a copy of the Council endorsed version on the City's website, noting that the draft Scheme is yet to be advertised.
- f. Following approval of the Western Australian Planning Commission to advertise the draft Local Planning Scheme 7, the City undertakes community consultation and invites submissions on the scheme for a period of 90 days.

The amended substantive motion was put and declared CARRIED (9/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Samantha Bradder, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Background

Report to 25 May 2021 Council Meeting

The officers report (refer item 10.3.1) from the 25 May 2021 Council meeting contains background on the preparation of LPS7. This includes information relating to the preparation of the LPS7, the alignment of LPS7 with the City's other strategic planning projects and the components of LPS7. The report provides commentary regarding how the key short-term actions of the Strategy are addressed in LPS7. These comments remain unchanged from the previous report.

Council resolution 25 May 2021

At its meeting held 25 May 2021 Council resolved to defer the matter to hold a Workshop to further resolve the following matters:

1. *Reducing the dwelling numbers towards the minimum, as set out in Perth and Peel @3.5million, with further consideration of built-form transition and character. This exercise shall exclude dual coded properties identified within LPS7.*
2. *A clear definition of the intended items to be included within the suggested local planning policies relating to discretionary variation to building height.*
3. *To be included within Local Planning Scheme 7, proposed minimum non-residential parking requirements, including those relating to parking infrastructure, motorbikes/scooters and bicycles, whilst considering the amendments to the Regulations for non-residential parking to be introduced 1 July 2021.*
4. *Provide information on which existing policies that are to support Local Planning Scheme 7 shall remain unchanged, be amended, or revoked. For any new or amended policies that Council deems to be core, then the City shall present draft versions concurrently with the Local Planning Scheme 7 at the same ordinary council meeting for the purpose of undertaking public consultation.*
5. *To be included within Local Planning Scheme 7, advice from the Department of Water and Environmental Regulation with respect to development within floodplains across the City.*

6. *The purpose of Clause 34 with respect to its intention, its requirements under planning law and its differences to Town Planning Scheme 6.*

Comment

Subsequent to the 25 May Council meeting and Workshop, the following modifications to the draft LPS7 Scheme Map and Scheme Text have been made and are recommended for adoption for the purpose of carrying out public consultation:

Matter	Comments
Table 10 – Vehicle Parking criteria	<p>In response to deferral reason (3), minimum non-residential parking criteria are proposed to be inserted into Table 10 of the Scheme Text.</p> <p>The provisions include minimum parking rates for vehicles, bicycles, motorbikes and end-of-trip facilities. The criteria have been developed based on the existing equivalent criteria contained within TPS6 for the applicable zone, and a review of similar provisions in other inner-urban local government town planning schemes.</p>
Minimum floor levels	<p>Following the 25 May Council meeting, officers sought advice from the Department of Water and Environment Regulation (DWER) flood department. Advice received indicated that the City should consider modifying the draft LPS7 to include provisions that:</p> <ul style="list-style-type: none"> • Ensure minimum ground levels for habitable areas of buildings are at least 500mm above the 1-in-100 Annual Exceedance Probability (1-in-100 year flood event); and, • Add criteria relating to buildings required to function during flood events (hospitals, emergency centres etc.). <p>Provisions reflecting this advice have been incorporated into Table 10(1)(3) through (6) of the Scheme Text (refer Attachment (a)).</p>
Amendment 63 – Preston Street	<p>The City has previously submitted an amendment to the Minister for Planning, for land within the Preston Street Neighbourhood Centre.</p> <p>The Minister has adopted this amendment (Amendment 63) subsequent to the 25 May Council meeting. The provisions have now been incorporated into Schedule B of the Scheme Text and reflected on the Scheme Map.</p>

Providing certainty on maximum building height

The Scheme Text presented to the 25 May Council meeting included maximum wall and overall heights for buildings throughout the City. These maximums were based either upon the underlying R-Code applicable to the site, or specific provisions contained in Schedule B or Schedule C of the Scheme Text. The method for measuring this height is to be in accordance with the R-Codes.

The Scheme Text includes a provision that would enable a decision maker to vary these maximums with reference to a local planning policy (LPP). The purpose of the LPP is to enable a decision maker to consider the method for measuring building height that applies in TPS6. The method for measuring height in TPS6 differs to that in the R-Codes and in most instances, results in greater permissible building height.

LPS7 will provide certainty on building height by specifying the maximum height of buildings on any site where an R-Code is shown on the Scheme Map, while also providing certainty to landowners that the existing development potential under TPS6 is not automatically diminished by transitioning between the two schemes.

There are no recommended changes to the scheme text in regard to height, however, LPPs relating to the measurement of Building Height and matters on the Salter Point Escarpment are addressed by other reports included on this meeting's agenda.

Reducing the number of dwellings potentially resulting from LPS7

In the officer's report to the 25 May Council meeting, the reasons for the application of different codings throughout LPS7 are identified. The codings recommended in LPS7 are intended to address the strategic outcomes identified in the City's Local Planning Strategy, as well as the objectives of *Perth and Peel @3.5million*.

The officer's previous report sets out the rationale for codings at a more localised level, being;

- Codings have been adjusted in many areas throughout the City to reflect the existing built-form scale and land use;
- Codings have been set to establish transition in built-form scale within managed growth areas, with the specific objective of achieving transition in maximum building height;
- Codings have been set to minimise the impact on prevailing streetscape character. In some areas LPS7 recommends retaining the existing TPS6 coding, for that reason.

The rationale for the coding of each area is set out in both the Strategy and the map contained at **Attachment (c)**. The rationale for the application of coding under LPS7 was also discussed in detail at the Workshop of 6 July 2021. Given the above, no further changes to density codings applied through LPS7 are recommended.

Matters to be address through local planning policies

An implication of the officer's recommendation for the 25 May Council meeting was that a number of LPP's would need to be developed to assist decision making under LPS7. This included LPP's relating to:

- The measurement of building height under LPS7, to ensure existing development potential is not unreasonably altered by transitioning between TPS6 and LPS7;

- Transitioning existing bespoke building height limits and significant view considerations for the Salter Point Escarpment between TPS6 and LPS7; and,
- Vehicle and bicycle parking provision and design.

Given the modified recommendation relating to vehicle parking criteria, an LPP to accompany LPS7 is no longer necessary in the short term. Council may, in the future, adopt an LPP that further clarifies the City's assessment of vehicle parking and associated infrastructure.

LPP's relating to the measurement of Building Height and matters on the Salter Point Escarpment are addressed by other reports included on this meeting's agenda.

Purpose of Clause 34 of Scheme Text

Clause 34 of the Scheme Text forms part of the Model Provisions and is a standard clause of all new local planning schemes. The clause provides that, notwithstanding non-compliance with elements of LPS7, the local government may exercise discretion to approve a development application.

It is noted that clause 7.4 of TPS6, prohibits discretion in relation to maximum building height under clause 6.1A and provisions relating to 'specific site' requirements under clause 5.4.

LPS7 replicates this by excluding the application of clause 34 to Schedule B and Schedule C of the Scheme Text. Provisions within these schedules are largely reflective of the existing criteria of clause 5.4 of TPS6.

Consultation

Should Council endorse LPS7 for the purpose of consultation, the certification of the WAPC will be required prior to the commencement of the advertising period. The WAPC may direct the City to modify LPS7 prior to consultation occurring.

It is anticipated that consultation will not commence until at least six months from the date of Council endorsement of LPS7, the subject of this report. Consultation on LPS7 will be undertaken in accordance with regulation 22 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) and will include the following:

- Preparation of supporting documentation (available electronically and in hard copy) to explain the key components of LPS, including FAQs, summary document and explanatory notes
- Direct mail notice to all households within the City of South Perth inviting feedback on LPS7. The mail notice will provide an overview of LPS7 and provide brief information about LPS7 proposals that directly affect the particular property (change to zoning or coding)
- Advertising of LPS7 in the Southern Gazette newspaper and other publications, including the City's e-news, Peninsula Magazine, City website and social media
- Direct email notice to the City's database of stakeholders
- Media communications to promote the project and opportunities to provide feedback

- Community drop-in sessions to enable stakeholders to ask detailed questions of City officers.

The Regulations require the City to consult with each public authority and adjoining local governments likely to be affected by LPS7. The consultation period will be open for a period of 90 days, unless it extends over the Christmas/New Year and/or Easter holiday periods, in which case the period will be extended in accordance with P301 – Advertising of Planning Proposals.

Policy and Legislative Implications

Part 72 of the Act provides the ability for the City to prepare and adopt a local planning scheme for the district.

Part 73 of the Act sets out the matters/content dealt with as part of a local planning scheme. LPS7 has been prepared in a manner consistent with these provisions.

The Act provides the power for the Minister for Planning to require a local government to adopt a local planning scheme. The City resolved to prepare a new local planning scheme in June 2017.

A review of the City's local planning policy framework has been on-going for a number of years and will continue to ensure an appropriate transition in policy provisions between TPS6 and LPS7.

Financial Implications

A legal review of LPS7 will occur prior to submission to the WAPC. This cost has been accounted for in the 2021/22 budget.

There will be considerable costs in undertaking consultation on LPS7, which has been included in the 2021/22 budget. The largest cost associated with undertaking consultation is the direct mail notices proposed to be provided to each household.

There are on-going administrative costs associated with the preparation of the local planning framework, and costs associated with any future consultation.

Strategic Implications

TPS6 was originally gazetted in 2003 and is increasingly difficult to administer with certainty. Progression of LPS7 will enable the implementation of a framework that supports the following 'Strategic Direction' identified within Council's [Strategic Community Plan 2020-2030](#):

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable urban neighbourhoods
Outcome:	3.2 Sustainable built form
Strategy:	3.2.1 Development and implement a sustainable local planning framework to meet current and future community needs

Attachments

10.0.1 (a):	Scheme Text
10.0.1 (b):	Scheme Map
10.0.1 (c):	Map of reasons for coding changes TPS6 to LPS7

In accordance with authority delegated by the Minister for Local Government on 13 August 2021, approval has been given by the Department of Local Government, Sport and Cultural Industries under section 5.69(3) of the *Local Government Act 1995* to allow Mayor Greg Milner and Councillors Carl Celedin, Glenn Cridland, Stephen Russell, Samantha Bradder, Ken Manolas, Mary Choy and André Brender-A-Brandis to fully participate in the discussion and decision making relating to Item 10.0.1 Consent to Advertise Draft Local Planning Scheme 7. Approval under the same conditions has also been granted for Mayor Greg Milner and Councillors Stephen Russell, Ken Manolas, Mary Choy and André Brender-A-Brandis to fully participate in the discussion and decision making relating to Item 10.0.2 Consent To Advertise Draft Local Planning Policy – Building Height.

The approval is subject to the following conditions:

1. The approval is only valid for the 17 August 2021 Council Agenda Briefing and the 24 August 2021 Ordinary Council Meeting when agenda items 10.0.1 and 10.0.2 are considered;
2. The abovementioned Councillors must declare the nature and extent of their interests at the abovementioned meetings when the matters are considered, together with the approval provided;
3. The CEO is to provide a copy of the Department’s letter of approval to the abovementioned Councillors;
4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meetings, when the items are considered;
5. The CEO is to provide a copy of the confirmed minutes of the abovementioned meetings to the Department, to allow the Department to verify compliance with the conditions of this approval; and
6. The approval granted is based solely on the interests disclosed by the abovementioned Councillors, made in accordance with the application.

Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.

The interests for Item 10.0.2 are as follows:

- Mayor Greg Milner - Financial, Proximity and Impartiality interest in Item 10.0.2 as “Draft Local Planning Policy (Building Height) affects the zoning or potential use of properties where persons or entities (that are closely associated or otherwise associated with me) either own the property, or have an estate or interest in the property. Those persons and entities include; not-for-profit entities that I have previously served on the boards of; not-for-profit entities that I am the patron of; not-for-profit entities that my wife is a committee member of; and people who have made donations to my election campaign in 2019.”
- Councillor André Brender-A-Brandis - Financial interest in Item 10.0.2 as “I own a property within the City, which may be subject of valuation changes due to the application of this Local Planning Policy with regards to Building Height.”
- Councillor Ken Manolas - Financial, Proximity and Impartiality interest in Item 10.0.2 as “The policy may increase or decrease the value of properties that I, my family or friends own in the City.”

10.0.2 Consent to Advertise Draft Local Planning Policy - Building Height

- Councillor Mary Choy - Financial, Proximity and Impartiality interest in Item 10.0.2 as “I, my immediate and extended family and close friends own multiple properties throughout the City of South Perth, some on sloping lots, which the Draft Local Planning Policy on Building Height may apply.”
- Councillor Stephen Russell - Financial interest in Item 10.0.2 as “in the context of the introduction of LPS7 and as the proposed height policy is in essence an excerpt from TPS6, then I consider the definition of “scheme’ as per the Act to apply to this position. Hence a review of Section 5.63(3) & (4) of the Act does not exempt me from not declaring an interest.”

As five Councillors disclosed a financial/proximity interest prior to the 27 July 2021 Ordinary Council Meeting there was no quorum for this Item and therefore it was not considered at the Meeting. This Item also relates to Item 10.0.1 Consent to Advertise Draft Local Planning Scheme 7.

10.0.2 Consent to Advertise Draft Local Planning Policy - Building Height

Location:	Not Applicable
Ward:	All
Applicant:	Not Applicable
File Ref:	D-21-64431
Meeting Date:	24 August 2021
Author(s):	Aaron Augustson, Principal Strategic Urban Planner
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

Summary

This report recommends Council grant consent to advertise a draft local planning policy (Building Height policy) relating to the assessment of building height under draft Local Planning Scheme 7. The Building Height policy is intended to support draft provisions of LPS7.

The Building Height policy has been prepared to ensure that the maximum height of buildings is determined in the same manner between TPS6 and LPS7. The Building Height policy is not intended to offer general discretion on building height; rather to confine it to very specific circumstances that currently apply under TPS6.

The Building Height policy is necessary should Council resolve to consent to advertise LPS7, and specifically, if reference to a local planning policy is contained in clause 32, Table 10(1)(2) of the draft Scheme Text.

Should Council consent to advertise the Building Height policy, advertising will occur concurrently with LPS7.

Officer Recommendation**Moved:** Councillor Carl Celedin**Seconded:** Mayor Greg Milner

That Council, in accordance with the provisions of Schedule 2, Clauses 3 and 4 of the Planning and Development (Local Planning Schemes) Regulations 2015:

1. Resolves to prepare the Building Height policy as set out in **Attachment (a)**; and
2. Consents to advertise the Building Height policy in conjunction with advertising for Local Planning Scheme 7; and
3. Following completion of the public comment period, receives a further report detailing the outcomes of the advertising period, including any submissions received, for consideration.

0821/138**Amendment****Moved:** Councillor Ken Manolas**Seconded:** Councillor Mary Choy

That the following amendments be made to the Building Height Policy:

- Under the heading 'Policy objectives' add the following paragraph under point 2.

'The draft Building Height policy has been prepared to enable buildings under LPS7 to be constructed to the same height/level, generally, as currently prescribed under TPS6. It provides limits to a decision maker to only apply discretion where a site previously had greater development potential under TPS6. The policy has not been prepared, nor is it intended, to allow for buildings of a height greater than specified in Table 10 of LPS7, or as can currently be achieved in TPS6.'
- Under the heading 'Policy statement' sub heading 2.0 Matters to be considered when varying building heights contained in clause 32, Table 10(1) remove the following words from (a) *'including existing buildings that are unlikely to change.'* after the word 'area' and;

Reason for change:

The amendment is to provide that the current zonings for areas need to be respected. Some existing buildings were built 40 years or more ago, and are out of character with the surrounding neighbourhood, streetscape, built form, and expectations of the Community. It should be clear that these out of character, older, taller buildings, mainly apartments/flats which are unlikely to change, should not be used as a precedent for future development, and are not to be considered when an application is made for development. All future developments need to conform to the Draft LPS7, R Code building heights, to ensure the amenity of an area is not diminished. LPS7, R code, building heights, should not be able to be challenged by any out of character older existing buildings.

The amendment was put and declared CARRIED (5/4) and formed part of the substantive motion

For: Councillors André Brender-A-Brandis, Carl Celedin, Mary Choy, Blake D'Souza, Ken Manolas.

Against: Mayor Greg Milner and Councillors Samantha Bradder, Glenn Cridland, Stephen Russell.

0821/139

Amended Substantive Motion AND COUNCIL DECISION

Moved: Councillor Carl Celedin

Seconded: Mayor Greg Milner

That Council, in accordance with the provisions of Schedule 2, Clauses 3 and 4 of the Planning and Development (Local Planning Schemes) Regulations 2015:

1. Resolves to prepare the Building Height policy as set out in **Attachment (a)**; with the following amendments:
 - Under the heading 'Policy objectives' add the following paragraph under point 2.
'The draft Building Height policy has been prepared to enable buildings under LPS7 to be constructed to the same height/level, generally, as currently prescribed under TPS6. It provides limits to a decision maker to only apply discretion where a site previously had greater development potential under TPS6. The policy has not been prepared, nor is it intended, to allow for buildings of a height greater than specified in Table 10 of LPS7, or as can currently be achieved in TPS6.'
 - Under the heading 'Policy statement' sub heading 2.0 Matters to be considered when varying building heights contained in clause 32, Table 10(1) remove the following words from (a) *'including existing buildings that are unlikely to change.'* after the word 'area' and;
2. Consents to advertise the Building Height policy in conjunction with advertising for Local Planning Scheme 7; and
3. Following completion of the public comment period, receives a further report detailing the outcomes of the advertising period, including any submissions received, for consideration.

The amended substantive motion was put and declared CARRIED (9/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Samantha Bradder, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Background

At its meeting held 25 May 2021, Council considered a report relating to the adoption of LPS7 for the purpose of carrying out public consultation. LPS7 is proposed to replace the City's existing Town Planning Scheme 6 (TPS6).

The draft Scheme Text of LPS7 includes maximum height limits, aligned to the R-Code applied to a site through the Scheme Map. Clause 32, Table 10(1)(2) provides that a decision maker may vary the height limit that applies to a site, by reference to a local planning policy.

At its meeting held on 25 May 2021, Council resolved to defer consideration of LPS7 to hold a Workshop. Two of the reasons for Council's deferral related to how building height will be controlled under LPS7, as follows:

*(2) A clear definition of the intended items to be included within the suggested **local planning policies relating to discretionary variation to building height**.*

*(4) Provide information on which existing policies that are to support Local Planning Scheme 7 shall remain unchanged, be amended, or revoked. For any new or amended policies that Council deems to be core, then the City shall **present draft versions concurrently with the Local Planning Scheme 7** at the same ordinary council meeting for the purpose of undertaking public consultation.*

[Emphasis added]

Comment

Current TPS6 height measuring method

TPS6 contains methods for measuring building height that are unique to the City of South Perth. This method is summarised as follows:

- (a) Measured from the highest point on the lot, beneath the building and setback from the street and side boundaries;
- (b) That the level established by (a) remains constant across the site until the ground level falls by 3.5m, at which point it is re-established at that new level.

The benefit of this approach is that buildings on sloping sites can more readily achieve a consistent floor level without the need for significant and constant 'stepping down' or by providing numerous split-levels within the building.

Amendments to the Deemed Provisions

In February 2021, the State Government gazetted amendments to the Deemed Provisions. The Deemed Provisions are a series of provisions which are automatically applied to all local planning schemes. One of the modifications was to introduce a definition of the term 'building height', as follows:

building height, in relation to a building —

- (a) if the building is used for residential purposes — has the meaning given in the R-Codes; or
- (b) if the building is used for purposes other than residential purposes — means the maximum vertical distance between the natural ground level and the finished roof height directly above, excluding minor projections as that term is defined in the R-Codes;

The introduction of this definition requires the City to measure building height in accordance with the R-Codes. The R-Codes, in summary, measures building height from a 'natural ground level' (NGL). The maximum height of buildings is measured in reference to NGL across the entire site, meaning as NGL falls, the maximum height of buildings fall at a corresponding rate. This results in the 'stepping down' issue described earlier in this report, which TPS6 currently ameliorates.

Policy to provide transition between TPS6 and LPS7

Maximum building height limits are provided for in TPS6, and via clause 32 Table 10(1) of LPS7. As a result of these maximum height limits and the building height definition in the Deemed Provisions, buildings under LPS7 could not, in many instances, be constructed to the same height as currently under TPS6.

The draft Building Height policy has been prepared to enable buildings under LPS7 to be constructed to the same height/level, generally, as currently prescribed under TPS6. It provides limits to a decision maker to only apply discretion where a site previously had greater development potential under TPS6.

The policy has not been prepared, nor is it intended, to allow for buildings of a height greater than specified in Table 10 of LPS7, or as can currently be achieved in TPS6.

Consultation

The draft policy has been prepared to provide guidance to matters contained in LPS7. Advertising will be undertaken in conjunction with LPS7 to enable stakeholders to provide comment on all aspects of the City's emerging planning framework relating to building height. LPS7 will be advertised for a minimum of 90 days in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015, and local planning policy P301 Advertising of Planning Proposals.

Policy and Legislative Implications

The process for amending a local planning policy is set out in Schedule 2, Division 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

The Building Height policy has been prepared to support the implementation of LPS7, in the form recommended by officers. Should Council resolve to amend the officers recommendation in relation to LPS7, specifically in relation to building height, the need for this policy may be removed.

Financial Implications

There are no direct financial implications associated with this report. Costs associated with advertising of planning proposals are included in the 2021/22 budget.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2020-2030](#):

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable urban neighbourhoods
Outcome:	3.2 Sustainable built form
Strategy:	3.2.1 Develop and implement a sustainable local planning framework to meet current and future community needs

Attachments

10.0.2 (a): Draft Local Planning Policy Building Height

This Item was deferred by Council at its meeting held 27 July 2021 as it relates to Item 10.0.1 Consent to Advertise Draft Local Planning Scheme 7.

10.0.3 Consent to Advertise Draft Local Planning Policy P323 - Salter Point Escarpment

Location: Not Applicable
Ward: Manning Ward
Applicant: Not Applicable
File Ref: D-21-64433
Meeting Date: 24 August 2021
Author(s): Matthew Andrews, Strategic Planning Officer
Reporting Officer(s): Vicki Lummer, Director Development and Community Services
Strategic Direction: Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy: 3.2 Sustainable Built Form

Summary

This report considers the introduction of a new local planning policy P323 Salter Point Escarpment (P323), which seeks to consolidate and update development controls for development along the Salter Point escarpment.

Draft local planning policy P323:

- consolidates the existing development controls contained in local planning policies P306 Development of Properties Abutting River Way and P320 Assessment of Significant Obstruction of Views in Precinct 13 - Salter Point;
- removes clauses that are no longer able to be varied in local planning policy without WAPC consent; and
- updates references to reflect the current local and state planning framework.

This new policy is required due to changes to how development will be controlled through proposed Local Planning Scheme 7 that is being considered for consent to advertise at this meeting, and amendments to State Government regulations and policies.

0821/140

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Blake D'Souza
Seconded: Councillor Glenn Cridland

That Council, in accordance with the provisions of Schedule 2, Clauses 3 and 4 of the Planning and Development (Local Planning Schemes) Regulations 2015:

1. Resolves to prepare draft local planning policy P323 Salter Point Escarpment as contained in **Attachment (a)**; and

2. Consents to advertise the policy in conjunction with advertising for Local Planning Scheme 7; and
3. Following completion of the public comment period, receives a further report detailing the outcomes of the advertising period, including any submissions received, for consideration.

CARRIED (9/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Samantha Bradder, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Background

The Salter Point Escarpment has historically had bespoke controls relating predominantly to building heights, but also to matters such as vehicular access, setbacks and parking. These controls are currently contained in Town Planning Scheme 6, and in local planning policies P306, relating to development of properties abutting River Way, and P320, relating to obstruction of significant views.

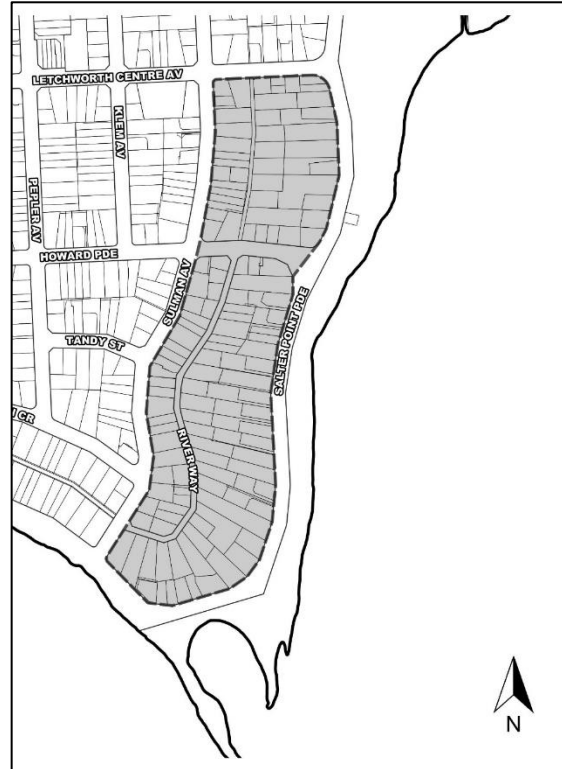
As part of the preparation of Local Planning Scheme 7 (LPS7) it was identified that the development controls within the area needed to be reviewed. The intent of this review is to consolidate the existing controls into a simplified policy whilst removing any controls that are no longer able to be varied. The review was also to consider recent changes to the Planning and Development (Local Planning Schemes) Regulations 2015 and the R-Codes.

It was intended that a policy relating to the Salter Point escarpment would be prepared and presented to Council for consent to advertise following approval to advertise LPS7. Preparation of a policy has however been brought forward to be considered in conjunction with LPS7 to provide more clarity and certainty.

Comment

Currently there are two existing local planning policies applicable to the area; P306 Development of Properties abutting River Way, and P320 Assessment of Significant Obstruction of Views in Precinct 13 - Salter Point. As part of preparation of Local Planning Scheme 7 it was identified that both these policies will require modification.

Draft local planning policy P323 Salter Point Escarpment has been prepared to provide guidance for new development of properties within the Salter Point escarpment area. This policy shall apply to those properties shown on **Figure 1** below, being those properties between Sulman Avenue and Salter Point Parade. This area includes all properties with a building height of 3.0m, 3.5m or 6.5m, under Town Planning Scheme 6. *Figure 1: Policy Application Area*



The purpose of preparing local planning policy P323 Salter Point Escarpment is to:

- Consolidate the existing development controls and objectives in the area through combining existing policies P306 and P320;
- remove any matters that can no longer be varied through local planning policies; and
- remove any matters that are no longer relevant due to their inclusion in LPS7.

P323 has been prepared as a new draft local planning policy. Existing policies P306 and P320 will be revoked at the time this policy is adopted, which will be in conjunction with the adoption of LPS7.

Consultation

P323 has been prepared to provide guidance to matters contained in the proposed Local Planning Scheme 7. Advertising will be undertaken in conjunction with LPS7 to ensure both documents complement each other. LPS7 will be advertised for a minimum of 90 days in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015, and local planning policy P301 Advertising of Planning Proposals.

Policy and Legislative Implications

The process for preparing a local planning policy is set out in Schedule 2, Division 2 of the Planning and Development (Local Planning Schemes) Regulations 2015. The relevant processes were followed in preparing and advertising the draft modifications to the existing local planning policy.

Financial Implications

There are no direct financial implications associated with this report. Costs associated with advertising of planning proposals are included in the 2021/22 budget.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2020-2030](#):

Strategic Direction: Environment (Built and Natural)

Aspiration: Sustainable urban neighbourhoods

Outcome: 3.2 Sustainable built form

Strategy: 3.2.1 Develop and implement a sustainable local planning framework to meet current and future community needs

Attachments

10.0.3 (a): Draft Local Planning Policy P323 Salter Point Escarpment

This item was referred by Council at its meeting held 23 March 2021 to a workshop to allow a review to be conducted with Councillors and the external panel members. A workshop was held Monday 2 August 2021.

10.0.4 Annual Review of Council Delegations

Location: Not Applicable
Ward: Not Applicable
Applicant: Not Applicable
File Ref: D-21-64482
Meeting Date: 24 August 2021
Author(s): Bernadine Tucker, Manager Governance
Reporting Officer(s): Mike Bradford, Chief Executive Officer
Strategic Direction: Leadership: A visionary and influential local government
Council Strategy: 4.3 Good Governance

Summary

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

A review of the Council Delegations has been completed and is now presented for consideration of the Committee and Council.

0821/141

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Ken Manolas
Seconded: Councillor Glenn Cridland

That the Audit, Risk and Governance Committee recommends to Council that it notes that in accordance with Section 5.46(2) of the *Local Government Act 1995*, the Delegations to the Chief Executive Officer have been reviewed.

CARRIED by an absolute majority (9/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Samantha Bradder, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Background

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

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

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

Comment

There are a range of powers and duties delegated to the CEO in accordance with the powers provided by Sections 5.42(1)(a) and (b) of the Act. The Act also requires that the Council's delegations to the CEO be reviewed each year.

The Delegations were forwarded to the relevant officers from each department who reviewed the appropriateness of the existing Delegations and if there was a need for any additional delegations.

As a result of this review, it was determined that the current Delegations to the CEO are appropriate and no changes or additions are required.

Therefore, it is recommended that Council notes that the Delegation review has been completed.

Consultation

Consultation has occurred with officers of each of the relevant departments.

Policy and Legislative Implications

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

Financial Implications

Nil.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2020-2030](#):

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	4.3 Good governance
Strategy:	4.3.1 Foster effective governance through quality decision-making

Additional Information

This item was referred by Council at its meeting held 23 March 2021 to a workshop to allow a review to be conducted with Councillors and the external panel members. A workshop was held Monday 2 August 2021.

Attachments

Nil.

10.1 STRATEGIC DIRECTION 1: COMMUNITY

Councillors Carl Celedin, Mary Choy and Glenn Cridland disclosed Impartiality Interests in Item 10.1.1.

10.1.1 CSRFF Small Grants Program 2021/22 - Application for 'In-principle' Council Support - Como Bowling Club Plinth Replacement Project

Location:	Como Bowling Club
Ward:	Como Ward
Applicant:	Como Bowling Club
File Ref:	D-21-64366
Meeting Date:	24 August 2021
Author(s):	Patrick Quigley, Manager Community, Culture and Recreation
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.2 Community Infrastructure

Summary

Each year the Department of Local Government, Sport and Cultural Industries (DLGSC) calls for applications via its Community Sport and Recreation Facilities Fund (CSRFF) to invite eligible community groups and local governments to apply for funding to assist with sport and recreation infrastructure projects.

CSRFF applications must initially be presented to the relevant local government for its assessment to provide project ratings and prioritised rankings (in the case of multiple applications); and to request its in-principle support for the proposed project/s, including the financial contribution requested by the application under the CSRFF program.

One application is presented for the current round of the CSRFF Small Grants Program for 2021/22 namely:

1. Como Bowling Club Green Plinth Replacement Project (external application)

0821/142

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Carl Celedin

Seconded: Councillor Glenn Cridland

That Council:

1. Approves the City submitting one funding applications to the Department of Local Government, Sport and Cultural Industries via its Community Sporting and Recreation Facilities Fund (Small Grants Program 2021/22), together with comments from the Officer report and the following ranking and ratings:

Applicant	Project	Ranking	Rating
Como Bowling Club	Bowling Green Plinth Replacement Project	1	A

2. Considers an allocation of \$28,946 ex GST in the City's 2021/22 Mid-Year Budget Review as the City's one-third financial contribution required for the proposed project, subject to the associated CSRFF funding application being successful with the Department of Local Government, Sport and Cultural Industries.

CARRIED (9/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Samantha Bradder, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Background

The Department of Local Government, Sport and Cultural Industries (DLGSC) annually invites applications for financial assistance to assist community groups and local governments to develop sustainable infrastructure for sport and recreation under its Community, Sport and Recreation Facilities Fund (CSRFF).

Examples of the projects that will be considered include new playing surfaces, floodlighting, and upgrades to change rooms and ablutions and improvements to clubrooms.

The CSRFF program aims to increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well designed and well utilised facilities. Priority is given to projects that lead to facility sharing and rationalisation. Three CSRFF categories are offered (see table below for details).

Grant Category	Total Project Costs Range	Standard DLGSC Contribution	Frequency
Small Grants	\$7,500 - \$300,000	\$2,500 - \$100,000	Bi-Annual
Annual Grants	\$300,001 - \$500,000	\$100,000 - \$166,666	Annual
Forward Planning Grants	\$500,001 +	\$166,666 - \$2,000,000	Annual

The maximum grant awarded by DLGSC will be no greater than one-third of the project up to a maximum of \$2m. The CSRFF grant must be matched by the applicant's own cash contribution equivalent to one third of the total project costs, with any remaining funds being sourced by the applicant. In some cases, funds provided by DLGSC do not equate to one-third of the project costs and the applicants are advised that they be expected to fund any shortfall. The local government is not obliged to contribute funding to the project.

As stated in the CSRFF guidelines, small grants for this round must be claimed in the financial year following the date of approval. Therefore, grant applications in this round must be claimed by 15 June 2022.

CSRFF applications must initially be presented to the relevant local government for its assessment to provide project ratings and prioritised rankings (in the case of multiple applications); and to request its in-principle support for the proposed project/s, including the financial contribution requested by the application under the CSRFF program.

Comment

One project is proposed by the City for consideration within the current CSRFF Small Grants Program funding round.

The estimated project cost, grant and City contribution for the Como Bowling Club Plinth Replacement Project is as follows:

CSRFF Grant Sought	\$28,947 (ex GST)
City's Contribution (midyear budget review)	\$28,946 (ex GST)
<u>Club's Contribution</u>	<u>\$28,947 (ex GST)</u>
<u>Estimated Total Project Cost</u>	<u>\$86,840 (ex GST)</u>

CSRFF Assessment Guidelines

Under the CSRFF guidelines, applications must initially be presented to the relevant local government to review and request its in-principle support of the project, including the financial contribution required by the applicant under the CSRFF program. For this reason, a panel consisting of the City's Manager Community, Culture and Recreation; Recreation Development Coordinator; and Recreation Development Officer (Clubs and Community) assessed and ranked the application against the criteria in the table set out below by DLGSC.

A	Well planned and needed by the municipality
B	Well planned and needed by the applicant
C	Needed by the municipality, more planning required
D	Needed by the applicant, more planning required
E	Idea has merit, more preliminary work required
F	Not recommended

The results are summarised in the table below:

2021/22 CSRFF Small Grants

Applicant	Project	Ranking	Rating	Club Contribution	City's Contribution	CSRFF Contribution	Total Project Cost
Como Bowling Club	Bowling Green Plinth Replacement Project	1	A	\$28,947	\$28,946	\$28,947	\$86,840

City Assessment

1. Como Bowling Club Plinth Replacement Project

The Como Bowling Club is situated at 99 Hensman Street in South Perth and is on crown land vested with the City for parks and recreational purposes. The clubrooms and associated greens are leased to the Club.

The project will involve replacement of edgings, plinths and surrounds for Greens A and B to improve safety of the greens for both members and the public and therefore increase participation. The existing edges and plinths are over 70 years old.

In summary, the City recommends that the Como Bowling Club Plinth Replacement Project receive a '1' ranking; and an 'A' rating for the CSRFF program due to:

- The project aligns with the City's Community Recreation Facility Plan;
- Como Bowling Club submitted a sound application;
- Como Bowling Club shows sound signs of growth and increased participation; and
- Como Bowling Club has demonstrated it is a sustainable club (280 members) and is a good tenant of the City.

A CSRFF funding application was submitted to the Department of Local Government, Sport and Cultural Industries for the same plinth replacement project in February 2021, but it was unsuccessful. Feedback from the Department indicated that the project is eligible for funding but was deemed to be a lower priority when compared against other projects submitted in the previous funding round. The Department also advised that the Club could resubmit the same application in a future funding round for its consideration.

The Como Bowling Club is keen to complete upgrades to its facility to optimise participation, which includes currently working alongside the City to complete a renovation to the internal kitchen, toilets and change rooms that is partially being funded through the CSRFF program.

Consultation

The City advertised the CSRFF funding round by email notification to local clubs.

Policy and Legislative Implications

The following are relevant to this report:

- Policy P106 Use of City Reserves and Facilities
- Policy P110 Support of Community and Sporting Groups
- Policy P609 Management of City Property

Financial Implications

The total cost of the project is estimated at \$86,840. This report seeks Council's endorsement for the City to apply for a grant of \$28,947 (i.e. up to one-third of the total project cost) and to consider an allocation of \$28,946 (City contribution) in the City's 2021/22 Mid-Year Budget Review, which would be subject to future Council approval. If the project is successful in attracting external funding from the state government via the CSRFF Program, the Club will be required to contribute the balance of project funds, estimated to be \$28,947.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2020-2030](#):

Strategic Direction:	Community
Aspiration:	A diverse, connected, safe and engaged community
Outcome:	1.2 Community Infrastructure
Strategy:	1.2.3 Plan for and promote the development of recreation and aquatic facilities to service community needs

Attachments

Nil.

10.1.2 Recreation and Aquatic Facility

Location: Collier Park Golf Course
Ward: Moresby Ward
Applicant: Not Applicable
File Ref: D-21-64437
Meeting Date: 24 August 2021
Author(s): Rebecca de Boer, Advisor - RAF
Beverley Davies, Project Director - RAF
Reporting Officer(s): Mark Taylor, Director Infrastructure Services
Strategic Direction: Community: A diverse, connected, safe and engaged community
Council Strategy: 1.2 Community Infrastructure

Summary

This report provides an overview of the decisions required by Council to provide greater confidence and certainty when making future decisions on the Recreation and Aquatic Facility project. A decision to commence Concept and Schematic Design and the procurement process for Naming Rights will significantly de-risk the project, improve financial certainty and ensure the RAF project remains on schedule.

Officer Recommendation

Moved: Councillor Carl Celedin
Seconded: Councillor Samantha Bradder

That Council:

1. Approves \$1.02 million from the Community and Facilities Reserve to the Recreation and Aquatic Facility budget (to a total budget of \$1.42 million), to complete Concept and Schematic design for the Recreation and Aquatic Facility;
2. Endorses commencing the procurement process for a Naming Rights partner; and
3. Notes the outcome of the procurement process for the Naming Rights partner will be presented to Council for endorsement.

Absolute Majority required

Amendment

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

That recommendation 1 be amended as follows:

- "1. Conditionally approves \$1.02 million from the Community and Facilities Reserve to the Recreation and Aquatic Facility budget, to complete*

*Concept and Schematic design for the Recreation and Aquatic Facility.
The approval conditions are:*

- a. The State Government publicly commits to contribute financially towards the capital costs of the project to a minimum to match that of the Federal Government's funding agreement of \$20 million.*
- b. A State Government letter of intent or similar instrument covering (a) to be provided to the City."*

Reasons for Change

The reasons for change are as follows:

1. In agreement with the Officer's report that the RAF business model already demonstrates that the RAF will be financially viable and self-sustaining, then it is the opinion that sufficient approved works have been & will be performed by the City to demonstrate to the State Government that the RAF is financially and technically viable to allow for a financial commitment to be put in place.
2. This financial commitment is necessary to reduce the City's exposure of funding a \$1.02 million design works package without sufficient in principle stakeholder agreements in place to meet a level of confidence that the capital works costs will be met.

The amendment was put and declared LOST (2/7)

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

Against: Mayor Greg Milner and Councillors Samantha Bradder, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas.

Amendment

Moved: Mayor Greg Milner

Seconded: Councillor Glenn Cridland

That Council:

1. Defers consideration of transferring funds of \$1.02 million from the Community and Facilities Reserve to the Recreation and Aquatic Facility budget (to a total budget of \$1.42 million), to complete Concept and Schematic design for the Recreation and Aquatic Facility until:
 - a. The City submits a formal funding proposal to the State Government for the RAF as soon as practicable.
 - b. A report is presented to Council by December 2021 on the progress of any funding commitments from the State Government and other parties.
2. Endorses commencing the request for information process for a Naming Rights partner; and
3. Notes the outcome of the request for information process for the Naming Rights partner will be presented to Council for consideration.

During consideration of the Amendment, Mayor Greg Milner moved that the operation of Standing Orders be suspended.

0821/143

COUNCIL DECISION

Moved: Mayor Greg Milner

Seconded: Councillor Carl Celedin

In accordance with Clause 17.1 of the City of South Perth Standing Orders Local Law 2007, the operation of Standing Orders be suspended.

CARRIED (9/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Samantha Bradder, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

0821/144

COUNCIL DECISION

Moved: Mayor Greg Milner

Seconded: Councillor Glenn Cridland

In accordance with Clause 17.1 of the City of South Perth Standing Orders Local Law 2007, the operation of Standing Orders be reinstated.

CARRIED (9/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Samantha Bradder, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

0821/145

Amendment

Moved: Mayor Greg Milner

Seconded: Councillor Glenn Cridland

That Council:

1. Defers consideration of transferring funds of \$1.02 million from the Community and Facilities Reserve to the Recreation and Aquatic Facility budget (to a total budget of \$1.42 million), to complete Concept and Schematic design for the Recreation and Aquatic Facility until:
 - a. The City submits a formal funding proposal to the State Government for the RAF as soon as practicable.
 - b. A report is presented to Council by December 2021 on the progress of any funding commitments from the State Government and other parties.

2. Endorses commencing the request for information process for a Naming Rights partner; and
3. Notes the outcome of the request for information process for the Naming Rights partner will be presented to Council for consideration.

Reasons for change:

The consideration of the funding for the concept and schematic design should occur after the State Government has had an opportunity to consider the formal funding proposals.

The amendment was put and declared CARRIED (6/3) and formed part of the substantive motion

For: Mayor Greg Milner and Councillors Samantha Bradder, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas.

Against: Councillor André Brender-A-Brandis, Carl Celedin, Stephen Russell.

0821/146

Amended Substantive Motion AND COUNCIL DECISION

Moved: Councillor Carl Celedin

Seconded: Councillor Samantha Bradder

That Council:

1. Defers consideration of transferring funds of \$1.02 million from the Community and Facilities Reserve to the Recreation and Aquatic Facility budget (to a total budget of \$1.42 million), to complete Concept and Schematic design for the Recreation and Aquatic Facility until:
 - a. The City submits a formal funding proposal to the State Government for the RAF as soon as practicable.
 - b. A report is presented to Council by December 2021 on the progress of any funding commitments from the State Government and other parties.
2. Endorses commencing the request for information process for a Naming Rights partner; and
3. Notes the outcome of the request for information process for the Naming Rights partner will be presented to Council for consideration.

The amended substantive motion was put and declared CARRIED (8/1)

For: Mayor Greg Milner and Councillors Samantha Bradder, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Councillor André Brender-A-Brandis.

Background

At its meeting held 27 July 2021, Council noted the actions taken to date by the City to address the areas of further development identified by the Peer Review of the RAF Business Case documents (Operational Feasibility Report and Project Definition Plan) undertaken by Deloitte and Warren Green Consulting (WCG).

The areas for further development included a detailed functional brief, quantitative risk assessment and an operator market sounding.

In addition, the report concluded with comment about future actions required to progress the RAF project that will require Council approval, including:

- Proceeding to Concept and Schematic Design, which will provide additional certainty to Council about the financial and operational assumptions of the RAF project and inform future decision making. It also ensures the RAF project remains on schedule and provides greater confidence to potential funding partners about the project.
- Pursuing naming rights to create an additional revenue stream for the RAF and the City, further strengthening the financial viability of the RAF and City finances.

Comment

Concept and Schematic Design

Concept and Schematic Design will further refine the design of the RAF, provide more detailed information about project design and costs and test the RAF Business model and operational financials. The information provided to Council at the completion of Concept and Schematic Design will inform future decision making by Council about the RAF.

The project stages to date (Site Selection, Operational Feasibility, Project Definition and Business Case) have focussed on broadly defining the main uses (business units and sporting entities) of the RAF, including their general spatial requirements to inform the approximate size and scale of the RAF, together with its general layout and interface, in order to test the operational viability and develop a coordinated approach to the facility.

The Concept Design stage will focus on the project detailed functional brief and develop the Business Case spatial layouts to ascertain functional areas, building positioning and overall appearance. Stakeholder input will aid in the design process together with direction and review from the project design and technical consultants.

There will be a further project cost analysis undertaken at the completion of Concept Design to aid in further design engineering at the Schematic Design Stage.

During the Schematic Design stage, the detailed functional brief will translate into detailed plan formats to include the internal and external building layout and building appearance with potential input from the operator, specialist technical consultants and stakeholders. It will include civil and structural design elements and detail regarding Building Services (Plant) integration (for example, mechanical and electrical) together with a design and cost appraisal of life cycle costs verses capital spend and construction with regards to staging, material, renewal and environmental control. There will be another project cost analysis undertaken at the completion of Schematic Design.

Concept and Schematic Design will further refine and test the RAF Business model and operational financials, together with refining project costs and contingency allocations. Refer to **Attachment (a)** – Summary of Scope of Works for Design Stages.

More detailed plans and further refinement of the RAF Business model will be of benefit to potential funding partners, such as the State Government and the future Operator, and assist with the procurement of naming rights. By commencing Concept and Schematic Design, Council will support project delivery and ensure the RAF project remains on schedule.

The information from the Concept and Schematic Design stages will assist Council with the next decision on the RAF project - whether to proceed, or not to proceed, to Detailed Design.

Procurement of Exclusive Naming Rights

The July Council Report highlighted a potential revenue stream for the RAF not previously incorporated into the RAF Business model. Preliminary analysis of naming rights undertaken by the City (and the subject of a confidential briefing to Council) indicates there is considerable financial benefit in securing a long-term appropriate partner for exclusive naming rights for the RAF.

Given the nature of the proposed RAF and the scale and mix of potential facilities and services, naming rights for the RAF is likely to be an attractive proposition to a range of corporate or not for profit entities. Being the 'first' naming rights partner also provides additional value (and potential monetary return) to the process.

There are several high-profile examples of naming rights being sold in Western Australia (WA), for example, Optus Stadium (Perth), RAC Arena (Perth) and HBF Arena (Arena Joondalup). Other examples from WA include:

- East Fremantle Oval – known as *New Choice Homes Park* under naming rights agreement with New Choice Homes; and
- Fremantle Oval – known as *Fremantle Community Bank Oval* under naming rights agreement with the Fremantle Community Bank.

In each of the WA examples, naming rights were 'sold' to provide additional, ongoing revenue to the venue. The brands receive increased recognition and awareness through the naming rights agreement.

The respective local governments for the East Fremantle Oval and Fremantle Oval through their respective lease agreements gave permission for the tenant (local football club) to sell the naming rights of the ovals.

HBF Arena (City of Joondalup) is another example of a local government leisure centre that has sold its naming rights, noting that the naming rights were sold by Venues West in their capacity as facility manager.

Typically, naming rights are awarded to a corporate entity through a competitive procurement process in exchange for financial reward over a designated time period (usually 5-10 years). The City, in conjunction with specialist consultants and lawyers, will work closely with Council to determine an appropriate framework for selecting a naming rights partner and the condition and terms for the agreement. Furthermore, Council will have absolute discretion to accept or reject the successful bid once the procurement process is complete.

A decision by Council to pursue naming rights provides confidence to prospective bidders to participate in the procurement process. Undertaking a Naming Rights procurement process will also enable the City to determine the value of the potential additional revenue it will generate to inform future decision making about the RAF project.

Decisions for Council

The purpose of the officer recommendation presented in this report is to significantly 'de-risk' the RAF Project and provide Council with more detailed information to guide future decision making. The officer recommendation does not bind Council to proceeding to with the RAF Project.

A decision to proceed with Concept and Schematic design is an investment in due diligence as it will further test and refine the RAF Business model. It also addresses the outstanding item of the Peer Review into the RAF Business Case documents to prepare a 'detailed functional brief' for the RAF.

Concept and Schematic Design will provide additional insight to stakeholder needs and requirements for the RAF, thus giving greater confidence in the operational viability of the RAF. It will also assist the City in the upcoming RAF procurement processes for Exclusive Naming Rights, RAF Operator and Private Sector/other funding. The additional detail provided from these stages will give greater confidence and information to potential funding partners (commercial and Government), especially as the City will be seeking a capital contribution from the Operator and is engaged in ongoing discussions with the State Government.

The RAF Business model already demonstrates that the RAF will be financially viable and self-sustaining. The Concept and Schematic Design stages will further test and refine the RAF Business model. Proceeding with the procurement of exclusive naming rights will provide greater financial certainty and assurance, in addition to creating a non-rate revenue stream for the City. The information provided by each of these processes will assist Council with the next decision for the RAF Project (Stage 5 - Detailed Design) and future decision making.

Consultation

Councillors received two concept briefings on 3 and 10 August 2021 about matters contained in this report.

Policy and Legislative Implications

The procurement process for exclusive naming rights for the RAF will be conducted in accordance with the *Local Government Act 1995*. The City will seek legal advice from Jackson McDonald Lawyers (City lawyers) when designing the procurement process and appoint a Probity Advisor to oversee the procurement process.

Financial Implications

There is currently \$400,000 allocated in the 2021/22 budget for the RAF project, for City costs and project consultants for Stage 2 and for preparatory work for the commencement of Stage 3. This includes preparation of tender documentation for the procurement of the operator, private sector funding and naming rights and other procurement processes.

As Council has not authorised the City to proceed to Design, it does not include the costs associated for specialist consultants specifically for these Design stages:

- Concept Design (Stage 3) with associated cost of \$502,000
- Schematic Design (Stage 4) with associated cost of \$517,000

A budget adjustment of \$1.02 million is required should Council accept the officer recommendation. Funds are recommended to be allocated from the Community Facilities Reserve.

Strategic Implications

This matter relates to the following Strategic Directions identified within Council's [Strategic Community Plan 2020-2030](#):

Strategic Direction: Community
Aspiration: A diverse, connected, safe and engaged community
Outcome: 1.2 Community Infrastructure
Strategy: 1.2.3 Plan for and promote the development of recreation and aquatic facilities to service City of South Perth needs

Strategic Direction: Leadership
Aspiration: A visionary and influential local government
Outcome: 4.3 Good Governance
Strategy: 4.3.3. Maximise and diversify non-rate income

Attachments

10.1.2 (a): Summary of Scope of Works for Design Stages

10.1.3 Tender 5/2021 Provision of Event Management for Australia Day

Location:	South Perth
Ward:	Mill Point
Applicant:	Not Applicable
File Reference:	D-21-64439
Meeting Date:	24 August 2021
Author(s):	Patrick Quigley, Manager Community, Culture and Recreation
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.1 Culture & Community

Summary

This report considers submissions received from the advertising of Tender 5/2021 for the provision of event management for Australia Day.

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

0821/147

COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Ken Manolas

Officer Recommendation

That Council:

1. Accepts the tender submitted by Keos Events Pty Ltd for the provision of event management for Australia Day in accordance with Tender Number 5/2021 for the 2022 event, plus annual renewal options for four subsequent years subject to an annual performance review of the Contractor and annual Council approval of the event budget;
2. Accepts the tender price of \$97,000 excluding GST included in **Confidential Attachment (a)**.

CARRIED BY EXCEPTION RESOLUTION (9/0)

For: Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Please refer to the 28 September 2021 Council minutes (0921/163) reflecting an amendment to resolution 2 above.

Background

A Request for Tender (RFT) 5/2021 for the provision of event management for Australia Day was advertised in The West Australian on 12 July 2021 and closed at 2pm on 27 July 2021.

Tenders were invited as a lump sum contract.

The RFT was for the provision of event management for Australia Day to be held on the South Perth foreshore on 26 January each year, which is summarised below:

- Morning Requirements (approx. 8am-10.30am) – overseeing the planning, delivery and evaluation of the Welcome to Country, Citizenship ceremony, presentation of community citizenship awards and associated event components; and
- Afternoon/Evening Requirements (approx. 12pm-10pm) - overseeing the planning, delivery and evaluation of the traffic management, crowd control and associated event components required on the South Perth foreshore for the Skyworks/fireworks show.

The contract is for a one year initial term for the 2022 event, plus annual renewal options for four subsequent years subject to an annual performance review of the Contractor and annual Council approval of the event budget.

The City's annual Australia Day activities will be subject to any changes to the COVID-19 pandemic situation in Western Australia, which may include event modification or cancellation.

Comment

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

TABLE A – Tender Submissions

Organisations
1. Keos Events Pty Ltd
2. EventMatrix 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 %
a) Demonstrated experience in completing similar projects	40%
b) Skills and experience of key personnel	10%
c) Respondent's resources	10%
d) A demonstrated understanding of the required tasks	40%
Total	100%

Based on the assessment of all submissions received for Tender 5/2021 'Provision of event management for Australia Day', it is recommended that the tender submission from Keos Events Pty Ltd be accepted by Council.

More detailed information about the assessment process can be found in the Recommendation Report, as shown in the **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 City 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 2021/2022 budget.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2020-2030](#):

Strategic Direction:	Community
Aspiration:	A diverse, connected, safe and engaged community
Outcome:	1.1 Culture and community
Strategy:	1.1.2 Facilitate and create opportunities for social, cultural and physical activity in the City

Attachments

10.1.3 (a):	RFT 5-2021 - Recommendation Report - Provision of Event Management for Australia Day (<i>Confidential</i>)
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10.1.4 eQuote 02/2021 Provision of Road Resurfacing, Rehabilitation and Ancillary Services

Location: Not Applicable
Ward: All
Applicant: Not Applicable
File Reference: D-21-64440
Meeting Date: 24 August 2021
Author(s): Lewis Wise, Infrastructure Projects Coordinator
Reporting Officer(s): Mark Taylor, Director Infrastructure Services
Strategic Direction: Community: A diverse, connected, safe and engaged community
Council Strategy: 1.2 Community Infrastructure

Summary

This report considers submissions received from advertising eQuote 02/2021 for the Provision of Road Resurfacing, Rehabilitation & Ancillary Services under the WA Local Government Association (WALGA) Preferred Supplier Panel – Roads, Infrastructure and Depot Services.

This report outlines the assessment process used during evaluation of the eQuotes received and recommends approval of the submission(s) that provides the best value for money and level of service to the City.

0821/148

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis
Seconded: Councillor Ken Manolas

That Council:

1. Accepts the schedule of rates submissions for eQuote 02/2021 –Provision of Road Resurfacing, Rehabilitation & Ancillary Services, as per the conditions and prices of the WALGA Preferred Supplier Panel – Roads, Infrastructure and Depot Services, for the period of supply up to 30 June 2022 inclusive, from:
 - i. Asphaltech Pty Ltd for Work Package 1; and
 - ii. WCP Civil Pty Ltd for Work Package 2.
2. Accepts the eQuote of \$1,120,000.00 excluding GST for Work Package 1 included in **Confidential Attachment (a)**; and
3. Accepts the eQuote of \$1,170,000.00 excluding GST for Work Package 2 included in **Confidential Attachment (a)**.

CARRIED BY EXCEPTION RESOLUTION (9/0)

For: Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Background

The City has an annual road resurfacing program to ensure its roads are maintained such that they continue to meet service standards. Approximately \$2.3m has been allocated for road related projects in the 2021/22 Capital Works budget.

Projects were assigned to two work packages as detailed below;

1. Work Package 1 - consisting of works on local access roads of relatively lower complexity; and
2. Work Package 2 - consisting mainly of works on higher-order roads with night works activities of higher complexity.

This allows the City to award the work packages to up to two contractors. Each work package comprises of a number of projects (separable portions).

Awarding to two contractors is a risk management strategy that distributes the effort and risk across contractors. This approach improves efficiency by maximising resources and generates an opportunity to execute multiple projects concurrently. It also increases the City's available options in mitigating any unforeseen issues that may arise during the annual program.

Concurrent resource allocation condenses the construction program which in-turn allows works to be undertaken in favourable weather conditions (October to March). This approach minimises risks of delay and weather related claims to support projects being delivered on time and on budget.

The City invited eQuote 02/2021 Provision of Road Resurfacing, Rehabilitation and Ancillary Services, as a schedule of rates contract from the WALGA Preferred Supplier Panel – *Roads, Infrastructure and Depot Services*.

The contract is expected to terminate on 30 June 2022. It is prescribed within the request for eQuote that it is the City's intention to award two contracts (work packages) to one or two contractors.

Three suitably qualified contractors were selected to provide a response, with the invitation to provide an eQuote closing at 5.00 pm on Wednesday 21 July 2021.

Comment

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

TABLE A – eQuote Submissions

eQuote Submission	
1.	Asphaltech Pty Ltd
2.	Roads 2000 Pty Ltd
3.	WCP Civil Pty Ltd

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

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
Price	100%
Total	100%

Based on the assessment of all submissions received for eQuote 02/2021 Provision of Road Resurfacing, Rehabilitation and Ancillary Services, it is recommended that:

- The quotation submission from Asphaltech Pty Ltd be awarded Work Package 1; and
- The quotation submission from WCP Civil Pty Ltd be awarded Work Package 2.

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

Consultation

WALGA Preferred Supplier Panel eQuotes were invited in accordance with the *Local Government Act 1995* and the Local Government (Functions and General) Regulations 1996.

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.*
- (2) *Tenders do not have to be publicly invited according to the requirements of this Division if –*
 - (b) *the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program*

The following City 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 2021/22 Capital Works budget.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2020-2030](#):

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

Attachments

10.1.4 (a): Panel Recommendation Report (*Confidential*)

10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

10.3.1 Proposed Additions and Alterations to Single House. Lot 803 No. 76 River Way, Salter Point

Location:	Lot 803 No. 76 River Way, Salter Point
Ward:	Manning Ward
Applicant:	Mr and Mrs Burnett
File Reference:	D-21-64441
DA Lodgement Date:	24 May 2021
Meeting Date:	24 August 2021
Author(s):	Victoria Madigan, Urban Planner
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

Summary

To consider an application for development approval for additions and alterations to an existing single house on Lot 803 No. 76 River Way, Salter Point.

This item is referred to Council as the application is required to be assessed in accordance with clause 6.2A (2) of Town Planning Scheme No. 6 for additions and alterations to pre-scheme developments. Any application assessed against this clause requires determination by Council in accordance with the City's delegation.

For the reasons set out in this report It is recommended that the application be approved, subject to conditions.

0821/149

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Ken Manolas

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for development approval for additions and alterations to a single house on Lot 803, No. 76 River Way, Salter Point **be approved** subject to the following conditions:

1. The development shall be in accordance with the approved plans unless otherwise authorised by the City.
2. All stormwater from the property shall be discharged into soak wells or sumps located on the site unless otherwise approved by the City.
3. Prior to occupation of the dwelling, all visual privacy screen and obscure glazing to Major Openings and/or Outdoor Active Habitable Spaces shown on the approved plans, shall prevent overlooking in accordance with the visual privacy requirements of the Residential Design Codes of WA.

The structures shall be installed and remain in place permanently, to the satisfaction of the City.

4. The external materials and colour finish of the proposed additions shall match with those of the existing building as detailed on the approved plans.
5. Any person who intends to undertake an activity that will impact on vehicle movements within the street must submit a Traffic Management Plan (TMP) and Traffic Control Diagram (TCD) for authorisation by the City.

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

CARRIED BY EXCEPTION RESOLUTION (9/0)

For: Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Development Site Details

The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	1, 080 sqm.
Building height limit	3m
Development potential	Pre-Scheme Density Applicable

(a) Background

In May 2021, the City received an application for additions and alterations to an existing single house on the subject site (the site). The current development on site is a Two Storey Single House. The existing 6.7m building height limit was approved in 1970 under Town Planning Scheme No. 2, prior to the current 3.0m building height limit being adopted under Town Planning Scheme No. 6 (TPS6) in 2003. The planned additions and alterations propose a building height of 6.6m, which is above the current permissible building height limit of 3.0m in TPS6. Clause 6.2A (2) of TPS6 allows the local government to approve additions and alterations to the same height as a pre-scheme development subject to certain criteria.

The application has been considered against special provisions for pre-scheme development in accordance with Clause 6.2A (2) of the City's TPS6.

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

The site is zoned residential and adjoins a two storey single house to the eastern boundary a partially constructed single house to the western boundary and a subdivided lot containing a vacant lot and a single house to the southern boundary. The subject site has a northern frontage to River Way, as seen in **Figure 1** below:



Figure 1: Aerial photo of subject site.

(c) **Description of the Proposal**

The application proposes additions and alterations to the existing single house on the subject site. The proposed works include an additional bedroom on the ground and first floor replacing an existing garden bed area and a reduction to the existing balcony area to increase the existing dining room area. Proposed plans of the development are provided at **Attachment (a)** and site photographs can be found at **Attachment (b)** of this report.

The following components of the proposed development require discretionary assessment against TPS6, the R-Codes and Council Policy requirements:

- (i) Building height;
- (ii) Visual privacy; and
- (iii) Significant views.

The proposal complies with TPS6, the R-Codes and relevant Council policies, with the exception of the non-complying aspects identified above, which are discussed below.

(d) **Building Height (Pre-Scheme Development)**

The proposed additions and alterations exceed the 3.0m building height requirements permitted under clause 6.1A of TPS6. Clause 6.2A (2) allows the local government to approve additions or alterations to a pre-scheme development provided that:

- (a) Any proposed external walls do not extend higher than the highest point of any external wall of the pre-scheme development;
- (b) Where a pre-scheme development exceeds the maximum permissible number of dwellings, the number of dwellings is not increased; and
- (c) The proposed plot ratio area does not exceed the maximum prescribed under the Scheme.

The proposed additions and alterations are considered to meet the relevant discretionary criteria in clause 6.2A (2) of the Scheme and are supported for the following reasons:

- The pre-scheme development was constructed on site prior to adoption of TPS6 and has remained on site as a two storey single house since its construction.
- The highest point of the external wall of the pre-scheme development is 6.7m. The proposed additions to the first-floor bedroom has a proposed building height of 6.6m. The proposed external walls therefore do not extend higher than the highest point on any external wall of the pre-scheme development.
- The additional wall would not have an adverse impact on the locality of the proposal and is consistent with the surrounding residential development in terms of building bulk and scale.
- There are no changes to the maximum permissible number of dwellings and the number of existing dwellings is not being increased as part of this proposal.
- Plot ratio is not applicable to single houses and therefore is not discussed further in this report.

Additionally, clause 6.2(A)(4) allows the local government to approve additions and alterations to a pre-scheme development provided that amenity considerations are met. The power conferred by sub-clause (2) of clause 6.2A(2) may only be exercised if:

- (a) the proposed development has been advertised in accordance with the requirement of Deemed Provisions clause 64 (advertising applications); and
- (b) in the local government's opinion, the proposed development:
 - (i) will enhance the streetscape and improve the amenity of the locality; and
 - (ii) in the case of additions and alterations to pre-Scheme developments, will contribute positively to the visual enhancement of the building; and
 - (iii) will not significantly:
 - (A) overshadow an adjoining property;
 - (B) adversely affect visual privacy; or
 - (C) impede significant views;
 to a greater extent than was caused by the pre-Scheme development.

The proposed additions and alterations are considered to meet all the criteria in clause 6.2A (4) of the Scheme and are supported for the following reasons:

- The proposed additions and alterations were advertised to appropriate landowners for comment on significant views and no comments were received during the consultation period.
- The additions and alterations to the single house provide an improved amenity for future residents by increasing the number of bedrooms to the dwelling.
- The proposed additions demonstrate compatibility with the existing dwelling.
- Given the orientation of the lot, the proposed shadow cast of the addition falls within the property boundary of the subject site.
- The proposed visual privacy variation is consistent with the design principles of the section 5.4.1 of the R-Codes addressed in section (f) of this report. The proposed development does not increase any visual privacy elements than what is existing on site.
- The proposed development is not considered to impede on significant views, addressed further in section (e) of this report.

(e) Significant Views

Clause 6.1A(9) of TPS6 contains additional building height restrictions on lots located in Salter Point where building height limits are 3.0m, 3.5m or 6.5m. In addition to the existing building height limit of 3.0m, a person shall not erect or add to a building unless the Council is satisfied that views of the Canning River from any buildings on the neighbouring lots will not be significantly obstructed.

Council Planning Policy P320 Assessment of Significant Obstruction of Views in Precinct 13 – Salter Point, provides further guidance in how clause 6.1A (9) is assessed by the City.

Clause 2.1 of P320 requires assessment against projections above the building height limit that meet all of the following criteria:

- (a) There are no external walls above the BHL; and,
- (b) Any roof above the BHL has a pitch of 15 degrees or lower; and,
- (c) All external fixtures above the BHL, such as solar collectors and air-conditioning units, are integrated into the design so as to sit flush/flat along or below the roof line; and,
- (d) The proposed development meets the relevant deemed-to-comply criteria prescribed in the Residential Design Codes (as amended) relating to lot boundary setbacks, street setbacks and open space.

In addition, clause 2.2(a) of P320 only permits approval of the development if the above clauses are met and all of the following criteria is also considered:

- (a) The projection does not obstruct a view to the water surface of the Canning River within a line of sight contained at any point within a 45 degree cone of vision from an existing active habitable space, which forms part of a building. Active habitable spaces include any balcony, verandah, terrace or habitable room (such as a kitchen, bedroom, dining room etc.). A line-of-sight shall be measured at a height of 1.6m above the floor level of the space at a point 0.5m from the edge/opening/extent of the space (where the view to Canning River is available) closest to Canning River shall be used to determine whether a view to the water surface of Canning River is obstructed; or,
- (b) In the case where an existing building is proposed to be demolished and replaced, the design of the new building causes a lesser obstruction to views of the Canning River than the existing building.

Notwithstanding, the proposed additions are considered to meet all criteria in clause 2.1 and 2.2(a) of Council Policy P320 and is supported for the following reasons:

- The location of the proposed additions is maintained within the BHL of the existing dwelling, as permitted in accordance with the pre-scheme provisions.
- The finished floor levels of the proposed additions are consistent with the existing dwelling.
- The proposed split pitch roof at 8 degrees allows views of the river to be maintained for adjoining properties to the rear of the site.
- There are no external fixtures as part of this addition to the dwelling.
- The proposed development complies with sections 5.1.2 Street Setbacks, 5.1.2 Lot Boundary Setbacks and Section 5.1.4 Open Space of the R-Codes (Volume 1).
- The portion of addition to the existing dwelling will still maintain part views from the properties on the northern side of River Way despite the proposed development.
- The extent of obstruction to the adjoining sites to the east and west is not considered to be significant as they will still retain their primary views of the Canning River.
- The proposed applicable and alterations were advertised to appropriate landowners for comment on significant views and no comments were received during the consultation period.

(f) Visual Privacy

Element	Required	Proposed
Clause 5.4.1 - Visual Privacy – Unenclosed Outdoor Active Habitable Spaces Balcony East	7.5m	4.3m

The applicant has satisfied the visual privacy element objectives and design guidance of the R-Codes and is supported for the following reasons:

- The existing balcony setback predates the visual privacy requirement of the R-Codes effective from 2002.
- The existing balcony setback and areas of existing overlooking are not being modified or increased on the eastern elevation; the balustrading is being upgraded.
- The existing portion of cone of vision encroaching onto the adjoining property at 78 River Way does not overlook the outdoor living area or major openings on the adjoining lot.

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

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 1.6 of TPS6, which are, in the opinion of the Council, relevant to the proposed development.

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

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

In considering an application for development approval the local government is to have due regard to the matters listed in Clause 67 of the Deemed Provisions to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application.

It is considered that the proposal satisfies the relevant sections of Clause 67.

Consultation**(a) Neighbour Consultation**

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Advertising of Planning Proposals'. Under the standard consultation method, individual property owners and/or occupiers at No's 71, 79 and 81 River Way were invited to inspect the plans and to submit comments relating to potential loss of views during a minimum 14-day period and no submissions were received.

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2020-2030](#):

Strategic Direction:	Environment (Built & Natural)
Aspiration:	Sustainable Urban Neighbourhoods
Outcome:	3.2 Sustainable Built Form
Strategy:	3.2.1 Develop and implement a sustainable local planning framework to meet current and future community needs.

Sustainability Implications

Noting the favourable northern orientation of the lot, the existing outdoor living area and dining room will have access to winter sun. The proposed development is therefore seen to achieve an outcome that has regard to the sustainable design principles.

Conclusion

It is considered that the proposal meets all of the relevant Scheme, R-Codes and/or Council Policy objectives, in particular the design elements in relation to building height and visual privacy. Where discretions are sought, these are considered to be supportable for the reasons set out in this report. The proposal is considered to improve the amenity of the site and will not have any significant impact on adjoining residential properties. The proposed additional building height is contained within the existing building height limit that was allowed when the two storey single house was approved. The development is supported against the discretionary provisions under Clause 6.2A (Pre-Scheme Developments) of TPS6 and proposes a well-resolved design to mitigate the impacts of amenity to achieve compatibility with the surrounding area.

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

Attachments

- 10.3.1 (a):** Development Plans - Lot 803 No. 76 River Way, Salter Point
- 10.3.1 (b):** Site Photographs - Lot 803 No. 76 River Way, Salter Point

10.3.2 Consideration of City of Melville's proposed modifications to the Canning Bridge Activity Centre Plan

Location:	Canning Bridge Activity Centre
Ward:	Como Ward, Manning Ward and Moresby Ward
Applicant:	N/A
File Ref:	D-21-64442
Meeting Date:	24 August 2021
Author(s):	Matthew Andrews, Strategic Planning Officer
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

Summary

The City of Melville has recommended amendments to the Canning Bridge Activity Centre Plan (CBACP), a document that applies to both the City of Melville and City of South Perth. The amendments propose to modify the boundary of the CBACP area within the City of Melville to remove a number of properties from the CBACP area and revert them back to their previous zoning of Residential R20.

The amendments proposed by the City of Melville, whilst not impacting land within the City of South Perth, requires the submission of a report to the Western Australian Planning Commission (WAPC) from each local government affected by the Activity Centre Plan, pursuant to Regulation 36 of the Deemed Provisions.

This report outlines the details of the proposed amendment to the CBACP and recommends that Council does not support these proposed modifications.

0821/150

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Ken Manolas

That Council

1. Does not support the amendment report pertaining to Canning Bridge Activity Centre Plan prepared by the City of Melville included in **Attachment (a)**.
2. Recommend to the Western Australian Planning Commission that this matter be addressed as part of the comprehensive review of the Canning Bridge Activity Centre Plan that is currently being undertaken by the City of Melville in collaboration with the City of South Perth.
3. Forward the recommendation to not support the proposed modifications to the Western Australian Planning Commission in accordance with Schedule 2, Part 5, Clause 36(2)(e) of the Planning and Development (Local Planning Schemes) Regulations 2015.

4. Advise the City of Melville of Council's resolution.

CARRIED BY EXCEPTION RESOLUTION (9/0)

For: Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Background

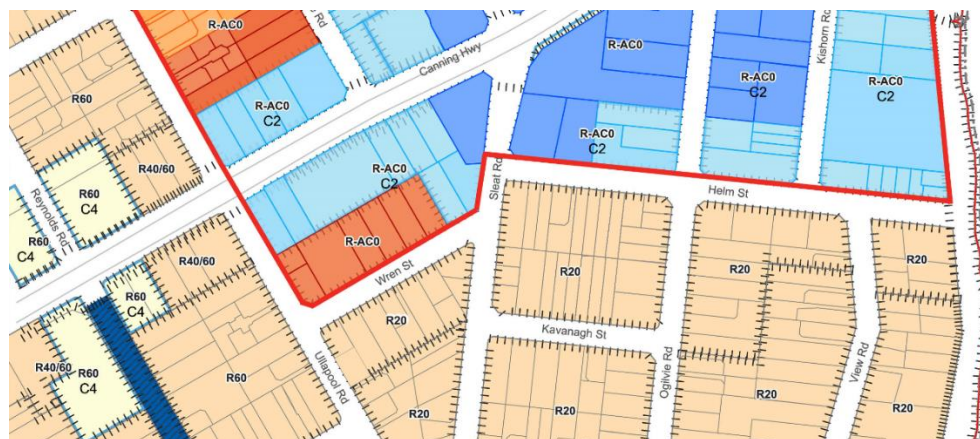
The City of Melville has recently resolved to amend the Canning Bridge Activity Centre Plan (CBACP). The proposed amendment was prepared in response to a petition received by the City of Melville in May 2019.

The amendment proposes to remove a number of properties from the CBACP area and revert the zoning of these properties to their previous zoning of Residential R20. The below maps show the existing and the proposed zoning and the changes to the CBACP boundary.

Existing Zoning



Proposed Amendment Zoning



Existing Boundary

Proposed Boundary

**Canning Bridge
Activity Centre Plan**

H4 M10
H8 M15

LPS6 ZONING

R20 RESIDENTIAL

The CBACP is an Activity Centre Plan common to both City of Melville and City of South Perth. Any amendments to the CBACP require endorsement from both the City of Melville and the City of South Perth prior consideration by the Western Australian Planning Commission.

Comment

The proposed modification to the boundaries of the Activity Centre Plan is not supported. The reasons for this are outlined below.

Impact on the City of South Perth

The proposed amendment is not considered to have a direct impact on the City of South Perth. Notwithstanding, it is considered that the amendment is not a good planning outcome and will impact on delivering the objectives of the CBACP.

Activity Centre Plans (now known as Precinct Structure Plans) are prepared in two parts. The first part contains the controls that apply within the activity centre and the second part contains the explanation and research that has been undertaken to inform the first part.

The controls contained in the CBACP including the boundary of the activity centre, building heights, built form controls, preferred land uses and various other matters have been developed based on the research contained in the Plan. By removing properties from the CBACP area, pressure will be put on the remaining properties in meeting the objectives of the plan. This includes those properties within the City of South Perth. In addition, the amendment will set a precedent that removal of properties from the ACP area is supported and may lead to requests from the community to alter the CBACP boundaries within the City of South Perth.

Ongoing Comprehensive Review

Separate to the current proposed amendment, the City of Melville is processing a comprehensive review of the CBACP. This review has included a number of workshops, a design forum, a community survey and engagement with a range of stakeholder including the City of South Perth.

The City of Melville will be receiving draft recommendations from the external consultants in the coming months. These recommendations are expected to be considered by Council prior to advertising and community engagement by the end of 2021.

As outlined in the minutes of the City of Melville Ordinary Council Meeting of 18 May 2021 contained at **Attachment (a)**, the WAPC has advised the City of Melville that its recommended approach is to consider changes to the CBACP as part of a comprehensive review. This is consistent with advice received by the City of South Perth from the WAPC following recent amendments approved in September 2020.

Advice from the WAPC

It is noted in the City of Melville Ordinary Council Meeting of 18 May 2021 that the WAPC provided advice to the City of Melville stating: *"The amendment is inconsistent with Canning Bridge Activity Centre Plan Desired Outcome DO3 for Element 3 - Height which requires an interface between zones to be appropriately managed."* Based on this advice the officer report further notes that, *"...it is unlikely that the WAPC will support the standalone boundary modification... outside of the full CBACP review"*.

Conclusion

Due to the above factors, it is considered that the proposed amendment is not in the interest of good planning. Having regard to the advice from WAPC, this proposed amendment should be considered in the context of the comprehensive review that is currently being undertaken by the City of Melville, in collaboration with the City of South Perth.

Consultation

The proposed modifications were publicly advertised by the City of Melville from 28 January to 29 March 2021. Advertising undertaken by the City of Melville included letters to all landowners and residents within the amendment area and surrounds, as well as engagement via the City of Melville website, e-news, social media and newspaper. A total of 257 submissions were received. Details of the engagement outcomes are included in the minutes of the City of Melville Ordinary Council Meeting of 18 May 2021 included in **Attachment (a)**.

Given the modifications proposed to the CBACP only affects land within the City of Melville, the City considers advertisement of the proposed amendments to owners and occupiers within the City of South Perth to be unnecessary. This approach is consistent with the City's decision not to undertake public advertisement for amendments proposed to the CBACP by the City of Melville in March 2018, April 2019 and March 2020.

Policy and Legislative Implications

The processes relating to adopting and modifying activity centre plans are outlined in Part 5 of the Deemed Provisions. This report and the associated recommendations are required in accordance with Regulation 36 of the Deemed Provisions.

Financial Implications

Nil.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2020-2030](#):

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable urban neighbourhoods
Outcome:	3.2 Sustainable built form
Strategy:	3.2.1 Develop and implement a sustainable local planning framework to meet the current and future community needs

Attachments

10.3.2 (a):	Minutes of City of Melville Ordinary Council Meeting 18 May 2021 (extract)
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10.3.3 Proposed Lease - Portion Lot 80 Ley Street, Manning (Manning Primary School Bushland)

Location: Manning Primary School
Ward: Manning Ward
Applicant: Not Applicable
File Ref: D-21-64443
Meeting Date: 24 August 2021
Author(s): Steve Atwell, Manager Programs Delivery
Reporting Officer(s): Mark Taylor, Director Infrastructure Services
Strategic Direction: Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy: 3.3 Enhanced Environment & Open Spaces

Summary

This report identifies that a portion of Lot 1769 Ley Street, Manning, part of the Manning Primary School site, under the care and control of the Department of Education, is worthy of a higher level of protection for the purpose of natural area conservation. The City believes it is best placed to provide that level of protection and ongoing management.

To facilitate this conservation objective, the City proposes to lease portion of Lot 1769 Ley Street from the Department of Education, for a period of 15 years at a peppercorn rental.

0821/151

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Ken Manolas

That Council note the City's intention to lease Portion of Lot 1769 Ley Street, Manning (Manning Primary School bushland) from the Department of Education for a period of 15 years at a peppercorn rent, to facilitate the preservation of its conservation values subject to the satisfactory negotiation of all lease conditions.

CARRIED BY EXCEPTION RESOLUTION (9/0)

For: Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Background

The Manning Primary School (MPS) bushland comprises approximately 16,000 m² of remnant bushland at the southern end of Lot 1796 Ley Street. This land is currently under the care, control and management of the Department of Education (DoE). The remnant native vegetation (Banksia Woodland), growing at this location is assessed as being of medium to good condition and represents one of the few remaining examples of this locally endemic plant community within the City of South Perth.



Manning Primary School Bushland – Part Lot 1796 Let Street, Manning

For many years, community volunteers, the City of South Perth Environment Association (COSPEA) and more recently the Manning Primary School Parents and Citizens Bushland Subcommittee (MPSP&CBS) have been actively involved in protecting and caring for the remnant vegetation within the bushland. The City has historically informally supported the conservation objectives and activities of both COSPEA and MPSP&CBS assisting with weed management and revegetation activities at the site.

Management of the site by the DoE/MPS has historically been haphazard, ranging from cooperative management in consultation with the City to ill-informed unauthorised partial clearing of the valuable under-storey vegetation.

The COSPEA and the MPSP&CBS have previously lobbied the DoE, to surrender the land for the purpose of conservation and also the City, seeking its acceptance of the vesting of the land to be incorporated into its conservation estate.

At its Ordinary Council Meeting held 6 May 2004 Council considered item 9.3.7 Future of Bushland – Manning Primary School and resolved:

“That

- (a) The following position with respect to the bushland on the Manning Primary School site be endorsed:*
 - i. The City of South Perth considers the bushland on the Manning Primary School site to be “locally significant” and is therefore committed to its preservation;*
 - ii. The City’s preference would be for the site to be transferred to its care and control to ensure the bushlands preservation into the future; and*
 - iii. The City of South Perth recognises the land value of the site but is seeking a no cost transfer as it is prepared to commit to the ongoing management of the bushland at an estimated annual cost of \$20,000; and*
- (b) In order to facilitate part (a) above, the Chief Executive Officer be authorised to negotiate with the Manning Primary School and the Department of Education.”*

Following the May 2004 resolution, the City wrote formally to the Minister for Education and to the DoE seeking its consideration of the City’s interest in managing the bushland site. This initiative was unsuccessful and no record of the Council resolution being rescinded has been identified.

Late last year the aforementioned lobbying by the MPSP&CBS, escalated to include representation to the Member for South Perth, Geoff Baker and the Minister for Education Sue Ellery, following several differences in management expectations between the MPSP&CBS and the DoE / MPS.

This most recent lobbying resulted in the current offer from the DoE to lease the bushland to the City at a peppercorn rental to facilitate the City’s more formal involvement in supporting the local community in its conservation endeavours.

Comment

The City considers that that the Manning Primary School remnant Banksia Woodland has important conservation values worthy of protection and is of the view that Council’s May 2004 resolution is still relevant and important.

The City again made representation to the DoE in late 2020, seeking its agreement to surrender the bushland into the City’s care and control for the purpose of conservation. DoE staff initially indicated their support for this initiative, however subsequently reconsidered and will now only consider leasing the land to the City.

The lease proposed by the DoE is for the sum of one peppercorn for a possible 15 year lease period (five years + five years + five years).

The MPSP&CBS is seeking the City’s support in accepting the lease because it wants the conservation values of the site more formally recognised and protected.

It also wish to make application for conservation grants, which are available to assist in its conservation endeavours. The MPSP&CBS correctly considers that the proposed lease would facilitate the City formally supporting such applications in its capacity as leaseholder of the land.

The City considers that by becoming the lessee of the bushland and demonstrating superior stewardship, it will be in a stronger position to again pursue vesting of the land at a later date.

City staff are continuing to negotiate with the DoE in relation to proposed obligations under the lease, particularly in relation to insurance liabilities. The lease will only be finalised following the satisfactory resolution of these issues.

Consultation

The City continues to liaise with MPSP&CBS, MPS and the DoE in relation to this issue.

Policy and Legislative Implications

Policy P207 Natural Areas.

Financial Implications

The DoE has indicated its willingness to contribute \$10,000 to assist in the construction of a conservation style fence to identify the area subject to the proposed lease and to assist in its conservation management.

The cost to install the perimeter fence has been established at approximately \$20,000. Were the fence to be installed, the City would need to match the funds offered by the DoE to the value of \$10,000.

The City has historically provided informal support to the conservation volunteers at the site. This has been at an approximate cost of \$10,000 per annum. It is estimated that the cost to continue to provide the support in protecting the ecological value of the site following the establishment of a lease would be the same - approximately \$10,000 per annum.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2020-2030](#):

Strategic Direction:	Environment (Built & Natural)
Aspiration:	Sustainable Urban Neighbourhoods
Outcome:	3.3 Enhanced environment and open spaces
Strategy:	3.3 Enhanced environment and open spaces

Attachments

Nil.

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 Listing of Payments - July 2021

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-64444
Meeting Date:	24 August 2021
Author(s):	Abrie Lacock, Manager Finance
Reporting Officer(s):	Danielle Cattalini, Acting Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

This report presents to Council a list of accounts paid under delegated authority between 1 July and 31 July 2021 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(368)	\$8,946,751.46
Cheque Payment to Creditors	(15)	\$47,778.78
Total Monthly Payments to Creditors	(383)	\$8,994,530.24
EFT Payments to Non-Creditors	(74)	\$493,297.32
Cheque Payments to Non-Creditors	(13)	\$11,949.96
Total EFT & Cheque Payments	(470)	\$9,499,777.52
Credit Card Payments	(5)	\$11,401.13
Total Payments	(475)	\$9,511,178.65

0821/152

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Ken Manolas

That Council receives the Listing of Payments for the month of July 2021 as detailed in **Attachment (a)**.

CARRIED BY EXCEPTION RESOLUTION (9/0)

For: Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Background

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

Comment

The payment listing for July 2021 is included at **Attachment (a)**.

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

The report records payments classified as:

- **Creditor Payments**

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

- **Non Creditor Payments**

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

- **Credit Card Payments**

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

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

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

The payment of authorised amounts is within existing budget provisions.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2020-2030](#):

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	4.3 Good governance
Strategy:	4.3.1 Foster effective governance through quality decision-making

Attachments

10.4.1 (a): Listing of Payments July 2021

10.4.2 Monthly Financial Statements - July 2021

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-64445
Meeting Date:	24 August 2021
Author(s):	Abrie Lacock, Manager Finance
Reporting Officer(s):	Danielle Cattalini, Acting Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

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

0821/153

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Ken Manolas

That Council notes the Financial Statements and report for the month ended 31 July 2021.

CARRIED BY EXCEPTION RESOLUTION (9/0)

For: Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Background

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996, requires each local government to present a Statement of Financial Activity reporting on income and expenditure as set out in the annual budget. In addition, regulation 34(5) requires a local government to adopt a percentage or value to report on material variances between budgeted and actual results. The 2021/22 budget adopted by Council on 22 June 2021, determined the variance analysis for significant amounts of \$10,000 or 10% for the financial year. Each Financial Management Report contains only the Original Budget. A Revised (adjusted) Budget has not been presented as no budget adjustments have been presented to Council for approval.

Comment

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

COVID-19 declared a pandemic on 11 March 2020 by the World Health Organisation continues to cause havoc on the global health scene with a significant impact on world economic activities. A double-dip recession is possible as COVID lockdowns damage the Australian economy. In the Eastern States the closure of construction activity in Greater Sydney and South Australia means the economic impact will be larger than in previous lockdowns. In framing the Annual Budget 2021/22, the City considered the current economic environment and the impact of COVID-19. As Western Australia remains at risk the State Government extended the emergency period and it is now 30 March 2020 to 27 August 2021, with interstate travel restrictions remaining in place.

Actual income from operating activities for July year-to-date (YTD) is \$60.56m in comparison to budget of \$60.66m, unfavourable to budget by 0.17% or \$104k. Actual expenditure from operating activities for July is \$7.91m in comparison to budget of \$8.13m, favourable to budget by 2.72% or \$221k. Variations in the month of July are common with a lower activity following Budget adoption, as well as many year-end processes currently undertaken. The July Net Operating Position of \$52.65m was \$118k favourable in comparison to budget.

Actual Capital Revenue YTD and Budget is \$0.0m. Actual Capital Expenditure YTD is \$37k in comparison to the budget of \$56k. Timing variations such as these are not uncommon in July. As described during the Budget deliberations, the estimation of Capital projects that may carry-forward from one year to the next is challenging as it is dependent on estimating the completion of work by 30 June by a contractor. As in previous years, there may a number of Capital projects that may require a Budget adjustment.

Cash and Cash Equivalents amounted \$49.04m. Traditionally July is a low point of the annual cash cycle, prior to rates issue and payments received during August. 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).

The record low interest rates in Australia are impacting the City's investment returns, with banks offering average interest rates of 0.28% for investments under 12 months. The City holds a portion of its funds in financial institutions that do not invest in fossil fuels. Investment in this market segment is contingent upon all of the other investment criteria of Policy P603 Investment of Surplus Funds being met. At the end of July 2021 the City held 35.95% of its investments in institutions that do not provide fossil fuel lending. The Summary of Cash Investments illustrates the percentage invested in each of the non-fossil fuel institutions and the short term credit rating provided by Standard & Poors for each of the institutions.

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

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

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2020-2030](#):

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	4.3 Good governance
Strategy:	4.3.1 Foster effective governance through quality decision-making

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 & Expenditure
10.4.2 (e):	Significant Variance Analysis
10.4.2 (f):	Capital Revenue & 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 Proposed Council Meeting Schedule 2022

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-21-64446
Meeting Date:	24 August 2021
Author(s):	Morgan Hindle, Governance Officer Bernadine Tucker, Manager Governance
Reporting Officer(s):	Mike Bradford, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Summary

This report seeks Council's endorsement of the City of South Perth 2022 Meeting Schedule.

0821/154

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Ken Manolas

That Council endorses the Council meeting dates, times and places proposed for 2022 as detailed in Table (1) within this report.

CARRIED BY EXCEPTION RESOLUTION (9/0)

For: Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Background

The *Local Government Act 1995* (the Act) and the Local Government (Administration) Regulations 1996 (the Regulations) require local governments to give local public notice of the dates on which and the time and place at which ordinary council meetings are to be held over the next 12 months.

All City of South Perth Council Meetings commence at 6pm and were held in the Council Chamber, corner Sandgate Street and South Terrace, South Perth.

Typically the City of South Perth holds Council Agenda Briefings at 6.00pm on the third Tuesday of each month, and the Ordinary Council Meetings on the fourth Tuesday of each month.

Comment

It is proposed that all Council Meetings for the 2022 calendar year continue to be held at 6pm in the City of South Perth Council Chamber. That way it is consistent with the Agenda Briefing times and there will be no confusion for members of the public with different times.

Following on from previous years, it is proposed to have a recess in January and for the December Council Agenda Briefing and Council Meeting to be brought forward by one week.

The Proposed Meeting Schedule for 2022 is as follows:

Council Agenda Briefing City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth.	Ordinary Council Meeting City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth.
6pm Tuesday 15 February	6pm Tuesday 22 February
6pm Tuesday 15 March	6pm Tuesday 22 March
6pm Tuesday 19 April	6pm Tuesday 26 April
6pm Tuesday 17 May	6pm Tuesday 24 May
6pm Tuesday 21 June	6pm Tuesday 28 June
6pm Tuesday 19 July	6pm Tuesday 26 July
6pm Tuesday 16 August	6pm Tuesday 23 August
6pm Tuesday 20 September	6pm Tuesday 27 September
6pm Tuesday 18 October	6pm Tuesday 25 October
6pm Tuesday 15 November	6pm Tuesday 22 November
6pm Tuesday 6 December	6pm Tuesday 13 December

The 2022 Western Australian Public Holidays as shown below do not affect the proposed City of South Perth Council Meeting Schedule:

Public Holiday	2022
New Year's Day	Saturday 1 January
Australia Day	Wednesday 26 January
Labour Day	Monday 7 March
Good Friday	Friday 15 April
Easter Monday	Monday 18 April
ANZAC Day	Monday 25 April
WA Day	Monday 6 June
Queen's Birthday	Monday 26 September
Christmas Day	Sunday 25 December
Boxing Day	Monday 26 December

Consultation

In accordance with Regulation 12 of the Local Government (Administration) Regulations 1996, the details for the 2022 meetings will be placed on the City's website and on the notice board in the Civic Centre, and at both of the City's Libraries before the beginning of 2022.

Policy and Legislative Implications

Sections 5.25(1)(g) and 5.27 of the *Local Government Act 1995*.

Regulation 12 of the Local Government (Administration) Regulations 1996.

Financial Implications

Nil.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2020-2030](#):

Strategic Direction: Leadership
 Aspiration: A visionary and influential local government
 Outcome: 4.3 Good governance
 Strategy: 4.3.1 Foster effective governance through quality decision-making

Attachments

Nil.

10.4.4 Proclamation of Kwinana Freeway southbound on-ramp

Location: Manning
Ward: Not Applicable
Applicant: N/A
File Ref: D-21-64448
Meeting Date: 24 August 2021
Author(s): Bernadine Tucker, Manager Governance
Reporting Officer(s): Mike Bradford, Chief Executive Officer
Strategic Direction: Leadership: A visionary and influential local government
Council Strategy: 4.3 Good Governance

Summary

This report seeks Councils endorsement of the proclamation drawings for the Kwinana Freeway southbound on-ramp from Manning Road from Mainroads Western Australia.

0821/155

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor André Brender-A-Brandis
Seconded: Councillor Ken Manolas

That Council:

1. Endorses the proclamation drawings of the Kwinana Freeway southbound on-ramp from Manning Road as shown in **Attachment (a)**.
2. Authorises the CEO to sign the proclamation drawings as shown in **Attachment (a)**.

CARRIED BY EXCEPTION RESOLUTION (9/0)

For: Mayor Greg Milner and Councillors Samantha Bradder, André Brender-A-Brandis, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

Background

Following the completion of the new Kwinana Freeway southbound on-ramp from Manning Road, Main Roads are required to proclaim the new ramp within the City of South Perth.

In accordance with Section 13 of the *Main Roads Act 1930*, the Commissioner of Main Roads intends to make a recommendation to the Hon. Minister of Transport to proclaim the roads as shown on drawings: 200821-0376-02 and 202121-000 1-00 **Attachment (a)**.

Before making the recommendation to the Minister, the Commissioner requires endorsement by Council of the enclosed proclamation drawings and the CEO's signature.

In the event that Council does not support the changes, Section 13A (2) of the *Main Roads Act 1930* makes the provision for Council to lodge an objection with the Commissioner of Main Roads. Any objection to the proclamation is required to be lodged with Main Roads by 20 September 2021.

Comment

It is recommended that Council endorse the proclamation drawings and authorise the CEO to sign the document on behalf of Council.

Consultation

Nil.

Policy and Legislative Implications

Main Roads Act 1930

Financial Implications

Nil.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2020-2030](#):

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2020-2030](#):

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	4.3 Good governance
Strategy:	4.3.1 Foster effective governance through quality decision-making

Attachments

10.4.4 (a): Proclamation drawings for the new Kwinana Freeway southbound on-ramp from Manning Road

11. APPLICATIONS FOR LEAVE OF ABSENCE

- Councillor Carl Celedin for the period 29 September 2021 to 17 October inclusive.

0821/156

MOTION TO APPROVE LEAVE OF ABSENCE APPLICATION AND COUNCIL DECISION

Moved: Councillor Samantha Bradder

Seconded: Councillor Ken Manolas

That Council approve the Leave of Absence application received from Councillor Carl Celedin for the period 29 September 2021 to 17 October 2021 inclusive

CARRIED (9/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Samantha Bradder, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas, Stephen Russell.

Against: Nil.

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 NOTICE OF MOTION - COUNCILLOR BLAKE D'SOUZA - BMX TRACK AT GEORGE BURNETT RESERVE, KARAWARA

Location: George Burnett Reserve
Ward: Manning Ward
Applicant: Not Applicable
File Ref: D-21-64449
Meeting Date: 24 August 2021
Author(s): Patrick Quigley, Manager Community, Culture and Recreation
Reporting Officer(s): Vicki Lummer, Director Development and Community Services
Strategic Direction: Community: A diverse, connected, safe and engaged community
Council Strategy: 1.2 Community Infrastructure

Summary

Councillor Blake D'Souza submitted the following Notice of Motion prior to the Council Agenda Briefing held 17 August 2021.

0821/157

COUNCIL DECISION

Moved: Councillor Blake D'Souza
Seconded: Councillor Glenn Cridland

1. That Council resolves to authorise the CEO to investigate the creation of a BMX or pump track at the George Burnett Reserve in Karawara; and prepare a report to Council by November 2021, advising of initial progress, draft concepts/plans and indicative costings.
2. Site selection to explore (while not being limited to) options in the vicinity of the existing Manning Skate park.
3. Funding for this project be considered at the 2021 Mid-Year Budget Review.

CARRIED (8/1)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Samantha Bradder, Carl Celedin, Mary Choy, Glenn Cridland, Blake D'Souza, Ken Manolas.

Against: Councillor Stephen Russell.

Background

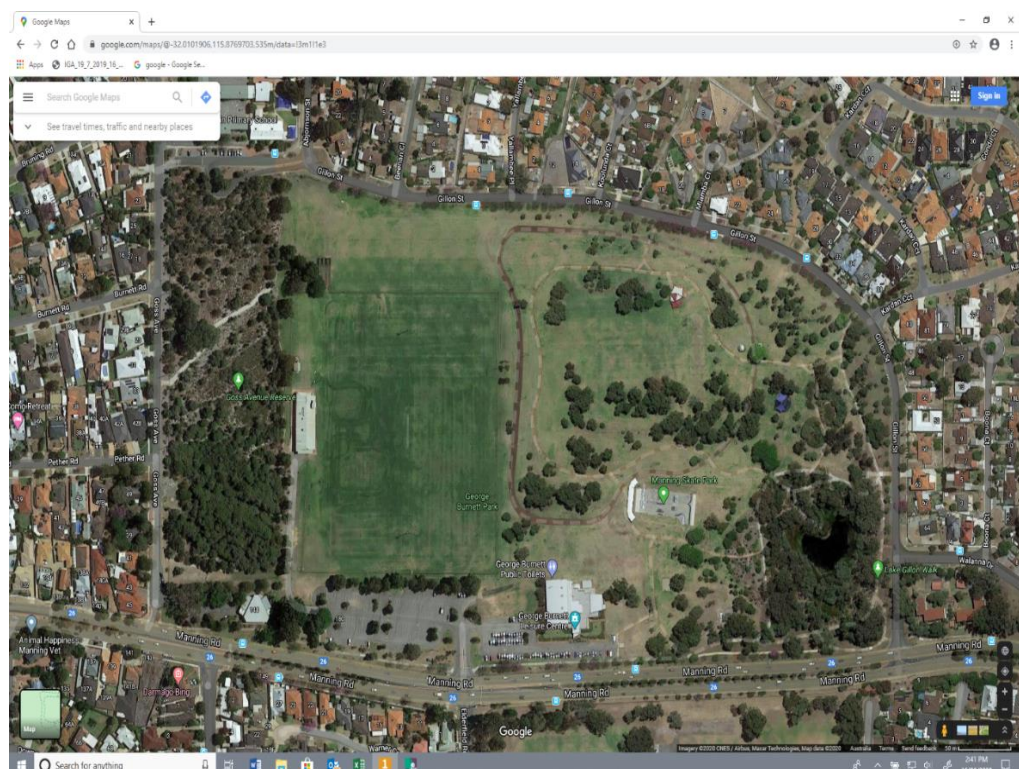
Prior to the Council Agenda Briefing being held 17 August 2021, Councillor Blake D'Souza submitted a notice of motion relating to a BMX Track at George Burnett Reserve, Karawara and provided the following reasons supporting the Notice of Motion:

1. The community concern over the closure of the BMX track at the Manning Primary School bushland has revealed the latent demand for this type of amenity in Manning, Karawara and surrounds.
2. A BMX or pump track at George Burnett Reserve would go some way towards meeting this community expectation – especially as it is in close proximity to the original track.
3. As regards the site – it seems logical to have this around/near the existing Manning Skate park, in order to maximise public amenity whilst not interfering with rest of the area.
4. Due to its location in Karawara, this project could positively contribute to building social cohesion within the community.

Comment

In July 2019, Council endorsed the City's Community Recreation Facilities Plan. One of the key recommendations in this Plan is for the City to develop a Master Plan for the George Burnett Recreation Precinct.

The George Burnett Recreation Precinct comprises a range of community facilities and open spaces, including: George Burnett Leisure Centre; George Burnett Park; Manning Skate Park; George Burnett Pavilion; former Manning library building; and surrounding bushland. The precinct covers approximately 24 hectares and is bordered by Manning Road to the south, Goss Avenue to the west and Gillon Street to the north and east. See precinct map below.



Dave Lanfear Consulting was contracted to undertake a George Burnett Recreation Precinct Master Plan project. In June 2020, the consultant presented the draft Master Plan report (including concept plans) to the City, which includes a recommendation for a proposed future BMX or pump track on the site near the skate park.

Progress of the George Burnett Recreation Precinct Master Plan is currently on-hold pending the outcome of the associated Recreation Aquatic Facility project.

The City is supportive of this Notice of Motion as it is already intending to investigate the provision of a BMX or pump track in Karawara as part of the George Burnett Recreation Precinct Master Plan project.

Consultation

Nil.

Policy and Legislative Implications

Implementation of the George Burnett Recreation Precinct Master Plan (including the proposed BMX or Pump Track project) is aligned with:

- Policy P106 – Use of City Reserves and Facilities
- Policy P110 – Support of Community and Sporting Groups
- Policy P609 - Management of City Property
- Public Places and Local Government Property Local Law 2011

Financial Implications

Nil.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2020-2030](#).

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

Attachments

Nil.

13. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS

13.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 27 July 2021

0821/158

Officer Recommendation AND COUNCIL DECISION

Moved: Mayor Greg Milner

Seconded: Councillor André Brender-A-Brandis

That the Minutes of the Ordinary Council Meeting held 27 July 2021 be taken as read and confirmed as a true and correct record with the following amendment:

- That page 84 of 102 in the attachments be amended as follows -
Amend the Net Position variance indicator in the last line on page 84 from “U” to “F” to indicate a favourable variance as opposed to an unfavourable variance and remove the brackets around the variance values in the columns headed “Variance \$” and “Var %” indicating this variance as favourable.

CARRIED (9/0)

For: Mayor Greg Milner and Councillors André Brender-A-Brandis, Samantha Bradder, Carl Celedin, Mary Choy, Glenn Cridland, Blake D’Souza, Ken Manolas, Stephen Russell.

Against: Nil.

14. QUESTIONS FROM MEMBERS

14.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

Responses to questions from members taken on notice at the July 2021 Ordinary Council Meeting can be found in the appendix of the Agenda.

14.2 QUESTIONS FROM MEMBERS

- Councillor Blake D’Souza
- Councillor Samantha Bradder
- Councillor Glenn Cridland
- Councillor Stephen Russell
- Councillor Mary Choy

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

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

Nil.

15. MEETING CLOSED TO THE PUBLIC

Nil.

16. CLOSURE

The Presiding Member thanked everyone for their attendance and closed the meeting at 10.08pm.

APPENDIX

6.2 PUBLIC QUESTION TIME: 24 August 2021

1. Mr George Watts, 10 Yallambee Place, Karawarra Received: 22 August 2021	Responses provided by: Mark Taylor – Director Infrastructure Services
<p><i>[Preamble]</i></p> <p><i>Hi my name is George Watts and I live in Karawarra. As a suburb that is quite close to the proposed development - which really should be called the South Perth Aquatic Recreation Centre - or SPARK for short - , the significant majority of people are very much looking forward to the development of this game changing facility for not only our suburb - but for the entire City of South Perth and surrounds. For Karawarra, it is felt that such a project will assist in providing opportunities for the youth of the area to a positive outlet for their energies, and improve social cohesion of the area. It is my understanding that the project is at a stage where the next step of design is required to be undertaken - after which commercial funding in terms of naming rights can be started to be hunted down, an operator to run the facility process started to be locked away and the vital state government funding process pushed to a conclusion. I realise that it is not a insignificant amount of money that is being asked to be committed to the project - however, my question is :</i></p>	
1. Can an estimate of cost to the CoSP be provided IF the SPARC does not proceed? This is in relation to the facilities that will need upgrading, refurbishment or replacement and would at least include the GBLC and Collier Park clubhouse.	<p>The City is committed to the building the RAF and the many benefits it will bring to the community. Should the RAF not proceed, upgrades and/or refurbishment to existing City facilities, such as the Collier Park Golf Course (including the clubhouse) and the George Burnett Leisure Centre will need to be considered and approved by Council.</p> <p>The Collier Park Golf Course clubhouse facilities require extensive refurbishment and upgrades to the driving range are considered necessary for it to remain competitive. The George Burnett Leisure Centre is no longer fit for purpose and the single indoor court does not meet community need or expectations. It also has limited utility as it is unable to be used for competitive sport.</p> <p>Unlike the RAF, the City has not developed a Business Case or undertaken rigorous costings for these options.</p>

	<p>No input from stakeholders has been sought, nor has any substantial design been undertaken.</p> <p>Preliminary analysis and advice received by the City estimates that refurbishment and upgrade of the two existing facilities is more than the \$20 million commitment from Council for the RAF.</p> <p>Indicative costs are as follows:</p> <ul style="list-style-type: none"> • \$17.35 million for Collier Park Golf Course • \$6.7 million for George Burnett Leisure Centre <p>Expenditure on these facilities will not create the revenue stream for the City that is expected to come from the RAF. George Burnett Leisure Centre is already operating at a loss of around \$200,000 per annum and while the Collier Park Golf Course is currently returning a profit, it is unlikely to remain as profitable without further investment. The potential revenue stream for the City from the RAF is considerably more than a stand-alone golf course, with or without improvements and will provide much more leisure opportunities than the two stand-alone facilities.</p> <p>The capital expenditure does not reflect the ongoing recurrent (maintenance) expenditure borne by the City. The RAF Business model has the Operator taking responsibility for maintenance and making payments to a City controlled Sinking Fund, for ongoing asset management. Once the RAF is operational, there is less financial risk – or expenditure – for the City.</p> <p>If the RAF does not proceed, the City would need to return the \$20 million Federal Government grant. The impact of that action on future grant opportunities and the willingness of non-government partners to collaborate with the City on future projects would be of major concern.</p>
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<p>2. Dr Sarah Schladow, 3/20 Garden Street, South Perth</p> <p>Received: 23 August 2021</p>	<p>Responses provided by: Warren Giddens – Manager Strategic Planning</p>
<p><i>[Preamble]</i></p> <p><i>On 15 August 2021, I attended a Planning Reform Community Session, with politicians & WAPC personnel. One of the latter stated that WAPC ‘did all the necessary paperwork and sent all information to all local government authorities regarding its Medium Density Review.’ The purpose of this was not just to inform LGAs, but also to inform their communities, and to let them know that submissions could be made between Nov 20 & April 21. It is surprising to me (and also to the WAPC staff member) that our community was not informed of this process by CoSP or by Councillors According to him, other local authorities made submissions, and WAPC also received many submissions from the public....which is an integral part of their review.</i></p>	
<p>1. Did the City place on its website all info about State Planning Policy 7.3 - Residential Design Codes Low and Medium Density draft November 2020 - for community comment?</p>	<p>Information about the draft policy was not placed on the City’s website.</p> <p>Advertising of the draft policy was undertaken by DPLH via the Departments online ‘Consultation Hub’. The consultation attracted 225 detailed submissions and 4,000 individual comments, with briefing workshops attended by 554 people.</p> <p>The City is not aware of instances where local governments have sought feedback from their communities on SPP7.3.</p>
<p>2. When did the City inform the Councillors of this Low and Medium Density Review (so they could discuss with their ward residents)?</p>	<p>Formal notice to Councillors of the draft policy was not provided.</p>
<p>3. Did the City do a submission relating to that review of medium to low density – as many other LGAs did?</p>	<p>The City made a submission, noting the emphasis of the draft policy in promoting improved medium density design outcomes, while also identifying a number of concerns including:</p> <ul style="list-style-type: none"> • The impact of the need to obtain DPLH approval for certain local planning policies; and, • The differences between building height limits for the R40 code between Volume 1 and Volume 2 of the R-Codes.

<p>3. Mr Trevor Hill, 100A Forrest Street, South Perth</p> <p>Received: 23 August 2021</p>	<p>Responses provided by: Mark Taylor – Director Infrastructure Services</p>
<p><i>[Preamble]</i></p> <p><i>In March 2021, Council noted that progress has been made to access additional funding for the RAF project required.</i></p>	
<p>1. Has Council received either formal or informal advice from the City as to further progress since that Council meeting?</p>	<p>Yes. The July Council report provided an update on the RAF Project to Council. In addition, Council and the Property Committee have received a several briefings on the RAF project since March 2021.</p>
<p>2. What is the value of external funding, other than the Federal Government grant funds, that has been committed to this project?</p>	<p>To date, Curtin University has committed \$2-\$3 million as a capital investment to the RAF. In addition, Curtin indicated their willingness to explore ‘further opportunities for coordinating campus activities’ - which is likely to create an ongoing revenue stream for the RAF.</p> <p>The letter from Curtin outlining their investment and support for the RAF was provided to all Councillors upon receipt in February 2021. The City has commenced discussions with Curtin regarding an Indicative Heads of Agreement which will give greater clarity about Curtin’s ongoing commitment, and involvement in the RAF.</p>
<p>3. What is the City’s current estimate of external funds that is likely to become available to the project but not yet committed by external parties?(If the City is not able to provide a precise estimate, a range will suffice).</p>	<p>The City is confident that the total RAF project budget of \$80 million (ex GST) will be achieved and is working towards securing the remaining \$37 million from the State Government and Commercial Partners.</p> <p>The City is continuing to advocate with State Government for a funding contribution in line with the existing Federal commitment of \$20million.</p> <p>As yet, no formal application for State funding has been submitted by the City. The project needs to achieve an appropriate level of development to support such a request.</p>

	<p>The Treasury Business Case is an important component of the application for State funding. The City's advice is that State funding is more usually committed during Concept and Schematic design when projects reach a higher level of financial certainty and provide further confidence in the findings of a Treasury Business Case.</p> <p>The City completed a Market Sounding exercise for potential operators of the RAF in July – August 2021. As part of this process, potential operators provided an indication of the amount of capital investment and associated terms. The information provided to the City was the subject of a confidential briefing to Council as release would potentially prejudice future negotiations.</p> <p>The City has also conducted preliminary analysis of the potential revenue associated with naming rights of the RAF and sought advice from specialist consultants. The findings were the subject of a confidential briefing to Council and release of this information would also potentially prejudice future procurement processes and negotiations. Based on the advice from external consultants, the City is confident that naming rights would create a robust, ongoing revenue stream for the RAF. To date, the RAF Business Model has not factored in any potential revenue from naming rights.</p> <p>Whilst much of the information remains commercial in confidence pending final agreement the progress to date continues to support the project assumption of \$20million of commercial funding as a realistic target.</p> <p>In summary, the sources for the required funding have largely been confirmed and progress continues to formally secure this funding. Councillors and Property Committee members have been fully briefed on this information and are similarly bound by confidentiality.</p>
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<p>4. Mr Cam Tinley, South Perth</p> <p>Received: 23 August 2021</p>	<p>Responses provided by: Mark Taylor – Director Infrastructure Services</p>
<p><i>[Preamble]</i></p> <p>The City has spent almost \$1m on the RAF to date with no guarantee that the project will ever materialise. This month, the City is seeking a further \$1m for the project and on page 34 of the Agenda notes that this will help the City determine whether the project will proceed or not. That cost alone represents one of the larger capital projects conducted by the City in recent years and may result in a big ‘nothing’ for ratepayers.</p>	
<p>1. How much more ratepayer funds (ie from rates or reserves) does the City need to spend before it can definitively commit to proceed with or not proceed with the RAF.</p>	<p>A decision to proceed, or not, with the RAF is a matter for Council.</p> <p>The RAF project has been designed so that Council has maximum oversight and involvement in decision making.</p> <p>The City continues to work on the RAF project and refine the RAF Business model to provide Council with comprehensive and up-to-date information about its viability and anticipated project costs. The ongoing RAF project costs are met through the 2021/22 budget allocation of \$400,000.</p> <p>A decision to commence Concept and Schematic Design will provide Council – and the City – with more detailed information about project costs and operational viability of the RAF. All assessments to date, including by independent experts Deloitte, have shown that the RAF is financially viable and will not have a negative cost impact on the City.</p> <p>The completion of Concept and Schematic Design stages will assist the City to secure the remaining funding for the RAF project, as it will provide more detailed information to potential funding partners. For a project of this scale, it is not uncommon for investors to make a decision about whether to invest in the project during, or at the completion of these stages.</p> <p>The expenditure of just over \$1million associated with Concept and Schematic Design is an investment in due diligence for a project of this scale and significance.</p>

2. When is a final investment decision on the project expected to occur?	A decision to commence Detailed Design is usually considered to be the final investment decision. Assuming the RAF Project Schedule remains on track, Council will consider whether to commence Detailed Design around March 2022.
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5. Mrs Cecilia Brooke, 8/20 Garden Street, South Perth Received: 23 August 2021	Responses provided by: Warren Giddens – Manager Strategic Planning
<p><i>[Preamble]</i></p> <p>Councillors, you would by now be aware that the community is not comfortable with the proposed rezoning of the Burch St Car Park to R50 under LPS7, and everyone I have spoken to are astounded that the car park should even be being considered as a development site. So I ask the following questions;</p>	
1. “With respect, may I ask whose idea it was (or what is the commercial driver)to add the Burch St carpark into the proposed LPS7 with a R50 zoning when it is quite obviously a heavily used car park FOR THE COMMUNITY AT LARGE”	<p>The proposed zoning and coding forms part of the officer’s recommendation to Council.</p> <p>As has been the case with Town Planning Scheme 6, which has been in operation for almost twenty years, Local Planning Scheme 7 has been prepared with a long-term view.</p> <p>Acknowledging the community use of the car park, draft Local Planning Scheme 7 includes provisions that ensure that sufficient public parking be determined and retained on the site in the future. This requirement is clearly identified in Schedule B, Area 5 of the draft Local Planning Scheme 7.</p>
2. What is the purpose of rezoning this car park to LPS7 R50 except in an effort to raise funds for other projects?	<p>In order for Council to achieve the financial prudence it has been seeking, it must consider the highest and best use of all its assets in the long-term. The recommended zoning will achieve this while also providing for the identified parking demand.</p>

	<p>Future parking demand may be influenced by many factors. Demand is likely to have been influenced by the recent construction of a new community car park in the middle of Ernest Johnson Reserve. Substantial redevelopment of the South Perth Hospital could also involve additional on-site parking on the hospital site, as well as on adjacent hospital landholdings on Fortune Street, South Terrace and Coode Street, which could offset parking demand at Burch Street.</p> <p>Draft Local Planning Scheme 7 allows a future Council to consider all these factors when making any decision about the future of the car park.</p>
3. Before considering adding the re-zoning of the Burch Street Car park into LPS7, did council carry out any in-depth analysis of the usage of the car park?	<p>A preliminary parking intercept survey was carried out in the last 18 months to identify car park users.</p> <p>Schedule B, Area 5 of the draft Local Planning Scheme 7 further requires an in-depth analysis in the form of a Parking Needs Assessment for the Burch St carpark site be undertaken. This specifically ensures that any future development on the site incorporates sufficient publicly accessible vehicular parking. This requirement would precede a Local Development Plan to guide subsequent development of any buildings or land use on the site.</p>

6. Mr George William Gleeson, 2/95 Canning Highway, South Perth Received: Question received in the tray at the meeting	Responses provided by: The City of South Perth
1. Mayor – Letter not dated – Re , my letter 21 July 2021	As this public question time submission was not phrased as a question, the City was unable to provide a response.
2. Re – Page 2 – Perth Now – Aug 19, 2021	As this public question time submission was not phrased as a question, the City was unable to provide a response.

13.1 RESPONSES TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE OCM 27 JULY 2021

Councillor Mary Choy	Response provided by: Mark Taylor – Director Infrastructure Services
<p>1. Can the Council please have an update on the underground power program and how it is going at the moment in those areas it is currently rolling out in and in particular the Hurlingham precinct status too?</p>	<p>The following updates are provided in relation to the three specific Underground Power Projects currently being progressed within the City of South Perth:</p> <p><u>Collier State Underground Power Program (SUPP)</u></p> <p>The Collier project is on track to be completed in early 2022 as projected.</p> <p><u>Manning SUPP</u></p> <p>The Manning project commenced construction phase as of the 2 August and the expected completion date is mid-2022.</p> <p><u>South Perth - Retrospective Undergrounding Project (RUP)</u></p> <p>The City has recently received an offer from Western Power to complete this project. This is now being modelled by the City and will be the subject of a Councillor Briefing later in the year.</p>

Councillor Glenn Cridland	<p>Response to question 1 provided by: Vicki Lummer – Director Development and Community Services</p> <p>Response to question 2 Colin Cameron – Former Director Corporate Services</p>
<p>1. I heard a rumour that St Martin’s in the Field Church and hall was to be demolished, can Director Lummer tell me whether or not that is true and whether or not it was on any Heritage listing?</p>	<p>The City has received a development application for the proposed demolition of the St Martin in the Field’s Church and Durbridge Hall on Lot 53, No. 50 Dyson Street, Kensington.</p> <p>The existing buildings are listed in the City’s Heritage List and the application has been referred to the Department of Planning Lands and Heritage (Heritage Council WA) for comment. The public consultation period concluded on 5th August 2021.</p>
<p>2. A number of years ago there were two buildings on Canning Highway near Canning Bridge Train Station that were in a similar state of disrepair to the Roberts Street ones and were left for quite some time by the owners in quite a dangerous state. The City followed it up and I asked a number of questions about it here in Council. I was just wondering did following up and prompting or causing the demolition of those dangerous rat infested eye-sores as the entry statement to the City of South Perth cost us anything that we weren’t able to recover from the owner?</p>	<p>In relation to 469 and 471 Canning Highway, the City recorded the costs incurred for demolition as a caveat against the property. Prior to settlement (17 April 2021), the City recovered these funds.</p>

Councillor Mary Choy	Responses provided by: Mark Taylor – Director Infrastructure Services
1. Does anyone know what happened to the wooden bench outside Coles and did that belong to the City?	The bench was removed from that site by persons unknown. It has since been replaced.

13.2 QUESTIONS FROM MEMBERS OCM 24 August 2021

Councillor Blake D'Souza	Response provided by: Mark Taylor – Director Infrastructure Services
<i>About 1 hour before the meeting I received a call from Mr David Squires of Hope Avenue in Salter Point. I'm happy for these questions to be taken on notice.</i>	
1. What studies have been done on the removal on three (3) parking bays on Hope Avenue.	Question Taken on Notice
2. What implications will this have in terms of parking issues along Hope Avenue.	Question Taken on Notice

Councillor Samantha Bradder	Response provided by: Fiona Mullen – Manager Development Services
<i>I have had a question from the community in Kensington around the Housing Commission; the vacant land in Kensington on Bourke, George, and Pitt Street.</i>	
1. Do we know the time frame for undergoing future development, I'm happy for it to be taken on notice.	The City is not aware of any time frame for development on these sites identified.

Councillor Glenn Cridland	<p>Response to question 1 provided by: Fiona Mullen – Manager Development Services</p> <p>Response to question 2 provided by: Mark Taylor – Director Infrastructure Services</p> <p>Response to question 3 provided by: Bernadine Tucker – Manager Governance</p> <p>Response to question 4 provided by: Mark Taylor – Director Infrastructure Services</p> <p>Response to question 5 provided by: Mike Bradford – Chief Executive Officer</p> <p>Response to question 6 provided by: Mike Bradford – Chief Executive Officer</p>
<p><i>I think it was the last meeting, perhaps the one before I asked some questions about derelict houses. I have been contacted by a resident and I have been around to Roberts Street in Como, I've sent photos of the buildings to the other Councillors of the derelict buildings with refuse in their front yards, smashed windows, doors which are hanging open etc.</i></p>	
<p>1. Has the City taken any action to stop the further dumping of rubbish on those sites on Roberts Street and has the City taken any action in respect of ensuring the rubbish is removed that the grass is cut so that it's not so high and that it's not possible for people to enter and squat in those derelict buildings in Roberts and Street and in Thelma Street?</p>	<p>The City's Environmental Health Team are aware of these properties but I will take that question on notice to provide the most recent update.</p>
<p><i>I think I raised this last meeting and it related to some reports I'd made a few months prior of park benches that were smashed and broken so you couldn't sit on them because they didn't have anything to sit on. At George Burnett and Bill Grayden Reserves, they still haven't been repaired.</i></p>	
<p>2. Is there any anticipated date when they will be usable again for the people who visit those ovals?</p>	<p>They have been discussed internally within Infrastructure Services but I don't have a date for repair so I'll take that on notice.</p>
<p><i>One of the issues that took some tonight was concerns about Burch Street Carpark and references were made to sale of properties, properties being surplus etc. At this stage the City doesn't make available its Property Committee minutes nor are they attached as far as I'm aware to minutes of the Council meetings and there not part of the attachments in preparation for an Ordinary Council meeting.</i></p>	

<p>3. Has the City given any consideration as to how matters that are before the Property Committee might be made more public perhaps to reduce Community concern about some of the things that are discussed there?</p>	<p>Our Property Committee and also our Audit, Risk and Governance Committee are closed Committees so those reports are confidential only by reason that the Committee is closed. When an item from one of those Committees requires a decision, the Committee makes a recommendation to Council and then you will see that report in the Council Agenda. Anything requiring a decision does come through the Council and you will see them in the Council reports. Unfortunately though sometimes the nature of discussion could be legal advice commercial in confidence information so there are sometimes reasons why those reports are still kept confidential. Certainly we can look at making those Committee minutes available to the public except it's likely a lot of those reports will still not be visible to the public because of the confidential nature of them.</p>
<p><i>This relates to a question that was raised by Councillor D'Souza tonight at the beginning of questions by members and it relates to a property in Hope Street now I was on Council when the approval for a house on Hope Street was built I think from memory the motion was by former Councillor Irons and it related to a crossover and moving of a bus stop or something like that. There has been a new bus stop laid only last week at the front of that property, now what I'm told is that there was a recommendation by Mr Markotis that there be a meeting of the neighbours, the owners of that property, the PTA and the Council to discuss the relocation of the bus stop and the footpath crossover, removal of curbing etc. and I'm told that, that meeting there was never a stakeholders meeting with these people, the neighbours, the City and the PTA.</i></p>	
<p>4. Is there any reason why that recommended meeting didn't occur?</p>	<p>This has been a very long convoluted matter which has resulted in appeals to the Ombudsman which were knocked back plus to the Minister and most recently the Minister has approved for this matter to go ahead so the PTA has gone ahead and installed the bus stop. The next stage will be installing the pathway which links it to the PAW as per the design.</p> <p>I spoke to Mr Jansen tonight the Manager of Assets and Design about that comment from Mr Squires and Mr Jansen and Mr Markotis said the offer of the meeting never occurred so we are a bit unsure where that has come from but we are going to be responding to Mr Squires in the near future just to find out what that was all about. However, the matter has become so highly</p>

	politicised I should say that the PTA have been given the directive to proceed and we will be doing so as well.
<i>I visited the site yesterday and I noticed that there had been a CCTV that had been set up on the house over the road from the Squires and it looks into their property and at the bus stop.</i>	
5. Was the City part of the decision making in setting up the CCTV that looks in at their property and at the bus stop or was that solely a PTA decision?	The installation of the bus stop and all the associated services including security and CCTV were purely a decision of the PTA.
6. Has the City, given some of the changes with other Councils moving to live streaming and I'm sure people who are now streaming out now would have been able to sit at home and watch us. Has the City given any consideration recently to perhaps at hopefully not a significant cost moving to live streaming of our wonderful Council meetings?	We are actively working through the options at the moment and we've made some progress but we are very conscious to come up with something that works well for us and having watched some examples I think there is opportunities for improvement so we are working through that. I'm not sure where we will land yet but it's actively being worked on by IT and Governance.

Councillor Stephen Russell	Response provided by: Vicki Lummer – Director Development and Community Services
1. Has the City made comments to the planning reform consultation that I believe ends this month?	At an officer level we have made a submission on planning reform.
2. May Council have a copy?	Yes, we can provide a copy.

Councillor Mary Choy	Response provided by: Vicki Lummer – Director Development and Community Services
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<p>1. Following on from Councillor Russell's question in relation to the answer that was given to the depute this evening on the draft MDC (Medium Density Code), I believe one of the answers from the City was with regards to a submission made on that one and that was affirmative. Are we able to get a copy of that, if I've got that correctly as well?</p>	<p>Yes, we can provide a copy of that as well.</p>
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The City advises that comments recorded represent the views of the person making them and should not in any way be interpreted as representing the views of Council. The minutes are a confirmation as to the nature of comments made and provide no endorsement of such comments. Most importantly, the comments included as dot points are not purported to be a complete record of all comments made during the course of debate. Persons relying on the minutes are expressly advised that the summary of comments provided in those minutes do not reflect and should not be taken to reflect the view of the Council. The City makes no warranty as to the veracity or accuracy of the individual opinions expressed and recorded therein.

These Minutes were confirmed at the Ordinary Council Meeting held: Tuesday 28 September
2021

Signed _____ / /2021
Presiding Member at the meeting at which the Minutes were confirmed