

# AGENDA.

## Ordinary Council Meeting

26 July 2022

### Notice of Meeting

Mayor and Councillors

The next Ordinary Council Meeting of the City of South Perth Council will be held on Tuesday 26 July 2022 in the the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth commencing at 6.00pm.



MIKE BRADFORD  
CHIEF EXECUTIVE OFFICER

22 July 2022

# Acknowledgement of Country

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

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

## Our Guiding Values



## Disclaimer

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

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

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# Ordinary Council Meeting - Agenda

## 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

## 2. DISCLAIMER

## 3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

## 4. ATTENDANCE

### 4.1 APOLOGIES

### 4.2 APPROVED LEAVE OF ABSENCE

- Councillor Glenn Cridland for the period 23 July 2022 to 31 July 2022 inclusive.

## 5. DECLARATIONS OF INTEREST

## 6. PUBLIC QUESTION TIME

### 6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Responses to previous public questions taken on notice at the June 2022 Ordinary Council Meeting can be found in the appendix of this Agenda.

### 6.2 PUBLIC QUESTION TIME: 26 JULY 2022

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

### 7.1 MINUTES

#### 7.1.1 Ordinary Council Meeting Held: 28 June 2022

##### Officer Recommendation

That the Minutes of the Ordinary Council Meeting held 28 June 2022 be taken as read and confirmed as a true and correct record.

## 7.2 CONCEPT BRIEFINGS

### 7.2.1 Council Agenda Briefing - 19 July 2022

Officers of the City presented background information and answered questions on Items to be considered at the July Ordinary Council Meeting at the Council Agenda Briefing held 19 July 2022.

#### Attachments

7.2.1 (a): Briefing Notes

### 7.2.2 CONCEPT BRIEFINGS AND WORKSHOPS

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

Date	Subject	Attendees
5 July 2022	Painted Dog Customer Satisfaction Survey Results	Mayor Greg Milner and Councillors Glenn Cridland, Carl Celedin, André Brender-A-Brandis, Stephen Russell.
11 July 2022	Professional Development Session 1 – Giving Voice to Values and Ethics	Mayor Greg Milner and Councillors Carl Celedin, André Brender-A-Brandis, Stephen Russell, Jennifer Nevard, Ken Manolas.
12 July 2022	Professional Development Session 2 – Leadership Fundamentals	Mayor Greg Milner and Councillors Carl Celedin, André Brender-A-Brandis, Stephen Russell, Jennifer Nevard.
20 July 2022	Professional Development Session 3 – Psychology Resilience	Mayor Greg Milner and Councillors Carl Celedin, André Brender-A-Brandis, Jennifer Nevard, Mary Choy, Ken Manolas.

#### Attachments

Nil.

#### Officer Recommendation

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

- 7.2.1 Council Agenda Briefing - 19 July 2022
- 7.2.2 Concept Briefings and Workshops

## **8. PRESENTATIONS**

### **8.1 PETITIONS**

Nil

### **8.2 GIFTS / AWARDS PRESENTED TO COUNCIL**

Nil

### **8.3 DEPUTATIONS**

Deputations were heard at the Council Agenda Briefing held 19 July 2022.

## **9. METHOD OF DEALING WITH AGENDA BUSINESS**

## 10. REPORTS

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

#### 10.3.1 Proposed Third-Party Digital Advertising Sign Additions to Existing Commercial Building on Lot 303, No. 149-153 South Terrace, Como

Location:	Lot 303, No. 149-153 South Terrace, Como
Ward:	Moresby Ward
Applicant:	Planning Solutions
File Reference:	D-22-34239
DA Lodgement Date:	14 February 2022
Author(s):	Kevin Tang, Urban Planner
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services

#### Summary

This report seeks Council's consideration for a recommendation of refusal to the Western Australian Planning Commission (WAPC) for Third-Party Digital Advertising Sign Additions to Existing Commercial Building on Lot 303, No. 149-153 South Terrace, Como.

The item is referred to Council as there is no specific delegation afforded to officers to determine the application.

It is considered that the proposed development does not achieve compliance with the requirements and objectives of the relevant planning scheme and policy and would have a significant adverse amenity impact on the residents of the precinct.

For the reasons outlined in this report, it is recommended that Council advise the WAPC of a recommendation of refusal for the reasons listed below.

#### Officer Recommendation

That Council recommends to the Western Australian Planning Commission (WAPC) that the application for development approval for a Third-Party Digital Advertising Sign Additions to Existing Commercial Building on Lot 303, No. 149-153 South Terrace, Como, is **refused** for the following reasons:

1. The proposal does not satisfy the requirements of Development Control Policies 1.2 & 5.4 in relation to amenity.
2. The proposal does not comply with clause 6.12(3) of TPS6 as roof-mounted advertisement is prohibited.
3. The proposal does not satisfy the objectives of TPS6 as it will pose a significant adverse impact to the residential character and amenity of the locality.
4. The proposal does not satisfy the requirements of clause 2 of Council Policy P308 Signs as the digital sign contains third-party advertising content.



**Background**

The development site details are as follows:

<b>Zoning</b>	Primary Regional Road Reserve (Metropolitan Region Scheme)/Highway Commercial
<b>Density coding</b>	R80
<b>Lot area</b>	965m <sup>2</sup>
<b>Building height limit</b>	10.5m
<b>Development potential</b>	N/A
<b>Plot ratio limit</b>	0.5

**(a) Background**

In February 2022, the City received a development application for a Third-Party Digital Advertising Sign Additions to Existing Commercial Building on Lot 303, No. 149-153 South Terrace, Como (the site).

The site is partially reserved as Primary Regional Road Reservation (Canning Highway) under the Metropolitan Region Scheme (MRS) and partially zoned Highway Commercial under the City’s Town Planning Scheme No. 6 (TPS6). The proposed development is fully contained within the Primary Regional Road Reservation.

Development applications under the MRS are generally determined by the Western Australian Planning Commission (WAPC) unless they are delegated to other authorities via a resolution or delegation policy. WAPC Delegation Policy (DEL2022/03) delegates certain power to determine an application for development approval to the local government where the proposal is wholly located within the MRS regional road reservation and where the local government is supportive of the development.

In this instance, should the officers recommendation be supported by Council, the application will be referred to the WAPC for determination.

It is also noted that Clause 61 of the Deemed Provisions provides an exemption from the need to obtain a development approval under TPS6 when a proposed development is wholly located within an MRS regional reservation.

As a result, this development proposal requires an MRS development approval but does not require a development approval under TPS6. Notwithstanding the above, the development application has been assessed against TPS6 and relevant local planning policies as Development Control Policy 1.2 requires the City to consider compatibility with relevant planning policies, strategies and development control criteria.

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

The site has a frontage to Canning Highway to the west and South Terrace to the north and is located adjacent to residential properties to the east and south, as seen in **Figure 1** below.

Notably, the site is also surrounded by some non-residential land uses and development, including the following land uses activities located in the immediate vicinity of the Site:

- The Como Hotel is located opposite the subject site to the north-west;
- A Medical centre is located opposite the subject site to the west;
- Physiotherapy consulting rooms are located opposite the subject site to the north



Figure 1: Aerial Photo of the Site

### (c) Description of the Proposal

The site is currently developed with a one and two-storey building containing a mix of commercial tenancies on the ground floor, including two restaurants, a hairdresser and clothing shop.

The proposal seeks to install a digital advertising sign on the existing building on the subject site. The sign comprises a curved digital screen to be installed at the north-west corner of the site and mounted on the top of the existing building awning, oriented towards the intersection of Canning Highway and South Terrace. The proposed sign has dimensions of: 8.96m wide x 2.88m high, with a display area of 25.8m<sup>2</sup>. As a comparison, the existing north facing digital sign on the corner of Canning Highway and Henley Street is 12.44m in width and 3.3m in height, while the west facing sign is 8.78m in width and 2.96m in height.

The sign is proposed to digitally display a range of first, second- and third-party advertising content. The advertisements will be static images and will not display any animations, moving graphics, flashing lights or offensive content. The sign was initially proposed to operate 24 hours a day, 7 days per week. Following the neighbour consultation period and officer's planning assessment, the applicant has provided additional information and amended development plans. The amended proposal includes an introduction of operational down time between 10pm and 6am and the applicant's willingness to set aside 2.5% of operational time for community advertising.

A copy of the amended development plans is provided at **Attachment (b)** with the applicant's planning reports, including a Road Safety Assessment and Lighting Impact Assessment, provided at **Attachment (c)**. The site photographs show the relationship of the site with the surrounding built environment at **Attachment (d)**.

The applicant has requested the City's discretion relating to the following components of the proposed development under the MRS, TPS6 and Council Policy requirements:

- Character and amenity;
- Consistency with clause 6.12(3) of TPS6
- Consistency with local planning policy P308;
- Consistency with Development Control Policy 5.4 (DCP5.4); and
- Street setback.

The proposal is not considered to meet the relevant requirements of the Scheme, council policies and WAPC policies.

**(d) Character and Amenity**

In considering the suitability of the proposal, Council (as a delegate of WAPC) is required to have regard to the following relevant planning considerations in making decisions on this development application in accordance with Development Control Policy 1.2 – Development Control (General Principles) (DCP1.2):

- *Compatibility with relevant planning policies, strategies and development control criteria;*
- *Integration of development into the site and its surroundings;*
- *Transport and traffic impacts;*
- *Vehicular and non-vehicular access, circulation and car parking;*
- *Relevant environmental, economic and social factors; and*
- *Relevant factors of amenity and suitability.*

Clause 6.12 (6) of TPS6 states the following:

*When determining an application for development approval for an advertisement, the local government shall examine the application in the light of the objectives of the Scheme and the precinct, and with particular regard to the character, amenity, historic or landscape significance and traffic safety, within the locality.*

Clause 1.6 (2) of TPS6 (general objectives of the Scheme) provides the following relevant objectives for Council's consideration:

- (a) 'Maintain the City's predominantly residential character and amenity;*
- (f) safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
- (g) Protect residential areas from the encroachment of inappropriate uses;*
- (j) in all commercial centres, promote an appropriate range of land uses consistent with:*
  - (i) the designated function of each centre as set out in the Local Commercial Strategy; and*
  - (ii) the preservation of the amenity of the locality;'*

The term 'amenity' is defined in clause 1 of the Deemed Provisions to mean 'all those factors which combine to form the character of an area and include the present and likely future amenity'.

The locality surrounding the site is characterised predominantly by low to medium density residential properties (colour coded brown) with some commercial pockets (colour coded blue) located on the four corners of Canning Highway and South Terrace Street intersection (Refer to **Figure 2**). These commercial properties were intended to serve a local population and provide daily convenience. Como Hotel, a heritage listed building, is located opposite to the site to the northwest. There is currently no digital signage on any of the commercial buildings. It is considered that the proposed digital sign is a large, illuminated structure that would detract from the existing visual amenity of the locality.



**Figure 2:** Zoning Map

The proposed digital sign would have light spillage impact on the nearby residences and this impact is particularly great at night. The site is surrounded by residential properties with the closest property on the opposite side of South Terrace being approximately 70m away.

The proponent has provided a Lighting Impact Assessment (refer to **Attachment (b)**), which contains an assessment against Australian Standards AS4282-2019 Control of the Obtrusive Effects of Outdoor Lighting and the Main Roads Western Australia "Policy and Application Guidelines for Advertising Signs". The findings of the Assessment indicate that the proposal will be compliant with the relevant Australian Standards. This Assessment has been reviewed by the City's Environmental Health business unit and found to be acceptable subject to a condition. Additionally, the applicant has offered to introduce an operational down time between 10pm and 6am. On this basis, it is considered that the light spillage impact has been appropriately addressed.

Notwithstanding, given there is no digital sign within the immediate surrounding area, the proposed digital sign presents a large, illuminated structure and is considered to be out of character with the street interface and would detract from the existing streetscape. The proposed digital sign does not enhance the amenity of nearby residential areas and would be more suitably located at a city centre or activity centre location.



It is noted that the applicant has provided justification addressing the character and amenity aspects of this development proposal at **Attachment (c)**.

Based on the above analysis, it is considered that the proposal would be inconsistent with relevant objectives of TPS6.

**(e) Consistency with Clause 6.12(3) of TPS6**

Clause 6.12(3) of TPS6 stipulates that roof-mounted advertisements are prohibited. This clause is designed to prevent unsightly signs that are placed at a visually dominant location, e.g. on top of a building roof.

The proposed digital sign panel is located on the rooftop of the existing commercial building. In considering this variation, Council is required to satisfy clause 7.8(b) as follows:

- (b) The power conferred by this sub-clause may only be exercised if the local government is satisfied that:*
- (i) Approval of the proposed development would be consistent with the orderly and proper planning of the precinct and the preservation of the amenity of the locality;*
  - (ii) The non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the precinct or upon the likely future development of the precinct; and*
  - (iii) The proposed development meets the objectives for the City and for the precinct in which the land is situated as specified in the precinct plan for that precinct.*

As outlined in the preceding section of the report, it is considered that the proposal does not contribute to the preservation of the amenity of the locality and the non-compliance aspect of the development would have an adverse effect on the inhabitants of the precinct. This variation should therefore not be supported.

**(f) Consistency with Local Planning Policy P308**

Element	Required	Proposed
Clause 2. Relationship between sign and use of a site	On a site in any zone, the City will only approve a sign relating to: <ul style="list-style-type: none"> <li>a) A use or business carried out on that site;</li> <li>b) The name of one or more of the occupiers of that site; or</li> <li>c) Merchandise sold on that site</li> </ul>	The proposal advises that the sign will include first -, second- and third-party advertising with no specified information provided relating to the time allocated for businesses on site.

Clause 9. Signs near traffic light-controlled intersections	The City will not approve a sign in any zone if the sign is within 150 metres of a street intersection and is lit in such a way that it may be confused with traffic lights	The proposed sign is located within 150 metres of a street intersection and is lit.
Clause 10. Control of advertising on Main Roads	All signs on main roads must comply with the requirements of the Main Roads (Control of Advertising) Regulations 1996. A separate approval will be required from Main Roads	Main Roads has no objection to the proposal and provided its advice at <b>Attachment (a)</b> .

The proposal has been assessed against relevant provisions of Council Policy P308 Signs and does not comply with clause 2.

Clause 2 of P308 requires a sign to be related to a use or business carried out on that site, the name of one or more of the occupiers of that site or merchandise sold on that site. The proposed digital sign includes third-party advertising content that does not comply this requirement. This clause relates to the use of a commercial sign and is designed to prevent the proliferation of third-party commercial signs that would be at odds with the predominant residential character of the City. Should Council approve this development, it would have limited control over what will be displayed on the advertising sign. It is noted that the applicant has provided justification in **Attachment (c)** in relation to this non-compliance aspect.

Clause 9 of P308 stipulates that the City will not approve an illuminated sign within 150m of a street intersection. The proposed digital sign is located within 150m of Canning Highway and South Terrace street intersection. The proposal was referred to Main Roads Western Australia and the City's Infrastructure Services business unit. Main Roads Western Australia does not have an objection against the proposal subject to conditions. The City's Infrastructure Services business unit is of the opinion that the proposal would have negligible impact on the local traffic on South Terrace.

Clause 10 of P308 states that a separate approval should be sought from Main Roads in relation to the proposed sign if it is located on a Main Roads controlled road. It is noted that this process is under a different legislation and will be independent from the development approval process.

In considering a variation from the above policy provisions, Council is required to consider the objective of the policy, which states *"this planning policy sets out the guidelines for the installation of signs on premises. It is designed to reduce the adverse visual amenity impact of signs, especially in residential areas."*

Despite being supported by Main Roads WA and the City's Infrastructure Services in terms of traffic safety impact of this proposal, it is considered that there is no cogent reason to depart from other provisions of this policy to support the proposed third-party advertising.

**(g) Consistency with Development Control Policy 5.4 – Advertising on Reserved Land**

DCP5.4 applies to any display of advertisements on land reserved under a Region Planning Scheme. In accordance with the provisions of TPS6, clause 67 of the deemed provisions and DCP1.2, Council is required to have due regard to this policy when determining an application for development approval.

Element	Required	Proposed
Effect on amenity	Clause 5.2.1: The number, size, location and appearance of advertisements must be carefully controlled in order to protect the amenity of the locality. Approval will only be granted if the WAPC is satisfied that the proposal will not detract from the amenity of the reservation and the locality generally.	The proposed digital sign is a large, illuminated structure that would detract from the amenity of the locality.
	Clause 5.2.2: The purpose of the road reserve is a primary consideration in determining the application	The purpose of the reserve is for future road widening. The proposed sign is considered to be appropriate on a temporary basis.
	Clause 5.2.4: The erection of an advertisement to add to the vitality of particular location and to provide a necessary service to the public by giving information, advice and direction in relation to available services and events.	As discussed in the preceding section of this report, the proposed sign is considered to be out of character at this location, taking into consideration the significant number of residential dwelling and would be more suitable for a city centre or activity centre location.

Safety and efficiency of roads	Clause 5.3.1: Advertisements are not acceptable if they interfere with sightlines, distract drivers, or have the potential to hinder the interpretation of traffic signals or road signs	Main Roads WA, being the management authority of Canning Highway, has reviewed the proposal and does not have an objection subject to conditions.
Protection of reservation	Clause 5.4.1: The WAPC will only consider temporary approval of an advertisement and a time limit will be imposed after which the signs shall be removed.	The proposed signs can only be supported on a temporary basis.

It is considered that the proposal does not meet the requirements of DCP5.4 due to its impact on the amenity of the locality.

**(h) Street Setback**

Clause 5.3 and Table 5 of TPS6 provide street setbacks from Canning Highway for all non-residential uses.

Element	Required	Proposed
Canning Highway (east side)	19m	0m to 1m

The proposed digital sign is located between 0m and 1m from the street boundary in lieu of 19m required under Table 5. The objective of the setback is 'to provide future road widening while retaining a 1.5m setback to development'.

In considering this street setback variation, Council is required to satisfy clause 7.8(b) as follows:

- (b) *The power conferred by this sub-clause may only be exercised if the local government is satisfied that:*
- (iv) *Approval of the proposed development would be consistent with the orderly and proper planning of the precinct and the preservation of the amenity of the locality;*
  - (v) *The non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the precinct or upon the likely future development of the precinct; and*
  - (vi) *The proposed development meets the objectives for the City and for the precinct in which the land is situated as specified in the precinct plan for that precinct.*



For the reasons discussed in the preceding section of this report, it is considered that the proposed digital sign would have an adverse amenity impact on the locality, the non-compliance aspect of the development would have an adverse impact on the inhabitants of the precinct and does not satisfy the objectives of TPS6.

**(i) 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. Of the 12 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (a) Maintain the City's predominantly residential character and amenity;*
- (f) Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
- (g) Protect residential areas from the encroachment of inappropriate uses;*
- (j) In all commercial centres, promote an appropriate range of land uses consistent with:*
  - (i) the designated function of each centre as set out in the Local Commercial Strategy; and*
  - (ii) the preservation of the amenity of the locality;*

As outlined in the report, the proposed development is not considered to satisfy the above objectives.

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

In considering the application the local government is to have due regard to the following 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. An assessment of the proposal against Clause 67 is considered through the planning assessment below. The matters most relevant to the proposal, and the City's response to each consideration, are outlined in the table below:

<b>Matters</b>	<b>Officer's Comment</b>
(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	For reasons outlined in the report, the development is <u>not</u> considered to be consistent with the aims and provisions of the Scheme, particularly objectives (a), (f), (g) and (j) of Clause 1.6 of TPS6.
(e) any policy of the Commission;	For reasons outlined in the report, the development is <u>not</u> considered to meet relevant provisions of DCP 1.2 and DCP5.4 relating to amenity.

(g) any local planning policy for the Scheme area;	For reasons outlined in the report, the development is <u>not</u> considered to meet relevant provisions of Council Policy P308 Signs.
(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;	For reasons outlined in this report, the proposal is <u>not</u> considered to be compatible with the surrounding environment.
(n) the amenity of the locality including the following – <ul style="list-style-type: none"> <li>(i) environmental impacts of the development;</li> <li>(ii) the character of the locality; and</li> <li>(iii) Social impacts of the development;</li> </ul>	For reasons outlined in the report, the proposal is <u>not</u> considered to be consistent with the existing amenity and character of the locality and would have a negative impact on the locality.
(y) any submission received on the application;	A summary of submissions and officer's response are provided in the 'Consultation' section below.
(za) the comments or submissions received from any authority consulted under clause 66;	Main Roads WA provided comments regarding the proposal as the management authority of Canning Highway and a copy of advice is provided at <b>Attachment (a)</b> . For reasons outlined in the report, this advice is not considered to be acceptable by the City and the proposal is not supportable.

## Consultation

### (a) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by the Deemed Provisions and Council Policy P301 'Advertising of Planning Proposals'. Individual property owners, occupiers and/or strata bodies within a 200m radius of the site were invited to inspect the plans and to submit comments during a 28-day period. In addition, a sign was placed on site inviting comment from any other interested person.

During the advertising period, a total of 334 consultation notices were sent and 12 submission(s) were received, four in favour and eight against the proposal. The comments from the submitter(s), together with officer responses are summarised below.

Submitters' Comments	Officer's Responses
Traffic and pedestrian safety – <ul style="list-style-type: none"> <li>• Busy intersection and unavoidable distraction for drivers and road users;</li> <li>• Safety concerns for pedestrians;</li> </ul>	Council Policy P308 does not support an illuminated sign to be located within 150m of a street intersection. However, the Main Roads WA, being the management authority of Canning Highway, has no objection against the proposal and the City's infrastructure services also reviewed its impact on local traffic and found the impact to be negligible.  The comment is <b>NOTED</b> .
Character and amenity – <ul style="list-style-type: none"> <li>• Public visual amenity will be distracted by bright, moving electronic format images and colours;</li> <li>• Overcommercialisation of the area;</li> <li>• Visual and light pollution in the surrounding residential area;</li> </ul>	For reasons outlined in the report, it is considered that the proposal is inconsistent with the existing character and amenity of the area and would have a significant impact to the locality.  The comment is <b>NOTED</b> .
Relationship between the sign and site – <ul style="list-style-type: none"> <li>• Clause 2 of P308 should be upheld.</li> </ul>	The comment is <b>NOTED</b> .
Great idea and good for small business  Bring more vibrancy to the area	The comment is <b>NOTED</b> .

The applicant's response to the submissions is included in **Attachment (c)**.

10.3.1 Proposed Third-Party Digital Advertising Sign Additions to Existing Commercial Building on Lot 303, No. 149-153 South Terrace, Como

**(b) Main Roads Western Australia**

Main Roads Western Australia is the management authority of Canning Highway road reserve and was invited to comment on the proposal. A copy of referral advice is provided at **Attachment (a)**. This agency does not have an objection to the proposal subject to a number of conditions.

Should Council resolve to approve this development, conditions and advice notes would be included on the notice of determination.

**(c) Assets and Design**

The City's Assets and Design business unit was invited to comment on the proposal, in particular the Road Safety Assessment submitted by the applicant. This business unit is of the view that the proposal would have negligible impact on local traffic on South Terrace, whilst noting Main Roads Western Australia, being the management authority of Canning Highway road reserve, does not have an objection to the proposal.

**(d) Environmental Health**

Comments were also invited from the City's Environmental Health business unit in relation to potential environmental health impact from the proposal and the Lighting Impact Assessment.

This business unit has reviewed the Lighting Impact Assessment and is satisfied with the findings of the Assessment. Should Council resolve to approve the development, this business unit has recommended a condition to verify the future operation of the sign.

**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 no financial implications, as the application will be determined by the WAPC should the officer recommendation be supported.

**Key Risks and Considerations**

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

### Strategic Implications

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

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

### Sustainability Implications

Nil.

### Conclusion

It is considered that the proposal does not meet all of the relevant Scheme and/or Council Policy objectives and provisions, as it has the potential to have a negative impact on nearby residential neighbours and streetscape. The proposed digital sign is located in a predominantly residential area and is considered to be out of character, would detract from the existing streetscape and would have a significant amenity impact on the surrounding area.

The proposal contains third-party advertising content and does not comply with clause 2 of Council Policy P308. It is considered that there is no cogent reason to depart from this policy requirement given the proposal does not seek to enhance the amenity of the locality.

While the applicant has provided substantial justification and reports to support this application, it is considered, on balance, that the proposal should not be supported at this location due to its potential impact on local amenity and would be more suitably located in a city centre or activity centre location. Accordingly, it is recommended that Council advise the WAPC of its objection to the proposal.

### Attachments

10.3.1 (a):	Main Roads Referral Advice
10.3.1 (b):	Amended Development Plans
10.3.1 (c):	Applicant's Planning Reports
10.3.1 (d):	Site Photographs

### 10.3.2 Consent to Advertise Modified Draft Building Height & Salter Point Escarpment Local Planning Policies

File Ref: D-22-34240  
Author(s): Jessica Birbeck, Principal Strategic Planner  
Reporting Officer(s): Vicki Lummer, Director Development and Community Services

#### Summary

This report recommends that Council endorse modifications to the draft Building Height Local Planning Policy & draft Salter Point Escarpment Local Planning Policy which were approved to be advertised by Council, concurrently with draft Local Planning Scheme No. 7 (LPS 7), in August 2021.

Draft LPS 7 was approved for advertising by the Western Australian Planning Commission on 31 May 2022 subject to modifications. The modifications will affect the operation of provisions within the draft Policies relating to the assessment of building height. Modifications are recommended to the Policies prior to advertising to respond to the changes to LPS 7.

#### Officer Recommendation

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 Salter Point Escarpment Local Planning Policy as set out in **Attachment (a)**; and
2. Resolves to prepare the Building Height Local Planning Policy as set out in **Attachment (b)**; and
3. Consents to advertise the Building Height Local Planning Policy & Salter Point Escarpment Local Planning Policy in conjunction with advertising for draft Local Planning Scheme No. 7; and
4. Notes that following completion of the public comment period, Council receives a further report detailing the outcomes of the advertising period, including any submissions received, for Council consideration.

#### Background

At its meeting held 24 August 2021, Council resolved to advertise the draft Building Height Local Planning Policy & Salter Point Escarpment Local Planning Policy concurrently with the City's draft Local Planning Scheme No. 7 (LPS 7).

The Building Height Policy was prepared to ensure that the maximum height of buildings is determined in the same manner as currently provided for under Town Planning Scheme No. 6 (TPS 6). The Building Height Policy was not intended to offer general discretion on building height, but rather to confine it to very specific circumstances that currently apply under TPS 6.

The Western Australian Planning Commission (WAPC) considered draft LPS 7 on 31 May 2022 and gave consent to advertise the scheme subject to modifications. One of the modifications is the deletion of Clause 32(1) – Building Height which applied a specific wall height and building height in metres for each density code. Removal of this Clause will revert the measurement of building height to State Planning Policy 7.3 Residential Design Codes (R-Codes).

In the absence of Clause 32(1), the Building Height Policy may not limit the application of discretion as intended and enabled by the former LPS 7 provision. The Building Height Policy may, however, supplement the Design Principles of the R-Codes by providing local housing objectives to guide judgements about the merits of proposals.

The Salter Point Escarpment Policy was prepared to consolidate 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*. The Salter Point Escarpment Policy contains specific provisions which relate to the measurement of building height and the assessment of significant obstruction of views. Specifically, the Salter Point Escarpment Policy attempted to carry over the methodology for measuring building height as currently contained in TPS 6, which provides for the reestablishment of ground level on sloping sites.

The Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 contain definitions for ‘Wall Height’, ‘Building Height’ and ‘Natural Ground Level’. The definitions themselves include a methodology to measure height which cannot be amended by a local planning scheme or local planning policy. Since the August 2021 Council meeting, it has come to the City’s attention that the definitions within the Deemed Provisions prevail over the provisions contained within the draft Salter Point Escarpment Policy. This means that the draft Policy provisions cannot be applied and building height must be measured from the natural ground level at the base of the wall across a site. This has the potential to significantly reduce the height and development potential currently provided for under TPS 6.

### **Comment**

#### Building Height Local Planning Policy

The Building Height Policy is proposed to be amended to replace the existing provisions with local housing objectives to guide the application of discretion to the deemed-to-comply requirements of the R-Codes. The amended draft policies focus on matters of topography, context and streetscape which supplement the corresponding Design Principles of the R-Codes which include considerations such as access to sunlight and amenity of adjoining properties. This guidance is intended to provide for building height as currently permitted under TPS 6 in suitable contexts.

#### Salter Point Escarpment Local Planning Policy

The Salter Point Escarpment Policy is proposed to be amended to introduce an alternative methodology to maintain the way in which building height is currently measured under TPS 6. Draft LPS 7 contains provisions to consider projections above the building height limit established in Schedule 9B, having regard to a local planning policy. The draft Policy proposes to use this provision to establish a ‘projection envelope’, using TPS 6 height methodology, to replicate the building height limits which currently apply. The assessment of significant obstruction of views is not proposed to change and will apply to any roofs or minor projections proposed beyond the ‘projection envelope’ as set out in clause 4.2.2.



In summary, the modified Policy uses an alternative approach to successfully maintain the building height limit, consideration of projections and assessment of significant obstruction of views as the Policy endorsed by Council in August 2021.

### Consultation

The draft policies have been prepared to provide guidance to matters contained in LPS 7 and the R-Codes. Advertising will be undertaken in conjunction with LPS 7 to enable stakeholders to appreciate the interrelationship of the City's emerging planning framework relating to building height. LPS 7 will be advertised for 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.

### Financial Implications

There are no direct financial implications associated with this report. Costs associated with advertising of planning proposals are included in the 2022/23 budget.

### Key Risks and Considerations

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



### Strategic Implications

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

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

### Attachments

- 10.3.2 (a): Draft Local Planning Policy - Salter Point Escarpment
- 10.3.2 (b): Draft Local Planning Policy - Building Height

## 10.4 STRATEGIC DIRECTION 4: LEADERSHIP

### 10.4.1 Listing of Payments June 2022

File Ref: D-22-34242  
Author(s): Abrie Lacock, Manager Finance  
Reporting Officer(s): Garry Adams, Director Corporate Services

#### Summary

This report presents to Council a list of accounts paid under delegated authority between 1 June 2022 to 30 June 2022 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(553)	\$6,603,284.35
Cheque Payment to Creditors	(5)	\$6,950.42
<b>Total Monthly Payments to Creditors</b>	<b>(558)</b>	<b>\$6,610,234.77</b>
EFT Payments to Non-Creditors	(57)	\$493,112.85
Cheque Payments to Non-Creditors	(63)	\$51,252.76
<b>Total EFT &amp; Cheque Payments</b>	<b>(678)</b>	<b>\$7,154,600.38</b>
Credit Card Payments	(7)	\$18,744.92
<b>Total Payments</b>	<b>(685)</b>	<b>\$7,173,345.30</b>

#### Officer Recommendation

That Council receives the Listing of Payments for the month of June 2022 as detailed in **Attachment (a)**.

#### Background

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

#### Comment

The payment listing for June 2022 is included at **Attachment (a)**.

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

The report records payments classified as:

- **Creditor Payments**  
These include payments by both cheque and EFT to regular suppliers with whom the City transacts business. The reference number represent a batch number of each payment.
- **Non-Creditor Payments**  
These one-off payments that include both cheque and EFT are made to individuals / suppliers who are not listed as regular suppliers. The reference number represent a batch number of each payment.
- **Credit Card Payments**  
Credit card payments are now processed in the Technology One Finance System as a creditor payment and treated as an EFT payment when the bank account is direct debited at the beginning of the following month.

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

**Consultation**

Nil.

**Policy and Legislative Implications**

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

**Financial Implications**

The payment of authorised amounts is within existing budget provisions.

**Key Risks and Considerations**

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

### Strategic Implications

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

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

### Attachments

10.4.1 (a): Listing of Payments June 2022

## 10.4.2 Monthly Financial Statements June 2022 (Interim)

File Ref: D-22-34243  
Author(s): Abrie Lacock, Manager Finance  
Reporting Officer(s): Garry Adams, Director Corporate Services

### Summary

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

### Officer Recommendation

That Council notes the Financial Statements and report for the month ended 30 June 2022.

### 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 an Original and Revised Budget column for comparative purposes.

### Comment

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

COVID-19 in conjunction with the war in Ukraine continues to cause uncertainty and supply shortages around the world, with a significant impact on world economic activities. In Western Australia COVID-19 infections in the community has peaked and case numbers are on a downward trajectory, as a result the COVID-19 vaccine mandates for most WA workers has been removed. The above factors resulting in very uncertain economic circumstances with steep rises in inflation in Australia and other countries. To curb the high inflation the RBA have in the last few months announced consecutive increases in the cash rate .25% in May, .5% in June and .5% in July with increases exceeding market predictions.

In framing the Annual Budget 2021/22, the City considered the economic environment and the impact of COVID-19. As Western Australia remains at risk the State Government continues to extend the state of emergency initially enacted 30 March 2020, however public health measures are easing.

The Legislated Budget Review was completed and Council approved the budget review adjustments at the Ordinary Council Meeting held 22 February 2022. Budget Review entries have been processed, budget phasing was also revised as part of the review.

#### 10.4.2 Monthly Financial Statements June 2022 (Interim)

Interim actual income from operating activities for June year-to-date (YTD) is \$74.86m in comparison to budget of \$73.23m, favourable to budget by 2.23% or \$1.63m. Interim actual expenditure from operating activities for June is \$75.27m in comparison to the budget of \$76.73m, favourable to budget by 1.91% or \$1.46m. The Interim June Net Operating deficit of \$406k was \$3.09m favourable in comparison to budgeted deficit.

Interim actual Capital Revenue YTD is \$2.31m, budget \$4.34m with an unfavourable variance of \$2.03m on budget. Interim actual Capital Expenditure YTD is \$9.53m in comparison to the budget of \$12.55m, \$3.02m or 24% favourable. A variance analysis is provided within **Attachment (e)** titled Significant Variance Analysis. The year-end accounting finalisation transactions and reconciliations are still to be undertaken. 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 be a number of Capital projects that may require a Budget adjustment earlier or during the 2022/23 midyear review process.

Interim Cash and Cash Equivalents amounted \$59.65m, slightly higher than the prior year comparative period. Consistent with previous monthly reports, the Cash and Cash Equivalents balance is contained within the Statement of Financial Position. In addition, further detail is included in a non-statutory report (All Council Funds).

Although interest rates are improving, the record low interest rates in Australia still have residual impact on the City's investment returns, with banks offering average interest rates of 2.39% 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 June 2022 the City held 33.46% of its investments in institutions that do not provide fossil fuel lending. The Summary of Cash Investments illustrates the percentage invested in each of the non-fossil fuel institutions and the short term credit rating provided by Standard & Poors for each of the institutions.

#### Consultation

Nil.

#### Policy and Legislative Implications

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

#### Financial Implications

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

### Key Risks and Considerations

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

### Strategic Implications

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

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

### Attachments

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

### 10.4.3 City of South Perth Penalty Units Amendment Local Law 2022

File Ref: D-22-34244  
Author(s): Bernadine Tucker, Manager Governance  
Reporting Officer(s): Garry Adams, Director Corporate Services

#### Summary

This report considers the current provisions and recommends changes to the City of South Perth Penalty Units Local Law 2003, which prescribes the value of a penalty unit used in conjunction with the modified penalties expressed in City of South Perth local laws. The penalty unit determines the value of an infringement.

#### Officer Recommendation

That Council gives local public notice stating the City proposes to review and amend the City of South Perth Penalty Units Local Law 2003.

#### Background

The City of South Perth Penalty Units Local Law 2003 (Local Law) was Gazetted on 20 June 2003. The Local Law prescribes the value of a penalty unit used in conjunction with the modified penalties expressed in the following City of South Perth local laws to determine the value of an infringement:

- Cats Local Law 2016
- Dogs Local Law 2016
- Parking Local Law 2017
- Public Places and Local Government Property Local Law 2011
- Waste Local Law 2017

Following gazettal in 2003, the Local Law was further amended on 23 December 2003, 17 December 2004, 30 September 2008, 26 February 2010, 13 January 2017 and 13 November 2018. The value of a penalty unit has not been amended since 2018.

#### Comment

The Local Law prescribes the value of a penalty unit and is used in conjunction with the City's other local laws to determine the value of an infringement. It is proposed to amend clause 5 of the Local Law to increase the current value of a penalty unit from \$10.00 to \$13.00.

The City has undertaken research to determine how the penalty units compares to neighbouring local governments. The penalty units and modified penalties of the Cities of Melville, Nedlands, Canning, Perth and Town of Victoria Park were assessed.

It was found that on average, the City of Perth and Town of Victoria Park had modified penalties slightly higher than the City's current penalties.



### 10.4.3 City of South Perth Penalty Units Amendment Local Law 2022

For example, the maximum modified penalty for parking was \$225 and \$240 respectively. The proposed increase to the Local Law would increase our maximum parking penalty from \$150 to \$195.

Section 3.12 of the *Local Government Act 1995* sets out the process to make a local law. In particular, section 3.12(8) provides that the process to amend a local law is the same as making a new one. Once an ‘amendment’ local law has gone through the process, the ‘principle’ local law is changed.

The purpose and effect of the proposed local law is as follows:

**Purpose:** to make amendments to the City of South Perth Penalty Units Local Law 2003 which prescribes the value of a penalty unit.

**Effect:** to set the value of a penalty unit, which is to be used in conjunction with the modified penalties expressed in other City of South Perth local laws.

#### Consultation

To commence the local law making process it is necessary for the City to give local public notice of its intent to amend the City of South Perth Penalty Units Local Law 2003 and invite submissions for a period of no less than six weeks after the notice is given.

#### Policy and Legislative Implications

Section 3.12 of the *Local Government Act 1995* prescribes the process for the making of amendment local law.

#### Financial Implications

The cost associated with amending the local law is already contained within the approved Governance budget.

#### Key Risks and Considerations

<b>Risk Event Outcome</b>	<b>Legislative Breach</b> Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	Following the requirements of s3.12 of the <i>Local Government Act 1995</i>

### Strategic Implications

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

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

### Attachments

10.4.3 (a):	City of South Perth Penalty Units Amendment Local Law 2022
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11. APPLICATIONS FOR LEAVE OF ABSENCE



## 12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### 12.1 NOTICE OF MOTION - COUNCILLOR MARY CHOY - PROTECTION AND MAINTENANCE OF TREES DURING DEVELOPMENT

File Ref: D-22-34245  
Author(s): Warren Giddens, Manager Strategic Planning  
Jessica Birbeck, Principal Strategic Planner  
Reporting Officer(s): Vicki Lummer, Director Development and Community Services

#### Summary

Councillor Mary Choy submitted the following Notice of Motion prior to the Council Agenda Briefing held Tuesday 19 July 2022.

#### Notice of Motion Recommendation (Suggested Alternative Recommendation page 39)

1. That Council request the Chief Executive Officer to prepare a report on methods used around Australia to create additional incentives for tree retention on development sites, private property and street verges and the options for their application in the City of South Perth; and
2. That the Chief Executive Officer present the above report to Council for consideration within 6 months.

#### Background

Councillor Mary Choy submitted a Notice of Motion regarding Protection and Maintenance of Street Trees During Development. The reasons for the motion given are as follows:

1. Policy P350.05 sets out the planning policy for the retention of Trees on Development Sites and Street Verges, with the main overarching objective being to preserve trees. As noted in the Policy, trees are a valuable community and City asset with their amenity value progressively increasing as the number of mature trees on development sites declines.
2. Local residents and ratepayers have recently expressed concerns, through local community channels and also via deputations to Council, around the seemingly increasing loss of mature trees on and around development sites, private land and street verges due to increasing development.
3. The Western Australian Planning Commission has recently advised the City that the draft provisions included in Local Planning Scheme 7 as endorsed by Council, relating to the protection of trees on private property, has not been supported. I understand other mechanisms to protect the City's significant trees is being discussed.
4. This motion aims to bring resident's concerns, the City's objectives under current policy and the recent WAPC decision, to the forefront for discussion, on what seems to be an increasing challenging issue for our City, to assist in enhancing and strengthening the City's existing Tree Policy and 'Street Tree Management Plan' as it relates to the protection and maintenance of trees during development.

### Comment

Trees are an essential part of the urban fabric, providing significant social, economic, and environmental benefits to the community. The protection and growth of a healthy, resilient and diverse urban canopy is a shared responsibility across State and Local Governments, landowners, industry and the community. In many urban areas across Perth there has been a decline in tree canopy cover, particularly on private land. The loss of this canopy cover is a significant issue for local governments and impacts local biodiversity, visual amenity, urban heat and public health.

In August 2021, WALGA held its first meeting for the Tree Retention Sub-Committee, a sub-committee of its wider Urban Forest Working Group. The Tree Retention Sub-Committee was established to investigate and develop a consistent approach to protect trees on private land across Western Australia. This work will also form the basis of a revised WALGA Advocacy Position to inform future advocacy to the State Government and other bodies to ensure protection and enhancement of the State's urban forest. The City of South Perth has representation on both the Urban Forest Working Group and the Tree Retention Sub-Committee. It is anticipated that a draft issues paper will be produced by the Sub-Committee later this year.

The City currently plays an active role in supporting our urban canopy. The Urban Forest Strategy was formally adopted at the Council Meeting on 31 July 2018 and details the actions the City is taking to manage its urban forest, actively working towards a goal of maintaining and increasing canopy cover into the future. The City is also in the process of reviewing its Street Tree Management Plan which provides a coordinated approach to increase street tree planting.

With regard to the protection of verge trees, all street trees are protected against unauthorised damage and removal under the City's Public Places and Local Government Property Local Law 2011. Where a street tree is damaged or destroyed without authority, the City may instigate legal action to pursue the recovery of costs and the application of a fine in keeping with the City's Public Places and Local Government Property Local Law 2011.

With regard to the Planning Framework, the State Government recently introduced additional measures to preserve and enhance urban canopy on private land. Amendments to the Residential Design Codes (R-Codes) Volume 1 introduced in mid-2021, for example, included additional deemed-to-comply requirements relating to minimum tree provision, with similar provisions included in the draft Medium Density Codes. The R-Codes Volume 2, which guide high density (apartment) development, also make provision for retention of existing vegetation and tree planting to increase canopy.

The City currently maintains a register of street trees and tree groups that are of environmental or heritage significance. The Significant Tree Register provides for a tree preservation order to be applied under the City's Town Planning Scheme No. 6. The register largely relies on self-nominations from landowners, however the powers through the Scheme allow the City to issue preservation orders in the absence of a nomination.

The City's Local Planning Policy P350.05 Trees on Development Sites and Street Verges also sets out requirements relating to provision and retention of trees. The Policy is proposed to be reviewed in light of recent changes to the R-Codes and preparation of draft Local Planning Scheme No. 7 (LPS 7).

12.1 Notice of Motion - Councillor Mary Choy - Protection and Maintenance of Trees During Development

LPS 7, adopted by Council in August 2021 for advertising, included provisions which aimed to retain large trees on private land. Draft LPS 7 was considered by the WAPC in May 2022 and the provisions were not supported to be included for advertising. Following this decision, the City will be working with the Department of Planning, Lands and Heritage and the WALGA Sub-Committee to investigate alternative planning mechanisms to achieve the same outcome.

The City therefore will be conducting detailed investigations into mechanisms to preserve trees on private property throughout the coming year. This will not only be limited to incentives for tree preservation, but will also investigate requirements that the City can implement to retain trees of significance on private land.

**Policy and Legislative Implications**

Local Planning Scheme No.7

**Financial Implications**

There are no direct financial implications associated with this report. Costs associated with progressing Local Planning Scheme No. 7 and associated policy work are included in the 2022/23 budget.

**Key Risks and Considerations**

<b>Risk Event Outcome</b>	None
<b>Risk rating</b>	Not Applicable
<b>Mitigation and actions</b>	Not Applicable

**Strategic Implications**

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

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

**Suggested Alternative Recommendation**

1. That Council request the Chief Executive Officer, in conjunction with the development of suitable tree preservation provisions for LPS 7, to prepare a report on methods used around Australia to create additional incentives for tree retention on development sites, private property and street verges and the options for their application in the City of South Perth; and
2. That the Chief Executive Officer present the above report to Council for consideration when draft LPS 7 is reported to Council after public advertising.

**Reason for Alternative Recommendation**

Postponing the report until Council considers draft LPS 7 following advertising, will enable feedback from the public consultation of draft LPS 7 to inform the recommended approach to address preservation of trees on private property through the planning framework. LPS 7 is anticipated to be presented back to Council in February 2023. This timeframe is eight months in lieu of the six month timeframe proposed by the motion. This timeframe will allow the City to investigate options for how best to implement tree preservation requirements into the new planning framework which will assist to inform the scope of the research report.

**Attachments**

Nil.

**13. QUESTIONS FROM MEMBERS**

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

*Responses to questions from members taken on notice at the June 2022 Ordinary Council Meeting can be found in the Appendix of this Agenda.*

**13.2 QUESTIONS FROM MEMBERS: 26 JULY 2022**

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

**15. MEETING CLOSED TO THE PUBLIC**

Nil.

**16. CLOSURE**



## APPENDIX

### 6.1 PUBLIC QUESTION TIME Questions taken on notice: 28 June 2022

<b>1. Mr George Watts, Karawara Received: 27 June 2022</b>	<b>Responses provided by: Mark Taylor – Director Infrastructure Services</b>
1. If the RAF does not go ahead, the City of South Perth will need to fund upgrades to both Collier Park Golf Course club house, George Burnett Leisure Centre and a pool to achieve the City’s Community Strategic Plan. Are the costings for this work at hand, as previously there was indication that this cost would be far greater than the RAF is estimated to be to the City of South Perth?	The City would be required to self-fund these upgrades as they are unlikely to attract private sector investment or grant funding. Recent estimates indicate that more than \$20m would be required to upgrade CPGC and GBLC with limited prospect of financial return. By contrast, the City’s investment in the RAF of \$20 million is expected to generate a return for the City and create a non-rate revenue stream.

### 13.1 QUESTIONS FROM MEMBERS taken on notice OCM 28 JUNE 2022

Councillor Stephen Russell	Response provided by: Vicki Lummer – Director Development and Community Services
<p><i>[Preamble]</i></p> <p><i>Just a follow up on my question from the May Ordinary Council Meeting where the City stated that there are no records indicating that the 2 PAW's at Leena Court and Woonan Place had been formally closed.</i></p>	
<p>1. Could the City therefore please confirm that it will be undertaking action to reopen these short PAW's and if not, why not and if the City could give an indication of when it would proceed on this matter?</p>	<ul style="list-style-type: none"> <li>• The City has engaged with various State Agencies on the matter of closing PAW's since 1977 and most recently with DPLH on this matter.</li> <li>• The Pedestrian Accessways (PAW's) at Leena Court and Woonan Place are both held in freehold to the State of WA and have not been formally closed.</li> <li>• Of relevance as to why the City will not reopen the subject laneways, I refer you to items (d) and (e) below.</li> <li>• An Ordinary Meeting of Council 28<sup>th</sup> August 2012 included item 10.3.1 'Closure of selected portions of Public Open Space (POS) Reserves and Pedestrian Access Way's (PAW's) within Karawara'. Council in considering this item resolved to adopt the following recommendations regarding the proposed PAW and POS reserve closures that directly addresses the subject PAW's: <ul style="list-style-type: none"> <li><i>(a) the City develops a procedural policy specific to PAW/POS reserve closures in Karawara to guide officers in the implementation of closures and this policy be adopted by Council before pursuing closures; and</i></li> <li><i>(b) the City advise submitters of the above Council decision.</i></li> </ul> </li> </ul>

	<p><i>(c) the procedural policy shall require that before any closure of a PAW/POS be considered, that all residents directly affected by the closure be required to provide their support;</i></p> <p><i>(d) the POS that runs between Meathcare and the rear of the four houses in Lenna Court be retained and that there be no requirement for the re-opening of the PAW between number 7 and 12 Lenna Court; and</i></p> <p><i>(e) no action be taken to require the owners of number 11 and 16 Woonan Place to reopen the PAW between their properties</i></p> <p>Accordingly the City will not be undertaking action to reopen the subject PAW's.</p>
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