

AGENDA.

Ordinary Council Meeting

27 February 2024

Notice of Meeting

Mayor and Councillors

The next Ordinary Council Meeting of the City of South Perth Council will be held on Tuesday 27 February 2024 in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth commencing at 6.00pm.

Capacity Limit

Attendance will be limited to 100 members of the public. Once the 100 person capacity is reached, no more people will be permitted to enter the building to optimise safety for members of the public, Elected Members, and City employees attending the meeting.

Live audio streaming will be available for people to follow the discussions online and can be accessed via the City's website on the [Council Meetings](#) page.



MIKE BRADFORD
CHIEF EXECUTIVE OFFICER

23 February 2024

Acknowledgement of Country

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

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

Our Guiding Values



Disclaimer

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

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

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Ordinary Council Meeting - 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 19 February 2024 to 1 March 2024 inclusive.

5. DECLARATIONS OF INTEREST

- Mayor Greg Milner – Item 10.1.1 – Impartiality Interest as ‘I am a former co-patron of Wesley and South Perth (WASPs) Hockey Club.’
- Councillor Hayley Prendiville – Item 10.1.1 – Impartiality Interest as ‘myself and my family are members of WASPs Hockey Club, my involvement extends to numerous committee positions, currently Minkey Coordinator.’
- Councillor Mary Choy – Item 10.1.1 – Impartiality Interest as ‘my husband has been a past member of the WASP’s Hockey Club and a volunteer coach and is also a Wesley College ‘old boy’. My son’s have played for the WASP’s Hockey Club and they also attend Wesley College.’
- Councillor Bronwyn Waugh – Item 10.1.1 – Impartiality Interest as ‘my son attends Wesley College.’
- Mayor Greg Milner – Item 10.3.4 – Impartiality Interest as ‘my son has previously attended Conan Road Kindergarten.’
- Mayor Greg Milner – Item 12.5 – Impartiality Interest as ‘I am a former co-patron of Wesley and South Perth (WASPs) Hockey Club.’
- Councillor Hayley Prendiville – Item 12.5 – Impartiality Interest as ‘myself and my family are members of WASPs Hockey Club, my involvement extends to numerous committee positions, currently Minkey Coordinator.’
- Councillor Mary Choy – Item 12.5 – Impartiality Interest as ‘my husband has been a past member of the WASP’s Hockey Club and a volunteer coach and is also a Wesley College ‘old boy’. My son’s have played for the WASP’s Hockey Club and they also attend Wesley College.’
- Councillor Bronwyn Waugh – Item 12.5 – Impartiality Interest as ‘my son attends Wesley College.’

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

6.2 PUBLIC QUESTION TIME: 27 FEBRUARY 2024

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 12 December 2023

Officer Recommendation

That the Minutes of the Ordinary Council Meeting held 12 December 2023 be taken as read and confirmed as a true and correct record.

7.2 CONCEPT BRIEFINGS

7.2.1 Concept Briefings and Workshops

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

Date	Subject	Attendees
11 December 2023	Customer Satisfaction Survey Results	Mayor Greg Milner and Councillors André Brender-A-Brandis, Nic Coveney, Glenn Cridland, Jennifer Nevard, Hayley Prendiville, Bronwyn Waugh.
30 January 2024	Hockey Facilities Briefing	Mayor Greg Milner and Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Blake D'Souza, Jennifer Nevard, Hayley Prendiville, Bronwyn Waugh.
12 February 2024	Local Planning Policies/LPS7 Briefing	Councillors Nic Coveney, Blake D'Souza, Jennifer Nevard, Hayley Prendiville, Bronwyn Waugh.
13 February 2024	Communications, Social Media and Marketing Training	Mayor Greg Milner and Councillors André Brender-A-Brandis, Nic Coveney, Blake D'Souza, Jennifer Nevard, Hayley Prendiville, Bronwyn Waugh.

Attachments

Nil.

7.2.2 Council Agenda Briefing - 20 February 2024

Officers of the City presented background information and answered questions on Items to be considered at the February Ordinary Council Meeting at the Council Agenda Briefing held 20 February 2024

Attachments

7.2.2 (a): Briefing Notes

Officer Recommendation

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

- 7.2.1 Concept Briefings and Workshops
- 7.2.2 Council Agenda Briefing - 20 February 2024

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 20 February 2024.

9. METHOD OF DEALING WITH AGENDA BUSINESS

10. REPORTS

10.1 STRATEGIC DIRECTION 1: COMMUNITY

10.1.1 Co-Located Hockey Facilities within the City of South Perth

File Ref: D-24-7522
Author(s): Donna Shaw, Director Development and Community Services
Patrick Quigley, Manager Community, Culture and Recreation
Reporting Officer(s): Mike Bradford, Chief Executive Officer

Summary

This report responds to a Notice of Motion passed at the Ordinary Council Meeting held 25 July 2023, titled 'Engagement with the Wesley South Perth Hockey Club to Identify an Alternative Location Within the City of South Perth for Co-Located Hockey Facilities'.

Officer Recommendation

That Council:

1. Requests the Chief Executive Officer to continue working with the WASPs Hockey Club and Hockey WA to determine how the WASPs Hockey Club's needs can best be met at the Australian High-Performance Hockey Centre.
2. Receives a report by July 2024 with the outcome of discussions with WASPs Hockey Club and Hockey WA in respect to use of the Australian High-Performance Hockey Centre.

Background

At its meeting held 25 July 2023, Council supported a Notice of Motion from Mayor Greg Milner related to engagement with the Wesley South Perth (WASP) Hockey Club and the identification of co-located hockey facilities within the City. The reasons for the Notice of Motion were as follows:

- “1. *The City of South Perth's Strategic Community Plan (SCP) contains the following strategies:*
 - a. *Facilitate and create opportunities for inclusive and cohesive social, cultural and healthy activity in the City.*
 - b. *Maintain current and plan, develop and facilitate community infrastructure to respond to community needs and priorities.*
 - c. *Plan for and promote the development of recreation and aquatic facilities to service City of South Perth needs.*
 - d. *Facilitate and foster a healthy and connected community.*
2. *At the Ordinary Council Meeting on 27 June 2023, Council voted not progress the proposal by the Club to establish a synthetic hockey pitch at Collier Reserve, Como.*
3. *The Club requires better access to synthetic hockey turf within the local area to remain viable.*

10.1.1 Co-Located Hockey Facilities within the City of South Perth

4. *The Club provides significant amenity and benefit for the City of South Perth community, consistent with the stated strategies in the City's SCP.*
5. *That amenity and benefit would be lost to our community if the Club was forced to move outside of the City of South Perth district due to a lack of access to synthetic hockey turf."*

Council resolved the following:

"That the CEO be instructed to:

1. *Engage with the Wesley South Perth (WASP) Hockey Club (Club), Wesley College and other relevant stakeholders with a view towards finding an appropriate location within the City of South Perth for:*
 - a) *a clubhouse;*
 - b) *grass hockey grounds; and*
 - c) *synthetic hockey turf grounds, appropriate for the needs of the Club.*
2. *That a report to Council on the above be presented to Council for consideration at an appropriate time, but by no later than the February 2024 Ordinary Council Meeting."*

This report presents the findings of the City's stakeholder engagement and investigation into the identification of potential sites for a co-located hockey facility within the City.

It is noted that WASPs entered into a lease over Richardson Park on 1 April 2023 for a term of 21 years. The City is not requiring WASPs to relocate.

Comment

Potential Locations

The following table includes a high-level analysis of City owned or managed parks and reserves to determine potential suitability for a co-located hockey facility. It is noted that the City did not investigate potential use of passive areas of public open space for this purpose (i.e. predominantly vegetated or smaller parks).

Reserve	Comment
Collier Reserve, Como	<p>At the Ordinary Council Meeting held 27 June 2023, Council resolved to not progress with the proposal to establish a synthetic hockey pitch at Collier Reserve. The main reasons included:</p> <ul style="list-style-type: none">• Increased Project Scale and Scope - the proposed hockey facilities project scope and scale increased significantly since the Club undertook its initial pre-feasibility assessment.• High-performance Hockey Centre - The State Government's decision to approve \$135 million in funding for a high-performance hockey centre at Curtin University will also make provision for community hockey club usage, including for WASPs. Also this project will likely diminish the ability to source the State Government funding required to establish another hockey facility nearby.

	<ul style="list-style-type: none"> RAF – the Council decision to not progress delivery of the RAF project means the opportunity to consider potential shared-use community recreation facilities on or nearby Collier Reserve for RAF users and hockey participants is no longer relevant. South Perth Train Station - Minimal progress in the planning for a proposed train station within South Perth means there is no longer an imminent need to relocate sporting clubs from Richardson Park.
Bill Grayden Reserve, Como	Crown land vested to the City for parks and recreation purposes. It is primarily used by Trinity Aquinas Football Club in winter and South Perth Baseball Club during summer. Bill Grayden Reserve is currently fully utilised in peak periods. Alternate use of this site for hockey would require relocation of existing community sporting clubs.
Challenger Reserve, Manning	Crown land vested to the City for parks and recreation purposes. It is primarily used by South Perth United Football Club in winter and South Perth Junior Cricket Club during summer. Challenger Reserve is currently fully utilised in peak periods. Alternate use of this site for hockey would require relocation of existing community sporting clubs.
George Burnett Park, Karawara	Crown land vested to the City for parks and recreation purposes. It is primarily used by South Perth Rugby League Club in winter and South Perth Junior Cricket Club and Touch Rugby Association in summer. George Burnett Park is currently fully utilised in peak periods. Alternate use of this site for hockey would require relocation of existing community sporting clubs.
James Miller Oval, Manning	Crown land vested to the City for parks and recreation purposes. It is primarily used by Manning Rippers Football Club in winter and summer. James Miller Reserve is currently fully utilised in peak periods. Alternate use of this site for hockey would require relocation of existing community sporting clubs.
Richardson Park, South Perth	Crown land vested to the City for parks and recreation purposes. It is primarily used by WASPs Hockey Club during winter and South Perth Cricket Club during summer. Whilst Richardson Park has previously been deemed unsuitable for a synthetic hockey facility because of size constraints; and the requirement to make future provision for the proposed South Perth train station, there may be an opportunity to provide a synthetic turf adjacent to the Kwinana Freeway.

Ernest Johnston Oval, South Perth	Crown land vested to the City for parks and recreation purposes. It is primarily used by South Perth Junior Football Club and WA Football League Umpires in winter and South Perth Cricket Club in summer. Ernest Johnson Oval is currently fully utilised in peak periods. Alternate use of this site for hockey would require relocation of existing community sporting clubs.
Morris Mundy Reserve, Kensington	Crown land vested to the City for parks and recreation purposes. It is primarily used by various football clubs (on an adhoc basis) in winter and by South Perth Junior Cricket Club in summer. There is some capacity for additional sporting use at Morris Mundy Reserve; however, full use of this site for hockey would require relocation of existing community sporting clubs.
Sandon Park, Salter Point	Crown land vested to the City for parks and recreation purposes. Sandon Park is primarily used by walkers, dog walkers and joggers. The Park is deemed unsuitable for a synthetic hockey facility, as the land is established for informal recreational purposes rather than sports spaces.
Sir James Mitchell Park (Ellam Street end), South Perth	<p>Sir James Mitchell Park is a regional reserve that is set aside for 'Parks and Recreation' under the Metropolitan Region Scheme and City's Local Planning Scheme. The parklands at the Ellam Street end are owned freehold by the City and are currently used for informal recreational pursuits, such as jogging, walking, dog walking (including as an off-leash exercise area), community events and corporate events.</p> <p>At its 12 December 2023 Ordinary Meeting, Council resolved to support \$50,000 being allocated in the mid-year budget review towards a Feasibility Study for the development of the site for sports spaces. Community and stakeholder consultation will be undertaken during the Feasibility Study project to determine future potential sporting usage.</p>
Ryrie Avenue Reserve, Como	Freehold land reserved for parks and recreation. It is primarily used by Penrhos College, the City for events and the public for informal soccer matches and general recreational pursuits. There is limited capacity for additional car parking and clubroom facilities, and no consultation has been undertaken with Penrhos College or adjacent residential properties.

Should Council pursue any of the above options, the City would commence discussions with existing users to seek alternative access to sports spaces.

Of the above options, Richardson Park, Collier Reserve and Morris Mundy Reserve would likely have the least impact on existing users, although this does not consider broader public impact or other considerations and constraints.

Additionally, the City considered a number of other local sites to determine the potential suitability for establishing a co-located hockey facility, as outlined below.

Collins Oval, Como

Collins Oval is Crown land leased directly to Wesley College from the Department of Planning, Lands and Heritage under a 21-year lease, due to expire in 2038. This Oval is used primarily by Wesley College, but also South Perth Baseball Club and Trinity Aquinas Football Club under private hire agreements. Collins Oval is currently fully utilised in peak periods. Use of this site for hockey would require relocation of existing community sporting clubs. In respect to development on this land, approval from the Western Australian Planning Commission would be required, with future asset management of a synthetic turf at this location being the responsibility of the users and the State Government. This site has the potential to address some of the risks the city identified in relation to siting a synthetic turf on other sites controlled by the City.

Como Secondary College

The College is located on a Crown Reserve that is vested to the Education Department of Western Australia for educational purposes, which includes associated school sporting activities. The College Oval is large enough to accommodate a co-located hockey facility.

The College also facilitates a specialist hockey academy that is designed for students who demonstrate hockey-playing ability and are willing to incorporate hockey as a major area of their school studies, and the City understands it is the College's vision to develop a synthetic turf at the site.

The site has potential so it could be investigated further. One of the challenges with this site is the ability and willingness of the College/Department of Education to contribute financially towards a shared-use hockey facility is unknown.

Australian High-Performance Hockey Centre

Whilst not within the City of South Perth, the new Australian High-Performance Hockey Centre is being developed nearby at Curtin University within the Town of Victoria Park. Hockey WA would be responsible for scheduling use of the synthetic turfs, which is further discussed in the consultation section of this report.

Department of Primary Industries and Regional Development Site – Kensington

The approximately 22.1ha site bound by Kent Street, Hayman Road, George Street, Burvill Court and Baron-Hay Court currently occupied by the Department of Primary Industries and Regional Development (DPIRD) is set to be vacated by DPIRD in a staged approach, commencing in December 2023.

The site is owned by the State Government, with DevelopmentWA (DWA - the State Government's central land and development agency) likely to first progress detailed planning over the site prior to redevelopment occurring (i.e. a Structure Plan prepared in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015).

The Western Australian Planning Commission's 'Liveable Neighbourhoods' (LN) operational policy is used to guide the structure planning and subdivision of greenfield and large brownfield (urban infill) sites such as the DPIRD site. LN requires a minimum of 10% of the gross urban land be dedicated to public open space (POS). Whilst 2.21ha of land for POS on this site could accommodate a co-located hockey facility, the actual configuration of the POS will likely be distributed across the site, as well as serve other functions such as retention of vegetation and drainage. Whilst the City can advocate for the configuration of POS for sports spaces, given DWA has not yet progressed a Structure Plan over the land, this site cannot be considered for a co-located facility at this point in time.

Consultation

Consultation has occurred with WASPs, Hockey WA and the Department of Local Government, Sport and Cultural Industries in the preparation of this report, with the key points summarised below.

Hockey WA

In August 2023 the City met with Hockey WA to discuss the new High-Performance Hockey Centre, including the likely amount of community hockey that could be accommodated at the redeveloped hockey facility. The meeting outcome was positive, and Hockey WA believe the site could provide a workable solution for the WASPs Hockey Club to achieve much greater access to synthetic hockey facilities.

On 29 January 2024, the City met with Hockey WA to again discuss the new High-Performance Hockey Centre and whether there had been any progress on the details of the design and access for local clubs. Hockey WA confirmed the following:

- Hockey WA have had ongoing discussions with WASPs Hockey Club and Victoria Park Xavier Hockey Club and have consistently advised them that they are highly valued users, but that Hockey WA would never stand in their way should they wish to establish their own venue away from Perth Hockey Stadium.
- The Australian Hockey Centre is being designed with three clear objectives 1) High-Performance Venue, 2) International Competition Site and 3) Community Playing and Training Venue. Each of these three objectives are of equal importance and therefore have no hierarchical prioritisation.
- It was extremely likely that the High-Performance Hockey Centre would now have four turfs and expanded range of facilities to accommodate local clubs (including WASPs and Xavier Hockey Club). This would ensure access is available for local club home games as well as State/National teams;
- As one of the local hockey clubs, WASPs will have ongoing/annual synthetic turf access at the new hockey facility;
- The new site will be considerably larger and provide unprecedented opportunities for all local clubs to maximise their capacity to grow hockey;
- Hockey WA welcomes the opportunity to work with local clubs, and once negotiations are completed with Venues West regarding the overarching agreement, Hockey WA will liaise with the clubs further. This discussion included the potential for clubs to receive income-generation opportunities at the site, such as club sponsorship signage; and sharing profits from revenue on game days; and
- Hockey WA would also welcome the opportunity to make provision for WASPs to display club memorabilia at the facility.

Department of Local Government, Sport and Cultural Industries (DLGSCI)

The City met with DLGSCI on 21 November 2023 who advised:

- DLGSCI are supportive of co-location of community sporting clubs, in lieu of standalone facilities for a single club;
- The Australian Hockey Centre (AHC) at Curtin University will be able to accommodate community use by local clubs such as WASPs and Xavier Hockey Club), in addition to capacity for the Hockeyroos and Kookaburras. Hockey WA will be responsible for accommodating the scheduling of games;
- Given the anticipated capacity of the AHC, the development of a community level, stand alone, synthetic turf in close proximity to the AHC would be viewed as a low priority through DLGSCI's existing funding programs (CSRFF, CNLP);
- DLGSCI supports capital projects that can demonstrate informed decision making with due consideration of the costs of the facility over its entire lifecycle.

Town of Victoria Park

The City met with the Town of Victoria Park on 6 December 2023. The Town has been progressing discussions with Xavier Hockey Club (located at Fletcher Park, Carlisle), who are also seeking a facility with synthetic turfs.

The Town of Victoria Park (Council) had previously endorsed a business case to progress three options for future facilities for Xavier Hockey Club, being:

- Charles Paterson Reserve and G.O. Edwards Park;
- McCallum Park and Taylor Reserve; and
- Perth Hockey Stadium at Curtin University.

The Town advised it continues to have discussions with Hockey WA and Xavier Hockey Club to ensure the Club's hockey facility needs will best be met at the High-Performance Hockey Centre.

On 13 February 2024, the Town confirmed that it also understood four turfs would be developed at the High-Performance Hockey Centre, and they would continue discussions between their local club and Hockey WA for access.

WASPs

On 19 December 2023, the City met with WASPs to discuss the investigations that had been undertaken to date, as well as advise of Hockey WA's position that access to the High-Performance Hockey Centre would be available. WASPs advised that they had not received the same reassurance that access would be available at all times required, and the City advised that it could provide assistance by liaising with Hockey WA to arrange a meeting in this respect, similar to discussions occurring between Hockey WA and the Town of Victoria Park.

On 9 January 2024, the City requested WASPs attend a meeting with the City and Hockey WA to discuss future access to the High-Performance Hockey Centre.

On 27 January 2024, WASPs emailed the City to advise they met with Hockey WA on 24 January 2024 to continue to discuss turf access at the High-Performance Hockey Centre. WASPs also advised they prefer the City do not discuss WASPs hockey matters with Hockey WA or at least without a WASPs representative present. WASPs reaffirmed that their aim continues to be focussed on establishing an all-inclusive hockey facility on one site.

10.1.1 Co-Located Hockey Facilities within the City of South Perth

WASPs reiterated their position was that any outcome at the High-Performance Hockey Centre would be a compromised solution, and that Collier Reserve/Collins Oval is the best solution for a holistic WASPs facility.

Wesley College

On 16 January 2024, the City sought clarification from Wesley College as to whether they would still contribute 50% of the cost towards a synthetic turf and associated infrastructure, given the cost escalation since the facility was originally proposed at Collier Reserve. Wesley advised that further discussions with Hockey WA would be required to determine whether access to synthetic turfs at the High-Performance Hockey Centre would be available for the College.

On 31 January 2024, the City again discussed hockey facilities with Wesley College, who were aware of the high likelihood of four turfs being developed at the High-Performance Hockey Centre and again reiterated that the College would be liaising with Hockey WA to determine whether their needs could be accommodated at the Centre. Whilst further negotiations with Hockey WA are required in this respect, it is possible this may impact any contribution towards a synthetic turf and associated infrastructure elsewhere in the district.

Council

On 30 January 2024, a briefing was held with Elected Members to discuss the City's findings in respect to availability of active sports spaces throughout the City, and a summary of discussions with various stakeholders to date.

Policy and Legislative Implications

The following policies are relevant to this report:

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

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	Reputational Damage Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
Risk rating	Low
Mitigation and actions	The City has liaised with the relevant stakeholders as well as reviewed potential locations for a synthetic turf on existing public open space within the district.

Conclusion

The City's investigation confirms that there is no suitable location for a synthetic turf on City's sports spaces without requiring the relocation of other users and addressing other significant issues.

The City needs to ensure it considers the duplication of facilities, future asset management and appropriate use of resources to provide for a variety of recreational needs throughout the City. Given discussions with Hockey WA have indicated the strong likelihood that four synthetic turfs will be constructed at the High-Performance Hockey Centre, with access for WASPs for all home games, the City considers that if Hockey WA can provide suitable access to synthetic turfs and other facilities, an additional turf is not required to be built in the district.

Notwithstanding, whilst discussions with relevant stakeholders have indicated that access to the High-Performance Hockey Centre will be available, the City can continue to explore this option as planning progresses and provide a further report to Council on the outcomes.

The City therefore recommends that Council support the City working with WASPs and Hockey WA to determine how its needs can best be met at the High-Performance Hockey Centre, and provide a further report to Council on these discussions by July 2024.

Strategic Implications

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

Strategic Direction:	Community
Aspiration:	Our diverse community is inclusive, safe, connected and engaged
Outcome:	1.2 Community infrastructure
Strategy:	1.2.1 Maintain current and plan, develop and facilitate community infrastructure to respond to community needs and priorities

Attachments

Nil.

10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

10.3.1 Final Adoption of Local Planning Policies

File Ref: D-24-7703
Author(s): Samantha Taylor, Senior Strategic Planner
Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

The purpose of this report is for Council to consider adopting three draft local planning policies following advertising.

Officer Recommendation

That Council:

1. Pursuant to Schedule 2, Part 2, Clause 4 (3) of the Planning and Development (Local Planning Schemes) Regulations 2015 adopts the following local planning policies:
 1. Draft Local Planning Policy - Building Height
 2. Draft Local Planning Policy - Salter Point Escarpment
 3. Draft Local Planning Policy - Heritage Conservation and Development
2. Request the Chief Executive Officer instruct the Department of Planning, Lands and Heritage to modify draft Local Planning Scheme No. 7 to include Regulation 76 of Part 8 of the Planning and Development (Local Planning Schemes) Regulations 2015 in the supplemental provisions.

Background

At its meeting held 26 July 2022, Council resolved to advertise two draft local planning policies (LPPs), LPP - Building Height and LPP - Salter Point Escarpment. These draft LPPs were advertised concurrently with draft Local Planning Scheme No. 7 (LPS 7).

As the LPPs relate to specific requirements in LPS 7, final approval was awaiting LPS 7, which has now been approved by the Minister for Planning.

Council resolved to advertise draft LPP - Heritage Conservation and Development at its meeting held 31 October 2023. Following advertising, the LPP is recommended for final approval subject to minor modifications.

On 17 February 2024, Councillor Waugh emailed the City with concerns that transitional provisions, specifically Regulation 76 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) had not been included in draft LPS 7 and as such, there was a risk that LPPs adopted under Town Planning Scheme No. 6 (TPS 6) would not 'carry forward' to LPS 7.

Regulation 76 is not contained in the 'deemed provisions' and therefore does not automatically apply to all local planning schemes. Regulation 76 provides the following:

"A local planning scheme that replaces one or more local planning schemes may provide that an application, instrument or policy that was made under, or applied in respect of, a local planning scheme that is being replaced is to be taken to be an application, instrument or policy for the purposes of the new scheme."

The City sought legal advice on the matter. In summary, it was the view of the City's lawyers that Section 36 of the *Interpretation Act 1984* would facilitate the orderly transition of planning instruments made under TPS 6, and therefore readoption of local planning policies under LPS 7 was not required.

Notwithstanding, the City agrees with Councillor Waugh that this could expose the City to risk, and it is not possible to completely rule out the possibility that the continued operation of the policies via an implied exclusion argument would be challenged.

The City raised Councillor Waugh's concerns with the Department of Planning, Lands and Heritage (DPLH) who advised that it would have no concerns should the City be comfortable utilising the legal advice it has obtained to support the carrying over of its planning instruments adopted under TPS 6 to LPS 7, however, should the City seek to recognise transitional arrangements for LPPs through its local planning scheme, these should be included in the supplemental provisions.

To address this risk, it is recommended that Council request the Chief Executive Officer instruct the Department of Planning, Lands and Heritage modify draft LPS 7 to include Regulation 76 in the supplemental provisions. LPS 7 is pending gazettal, and the DPLH has advised that it can present LPS 7 with this modification to the Minister for Planning for signing within two weeks.

Comment

(a) Local Planning Policy - Building Height

Draft LPP - Building Height supplements the design principles of State Planning Policy 7.3 – Residential Design Codes (R-Codes) by providing local housing objectives to guide assessments in relation to building height for single houses and grouped dwellings.

Under Town Planning Scheme No. 6 (TPS 6) building height was measured from the highest point on the site. TPS 6 also permitted buildings to project above the building height limit within a notional 25-degree roof pitch. This has resulted in a number of single house and grouped dwelling developments across the City presenting to the street as three storeys.

Under LPS 7, building height is measured in accordance with the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 and R-Codes. This means building height is measured from the natural ground level across the site and is subject to a total building height limit. As a result, a lower building height is permitted generally for low density residential development.

The draft LPP - Building Height provides for additional building height to be considered under LPS 7 where the established streetscape is characterised by buildings approved under TPS 6 with a higher building height. This will seek to ensure a consistent streetscape with respect to building heights.

A copy of the draft LPP is contained as contained in **Attachment (a)**.

(b) Local Planning Policy - Salter Point Escarpment

LPS 7 contains specific development requirements for land within the Salter Point Escarpment. These requirements carry over the Precinct 13 'Salter Point' requirements in TPS 6 and relate to building height, projections above the building height limit, and the assessment of significant obstruction of views.

The draft LPP - Salter Point Escarpment was prepared to provide supplementary requirements to LPS 7 in relation to development within the Salter Point Escarpment area and contains guidance relating to the consideration of projections above the building height limit and the assessment of significant obstruction of views.

The draft LPP incorporates the relevant provisions of Policy P306 - Development of Properties Abutting River Way and P320 - Assessment of Significant Obstruction of Views in Precinct 13 – Salter Point, which are proposed for revocation.

LPS 7 and the draft LPP effectively carry over the requirements applicable to the Salter Point Escarpment area under TPS 6, P306 and P320.

A copy of the draft LPP is contained as contained in **Attachment (b)**.

(c) Local Planning Policy - Heritage Conservation and Development

In response to submissions received during the advertising period, it is recommended that the following minor modifications are made to the draft LPP - Heritage Conservation and Development:

- Clarify in Section 2 – Purpose, that the LPP applies to heritage-protected places. The Policy would only apply to places within the local heritage survey where they are otherwise also contained on the local heritage list and/ or within a heritage area (the City has no heritage areas at this point in time).
- Exempt the maintenance of heritage-protected places as defined in the LPP from the need to obtain development approval in Section 3. Update the definition of 'maintenance' to be consistent with the Heritage Regulations 2019.
- Provide further guidance on sympathetic development, as per the Burra Charter principles, including new work being 'readily identifiable' in Clause 8.2.1(a)-(c).
- Provide a requirement for visual and physical separation between the original dwelling and any additions, particularly for corner lots, to maintain original roof forms in Clause 8.3.1(g).
- Clarify that Diagram 7 refers to lot boundary alterations within a heritage area.
- Clarify that the existing dwelling in Diagram 9 is required to comply with the requirements of the R-Codes and the draft Policy.
- Minor numbering and formatting corrections to reflect the above.

The draft Policy incorporating the above modifications in red is contained as **Attachment (c)**, with the final version contained as **Attachment (d)**.

The modifications to the draft Policy provide further guidance for applicants and assist in discretionary decision making. As such, it is recommended that Council adopts the draft LPP as amended.

Consultation

LPP - Building Height and LPP - Salter Point Escarpment

In accordance with Council's resolution of 26 July 2022, the draft Building Height and Salter Point Escarpment LPPs were advertised concurrently with draft LPS 7 for a period of 90 days between 31 August - 29 November 2022 in the following manner:

- A dedicated Your Say South Perth (YSSP) website page with information sheets and FAQs; and
- Copies of the draft LPPs and hard copy feedback forms were made available at the City's Civic Centre, South Perth Library and Manning Library.

No submissions were received on the draft LPPs.

LPP - Heritage Conservation and Development

Following Council's resolution on the matter, the draft LPP was advertised for public comment in the following manner:

- On the City's Your Say South Perth website for a period of 21 days, from 9 November 2023 to 30 November 2023;
- In the City's eNewsletter 'Peninsula Snapshot' on Wednesday 15 November 2023; and
- Copies of the draft Policy and hard copy feedback forms were made available at the City's Civic Centre, South Perth Library and Manning Library.

At the close of public consultation period, seven submissions were received. A schedule of submissions for the draft Policy is contained at **Attachment (e)**.

Policy and Legislative Implications

After the expiry of the period within which submissions may be made, the local government must —

“(a) review the proposed policy in the light of any submissions made; and

(b) resolve to —

- (i). proceed with the policy without modification; or*
- (ii). proceed with the policy with modification; or*
- (iii). not to proceed with the policy.”*

If the local government resolves to proceed with the draft Policies, the local government must publish notice of the Policy in accordance with clause 87 of the Regulations.

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	Legislative Breach Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation.
Risk rating	Low
Mitigation and actions	If the local government resolves to proceed with the amended policy, the local government must publish notice of the policy in accordance with clause 87 of the Regulations.

Strategic Implications

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

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

Attachments

10.3.1 (a):	Draft Local Planning Policy - Building Height
10.3.1 (b):	Draft Local Planning Policy - Salter Point Escarpment
10.3.1 (c):	Draft Local Planning Policy - Heritage Conservation and Development - Tracked Changes
10.3.1 (d):	Draft Local Planning Policy - Heritage Conservation and Development - Final Version
10.3.1 (e):	Draft Local Planning Policy - Heritage Conservation and Development - Schedule of Submissions

10.3.2 Revocation of Local Planning Policies

File Ref: D-24-7702
Author(s): Jessica Birbeck, Coordinator Strategic Planning
Jeremy Versaico, Urban Planner
Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

The purpose of this report is for Council to consider revoking eight local planning policies. The local planning policies are proposed to be revoked as part of the review of the City's local planning policy suite under Local Planning Scheme No. 7.

Officer Recommendation

That Council, pursuant to Schedule 2, Part 2, Clause 6 of the Planning and Development (Local Planning Schemes) Regulations 2015, revokes the following local planning policies:

1. Policy P350.02 Lot Boundary Setbacks (Boundary Walls)
2. Policy P350.03 Setback of garages & carports, garage width, design of car parking spaces & vehicle access
3. Policy P350.04 Additions to Existing Dwellings
4. Policy P350.07 Street Walls and Fences
5. Policy P350.17 Site Works
6. Policy P315 Car Parking Reductions for Non-Residential Development
7. Policy P306 Development of Properties abutting River Way
8. Policy P320 Assessment of Significant Obstruction of Views in Precinct 13 – Salter Point

Background

The City is currently reviewing its local planning policies (LPPs) to ensure its local planning framework is contemporary, consistent with the State planning framework and supports the implementation of Local Planning Scheme No. 7 (LPS 7), which has been approved by the Minister for Planning.

Since July 2023, Council has:

- Revoked nine LPPs;
- Adopted minor amendments to two LPPs; and
- Adopted major amendments to four LPPs.

The LPPs contained within **Attachments (a – h)** are proposed for revocation as the matters they address largely relate to requirements previously contained in Town Planning Scheme No. 6 (TPS 6) and will be replaced with new and consolidated LPPs which respond to the specific requirements within LPS 7.

The five LPPs which currently amend or replace provisions contained within State Planning Policy 7.3 - Residential Design Codes (R-Codes) are proposed to be consolidated into one new LPP, as detailed in the separate report on this agenda. The details of each policy recommended for revocation are discussed under the comment section below.

Comment

(a) P350.02 Lot Boundary Setbacks (Boundary Walls)

Policy P350.02 guides the development of 'boundary walls', being walls built with a nil setback to a side boundary. Specifically, P350.02 provides additional deemed-to-comply requirements to the R-Codes to ensure that boundary walls are setback from the primary street boundary and have an appropriate clean finish. Additional matters are also listed for consideration where a proposal is to be assessed against the design principles of the R-Codes.

Since the adoption of P350.02, the R-Codes now require boundary walls to be located behind the primary street setback, making this requirement redundant. The matters that are listed for consideration as part of design principles assessment are already suitably addressed under the Street setback and Lot Boundary setback parts of the R-Codes. The requirement related to the finish of boundary walls has been addressed within the draft Residential Development LPP. Policy P350.02 is therefore recommended for revocation.

(b) P350.03 Setback of garages & carports, garage width, design of car parking spaces & vehicle access

Policy P350.03 provides amended and supplementary deemed-to-comply requirements to the R-Codes for the setback of garages and carports. These requirements are more appropriately addressed through the existing design principles of the R-Codes, having regard to the established streetscape and specific merits of each proposal.

The LPP provides additional matters for consideration for an assessment against the design principles regarding garage width, design of car parking spaces, and vehicle access which are considered to be redundant:

- The matters relating to garage width are suitably addressed within the existing design principles of the R-Codes.
- The requirements relating to visitor parking are addressed in the deemed-to-comply requirements of the R-Codes.
- The vehicle access requirements permitting vehicles to obtain access from the primary street in lieu of a right-of-way minimises landscaping and street tree planting opportunities in the verge and results in greater vehicle-pedestrian conflict points. It is considered that the R-Codes suitably address vehicle access where preference is given to vehicle access from a right-of-way.
- The requirements relating to car stacking systems are suitably addressed by Australian Standard AS5124:2017 and would be assessed as part of a development application. It is noted that car stacking systems are rarely utilised in single and grouped dwelling developments to which the policy applies.

It is noted that the guidelines appended to the LPP are more appropriate as an information sheet. P350.03 is therefore recommended for revocation.

(c) P350.04 Additions to Existing Dwellings

Policy P350.04 guides the design and finish of additions to existing dwellings. In addition, the LPP includes requirements for additions to heritage protected places. Amendments to the R-Codes and the City's draft Local Planning Policy - Heritage Conservation and Development result in the LPP requirements being redundant. This LPP is proposed to be revoked for the following reasons:

- The policy is not written in the correct manner and form to amend the R-Codes.
- Requirements relating to design, materials and colours for additions to dwellings are not addressed by the R-Codes. The R-Codes only allow for 'local housing objectives' to address these matters, which would only apply when a proposal does not meet the deemed-to-comply requirements. The requirements cannot be applied equitably across the local government area and therefore are not supported for inclusion in the draft Residential Development LPP.
- The requirements relating to additions to heritage listed places are contained within draft Local Planning Policy - Heritage Conservation and Development (to be considered for final adoption on this agenda).

P350.07 Street Walls and Fences

Policy P350.07 provides amended and supplementary deemed-to-comply requirements to the R-Codes for street walls and fences. The LPP contains requirements relating to height, permeability, materiality, and matters pertaining to dividing fences. Matters are also included for consideration when a design principles assessment is undertaken.

The draft Residential Development LPP includes requirements relating to height, permeability and materiality of primary and secondary street fencing and local housing objectives for solid fencing along high order streets. Dividing fence requirements are appropriately addressed through the *Dividing Fences Act 1961*. The matters included for consideration as part a design principles assessment are appropriately addressed in the R-Codes.

As the relevant matters outlined in P350.07 are proposed to be addressed in the draft Residential Development LPP, Policy P350.07 is recommended for revocation.

(d) P350.17 Site works

Policy P350.17 applies to single houses, grouped dwellings and multiple dwellings in areas zoned 'Residential' with a coding of less than R40 and provides amended deemed-to-comply requirements to the R-Codes relating to fill and excavation.

The excavation requirements in the LPP duplicate the R-Codes. Recent amendments to the R-Codes address fill requirements, including setbacks for fill and retaining walls (the height of fill or retaining must have an equivalent setback to the lot boundary up to 3.0m).

As the R-Code provisions provide adequate control of site works, there are no elements of this policy which warrant retention, and therefore revocation of Policy P350.17 is recommended.

(e) P315 Car Parking Reductions for Non-Residential Development

Policy P315 guides discretion on the reduction of car parking bays required by TPS 6. The LPP sets out specific percentage reductions to car parking requirements where particular criteria is met and justified by an applicant.

With the gazettal of LPS 7, the policy is now redundant. Under LPS 7, car parking rates are addressed in a new draft LPP. The draft LPP contains car parking rates based on zone and land use and includes guidance for the application of discretion.

(f) P306 Development of Properties abutting River Way

Policy P306 includes street setback and fencing requirements for properties with frontage to River Way, Salter Point. P306 is proposed to be replaced with the draft Salter Point Escarpment LPP, which is addressed in a separate report for final adoption. The remaining provisions are suitably addressed within the draft Residential Development LPP and the R-Codes. The LPP is therefore recommended to be revoked.

(g) P320 Assessment of Significant Obstruction of Views in Precinct 13 – Salter Point

Policy P320 contains requirements relating to building height and assessment of significant obstruction of views for properties in Salter Point within Precinct 13 of TPS 6.

The draft Salter Point Escarpment LPP proposes to carry over the building height methodology and assessment of significant obstruction of views under TPS 6 and P320 for these properties. P320 is therefore redundant and is recommended to be revoked.

Consultation

Nil.

Policy and Legislative Implications

In accordance with the Regulations, an LPP may be revoked:

- (a) by a subsequent local planning policy that;*
 - (i) is prepared in accordance with this Part; and*
 - (ii) expressly revokes the local planning policy; or.*
- (b) by a notice of revocation:*
 - (i) prepared by the local government; and;*
 - (ii) published by the local government in accordance with clause 87.*

Financial Implications

Nil.

Key Risks and Considerations

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

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):	P350.02 Lot Boundary Setbacks
10.3.2 (b):	P350.03 Setback of garages and carports, garage width, design of car parking spaces and vehicle access
10.3.2 (c):	P350.04 Additions to Existing Dwellings
10.3.2 (d):	P350.7 Street Walls and Fences
10.3.2 (e):	P350.17 Site Works
10.3.2 (f):	P315 Car Parking Reductions for Non-residential Development
10.3.2 (g):	P306 Development of Properties abutting River Way
10.3.2 (h):	P320 Assessment of Significant Obstruction of Views in Precinct 13 - Salter Point

10.3.3 Advertising of Draft Local Planning Policies

File Ref: D-24-7698
Author(s): Jessica Birbeck, Coordinator Strategic Planning
Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

The purpose of this report is for Council to consider advertising four new draft local planning policies. These policies are proposed as part of the implementation of Local Planning Scheme No. 7.

Officer Recommendation

That Council, pursuant to Schedule 2, Part 2, Clause 4(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, advertises the following draft local planning policies:

1. Non-Residential Development in the Residential Zone
2. Non-Residential and Mixed Use Development
3. Residential Development
4. Non-Residential Parking

Background

The City is currently reviewing its local planning policies (LPPs) to ensure its local planning framework is contemporary, consistent with the State planning framework and supports the implementation of Local Planning Scheme No. 7 (LPS 7), which has been approved by the Minister for Planning and is pending gazettal. Four new LPPs have been prepared to provide guidance on a range of planning matters to support LPS 7. Copies of the draft LPPs are contained in **Attachments (a-d)**.

Comment

(a) Non-Residential Development in Residential Zone LPP

The City's previous Town Planning Scheme No. 6 (TPS 6) contained specific development requirements for non-residential land uses in the Residential zone. The development standards of LPS 7 require that non-residential buildings in the Residential zone are to be designed in accordance with State Planning Policy 7.3 - Residential Design Codes (R-Codes) for building height, setbacks and plot ratio. These requirements apply in the absence of an approved LPP.

A draft LPP has been prepared to provide further guidance on land use, built form and design for non-residential development in the Residential zone.

The specific requirements proposed in the draft LPP include:

- Preferred locational criteria
To encourage non-residential uses to locate near existing Neighbourhood Centre and Local Centre zones and with suitable vehicle access arrangements. These requirements seek to preserve residential amenity.
- Built Form and Building Design
Building height, setbacks and plot ratio are to be in accordance with the relevant density code for the subject site. These requirements ensure new built form is consistent with the scale of the surrounding area. This is consistent with the approach established by LPS 7.
- Traffic
Information requirements relating to the provision of a Traffic Impact Statement or Traffic Impact Assessment as per Western Australian Planning Commission guidelines, to justify that the surrounding road network can accommodate any additional traffic generated by a proposal.
- Parking
Requirements relating to siting and screening of parking from the view of neighbouring residential dwellings. It is noted that parking rates are contained within a separate Non-Residential Parking LPP, as discussed further in this report.
- Landscaping
Landscaping and tree planting requirements based on site area.
- Servicing
Requirements relating to siting and screening of service and bin areas.
- Noise Management
Requirements for an Acoustic Report and Noise Management Plan, which details potential noise exposure to surrounding properties and mitigation measures.
- Operation
Requirements relating to businesses operation times and days to preserve residential amenity.

The draft LPP provides for appropriately located and well-designed non-residential development in the Residential zone.

(b) Non-Residential and Mixed Use Development LPP

LPS 7 applies a density code to all land zoned Mixed Use, Neighbourhood Centre and Local Centre. The development standards of LPS 7 require that non-residential buildings in these zones are to be designed in accordance with the R-Codes for building height, setbacks and plot ratio. These requirements apply in the absence of an approved LPP.

A draft LPP has been prepared to provide further guidance on the built form and design of non-residential development (including the non-residential portion of mixed use development) in Mixed Use, Neighbourhood Centre and Local Centre zones.

The specific requirements proposed in this LPP include:

- Built Form
Building height, setbacks, and plot ratio are to be in accordance with the relevant density code for the subject site. These requirements ensure new built form is consistent with the requirements that would otherwise apply to Residential development under the R-Codes.
- Building Design
Requirements relating to façade design, ground floor activation and pedestrian shelter.
- Landscaping
Landscaping and tree planting requirements based on site area.
- Servicing
Requirements relating to siting and screening of service areas.
- Traffic
Information requirements relating to the provision of a Traffic Impact Statement or Traffic Impact Assessment as per Western Australian Planning Commission guidelines.
- Noise Management:
Requirements for an Acoustic Report and Noise Management Plan, which details potential noise exposure to surrounding properties and mitigation measures.

It is noted that car and bicycle parking, end-of-trip facilities and vehicle access requirements are contained in a separate Non-Residential Parking LPP, as discussed further in this report.

The draft LPP provides for high quality, functional non-residential and mixed use development within the City's activity centres and mixed use precincts.

(c) Residential Development LPP

The R-Codes include 'deemed-to-comply' criteria and Design Principles (prefixed by "P"). Applications not complying with the deemed-to-comply criteria can be assessed against relevant design principles, or where an LPP replaces the relevant 'deemed-to-comply' criteria contained within the R-Codes.

The City currently has five separate LPPs relating to residential development which amend or replace the deemed-to-comply requirements of the R-Codes Vol 1. For simplification, it is proposed that a single policy be adopted to address these requirements and that the existing redundant policies be revoked. The revocation of these policies is addressed in a separate report on this agenda.

The draft LPP is proposed to apply to single and grouped dwelling developments where Vol. 1 of the R-Codes applies. The LPP will not apply to the Medium Density Codes which contain separate provisions applicable to single houses in areas coded R50 and above, grouped dwellings coded R30 and above and multiple dwellings coded R30-R60. The Medium Density Codes will become publicly available in early March 2024 and operational shortly thereafter.

The specific requirements proposed in the draft LPP include:

- Deemed-to-comply requirements to permit gatehouses within the primary street setback area, subject to width, height, and post dimension criteria.
- Deemed-to-comply requirements to require boundary walls to be constructed to match the remainder of the development.
- Deemed-to-comply requirements to permit a clearly delineated outdoor living area within the street setback area, where an existing dwelling is retained as part of a grouped dwelling development.
- Amended deemed-to-comply requirements to state that a carport cannot incorporate enclosed storerooms when a reduction to the primary street setback is proposed.
- Amended deemed-to-comply requirements for street walls and fences relating to maximum height and building materials.

The proposed amendments to the R-Codes respond to local context and characteristics and other planning matters which are not specifically addressed by the R-Codes, which are considered to preserve the amenity of the local streetscape.

(d) Non-Residential Parking LPP

Car and bicycle parking ratios for zones and specific land uses were previously contained within TPS 6. LPS 7 was supported by Council in March 2023 containing a similar approach with car and bicycle parking ratios for zones and specific land uses. In early 2024, the Minister for Planning approved LPS 7 subject to modifications to remove the car and bicycle parking requirements. As such an LPP has been prepared to contain car and bicycle parking ratios and associated requirements including end-of-trip facilities, vehicle access and parking design.

The specific requirements proposed in the LPP include:

- Minimum car and bicycle rates

The minimum parking requirements to establish criteria for minimum acceptable ratios. Reference to short and long-term bicycle spaces have been included which relate to design requirements under the relevant Australian Standards.

- End-of-trip facilities

Requirements based on the number of long-term bicycle parking spaces required by the LPP.

- Service or loading bays

Requirements based on operational aspects of the land use.

- Car parking design

Requirements including vehicle parking, manoeuvring and circulation areas and general design criteria.

- Bicycle parking design

Requirements for long and short term bicycle parking designed in accordance with the Australian Standards.

- Vehicle access:

Requirements relating to the location and specifications of driveways.

10.3.3 Advertising of Draft Local Planning Policies

- Parking management plan requirements

The draft LPP represents a contemporary, best-practice approach to car parking and design.

Consultation

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

Policy and Legislative Implications

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

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

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

Financial Implications

Nil.

Key Risks and Considerations

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

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

- 10.3.3 (a):** Draft Local Planning Policy - Non-Residential Development in the Residential Zone
- 10.3.3 (b):** Draft Local Planning Policy - Non-Residential and Mixed Use Development
- 10.3.3 (c):** Draft Local Planning Policy - Residential Development
- 10.3.3 (d):** Draft Local Planning Policy - Non-Residential Parking

10.3.4 Proposed Additions to Educational Establishment - Lot 1333, No. 17 Craigie Crescent, Manning

Location: Lot 1333, No. 17 Craigie Crescent, Manning
Ward: Manning Ward
Applicant: The Trustee Of The Napier Family Trust T/A Conon Road Kindergarten
File Reference: D-24-7704
DA Lodgement Date: 30 November 2023
Author(s): Heidi Miragliotta, Urban Planner
Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

The purpose of this report is to consider an application for development approval for additions to an existing Educational Establishment at Lot 1333, No. 17 Craigie Crescent, Manning.

This item is referred to Council as the proposed additions are located on City owned land by a private entity and therefore falls outside of the delegation to officers.

For reasons outlined in this report, it is recommended that the application be approved.

Officer Recommendation

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6, the application for development approval for the additions to the Educational Establishment on Lot 1333, No. 17 Craigie Crescent, Manning, **be approved** subject to the following conditions:

1. The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
2. Prior to the submission of a building permit application, the applicant must be in receipt of an approved "Stormwater Drainage Application" that confirms the design is to the satisfaction of the City of South Perth. All stormwater discharge from the development shall be contained and disposed of on-site unless otherwise approved by the City of South Perth.
3. All existing trees shall be retained on site and protected during the works in accordance with AS 4970-2009 – Protection of trees on development sites, to the satisfaction of the City of South Perth.

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

Applicant Details	The Trustee Of The Napier Family Trust T/A Conon Road Kindergarten
Landowner	City of South Perth

Development Site Details

The development site details are as follows:

Zoning	Parks and Recreation/Public Purposes
Density coding	N.A.
Lot area	4,530m ²
Building height limit	7.0m

Comment

(a) Background

On 30 November 2023, the City accepted an application for additions to the existing Educational Establishment located on a portion of the local reserve at Lot 1333, No. 17 Craigie Crescent, Manning. The site has been used for educational purposes since 1956 and is currently occupied by Conon Road Pre-School (formerly Manning Kindergarten) which hold a lease over a portion of the reserve.

Whilst the development proposed is minor in nature this item is referred to Council following the amendment of Delegation DC690 Town Planning Scheme 6 by Council in June 2023, which removed the delegation to officers to consider any development applications on City owned or managed land by a private entity, irrespective of the scale of development.

This will be addressed in the review of Delegation DC690 at the March Audit, Risk and Governance Committee, as a consequence of the imminent gazettal of Local Planning Scheme 7.

(b) Description of the surrounding locality

The existing Educational Establishment on the site comprises a main building, several smaller outbuildings and outdoor play areas as depicted in the site photographs at **Attachment (a)**.

The site has frontage to Craigie Crescent to the north and north east, residential dwellings to the east and is bounded by the remainder of the reserve to the south and south east as seen in **Figures 1 and 2** below:

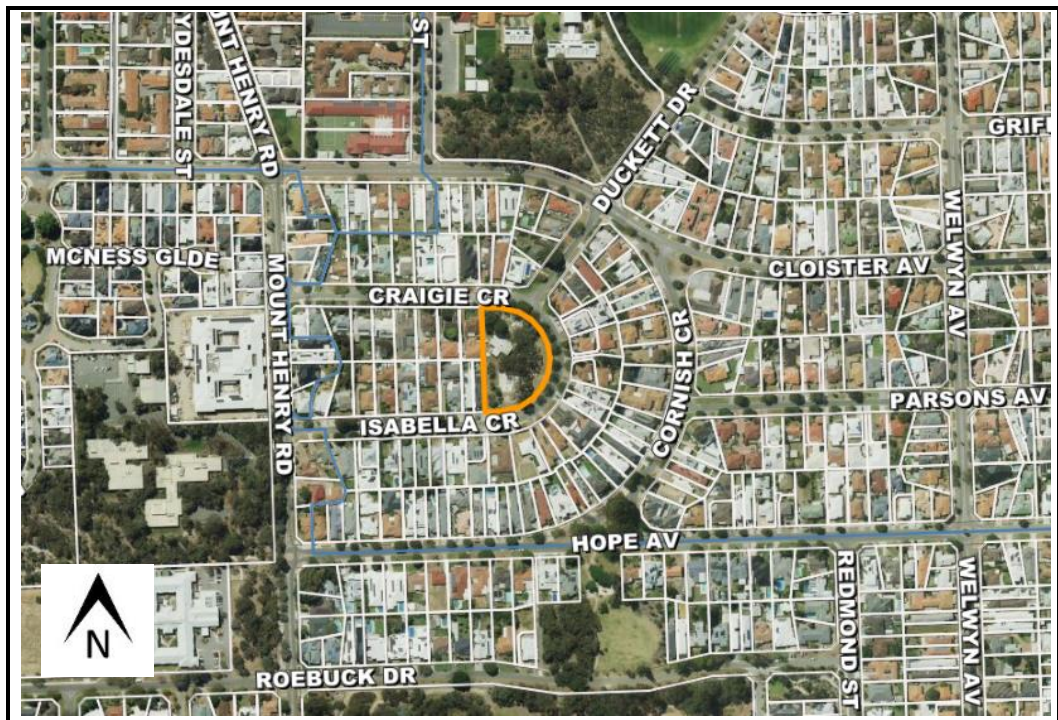


Figure 1: Aerial image of the subject site

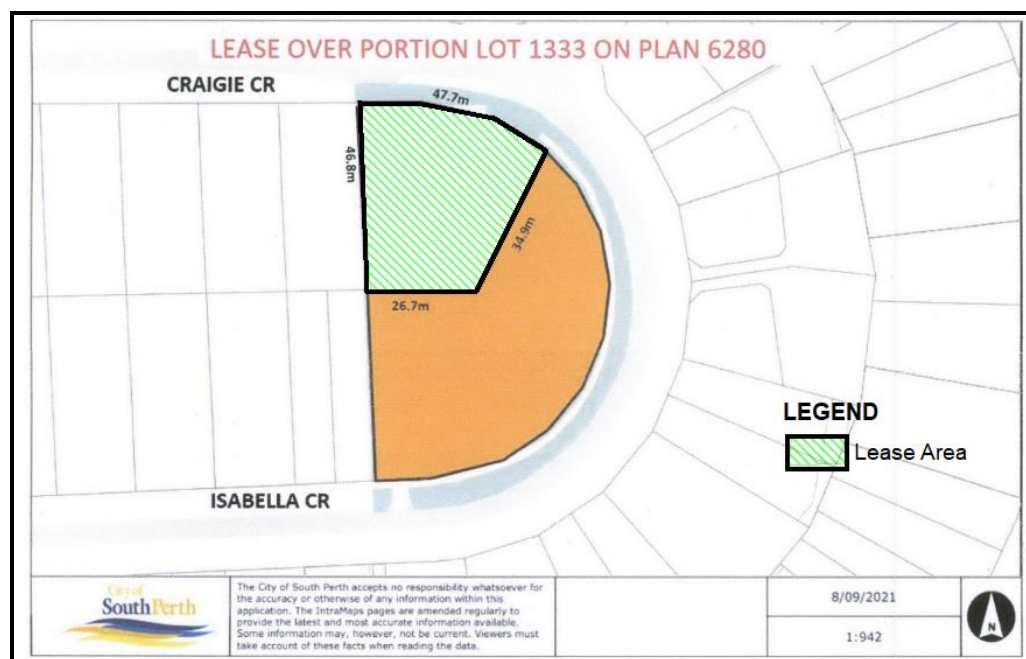


Figure 2: Lease Area of Educational Establishment

(c) **Description of the Proposal**

The proposal includes the following works:

- A free standing patio (Outdoor Play Area 1) to the north east of the existing building on site;
- A portico with a new security gate to replace the existing entry gate along the northern site boundary;
- A detached staff room to the south of the main building;
- A patio (Outdoor Play Area No. 2) to the west of the building;

- Shade sails to the rear of the building (Outdoor Area 3) and;
- Internal upgrades to the existing kitchen.

No increase in children or staff numbers are proposed.

The proposed internal works to the kitchen are exempt from requiring development approval.

The proposed works are depicted on the submitted plans at **Attachment (b)**.

(d) Planning framework

Town Planning Scheme No. 6 (TPS6) does not provide development standards to assess works located on land reserved under TPS6 for Public Purposes. The proposed works are therefore considered against Clause 67(2) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, the objectives of TPS6, and draft Local Planning Scheme No. 7 (draft LPS7).

The subject site is zoned Civic and Community under draft LPS7; draft LPS7 does not provide development standards to assess works located on land zoned Civic and Community and therefore the proposed works are required to be considered against the Reserve Objectives as outlined in Table 1 of draft LPS7 and Clause 67(2) of the Deemed Provisions. A dual assessment has been undertaken given that LPS7 may be gazetted during the preparation of this agenda prior to Council's consideration.

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

In considering the application, the local government 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 local government, relevant to the proposed development.

The matters relevant to the proposal are:

- (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; and*
- (h) Utilise and build on existing community facilities and services and make more efficient and effective use of new services and facilities.*

The proposed works are additions and upgrades to the existing development on the site.

The patios and shade sails are unenclosed, light weight structures which are distributed around the existing building and site and integrated into existing play areas. The staff room has been designed to resemble a cabin and has been located on the boundary closest to the reserve so as to minimise any impact upon the adjoining residential property. The staff room is partially screened by the existing building and landscaping.

The proposed entry portico and security gate provide a more clearly defined entry point and weather protection for parents and children accessing the site.

It is considered that the character and scale of the proposed structures are in keeping with adjacent residential development and the existing facility.

The works upon completion will improve entry legibility to the site, provide additional shade over play areas which will increase their effectiveness and improve the facilities for staff. The proposed development is considered satisfactory and is in keeping with the objectives of TPS6.

(f) Reserve Objectives: Table 1 of Draft Local Planning Scheme No. 7

In considering an application for development approval, the local government is to have due regard to, and may impose conditions with respect to, the objectives listed in Table 1 of draft LPS7, which are, in the opinion of the Local Government, relevant to the proposed development.

The matter relevant to this proposal is:

- *To provide for a range of community facilities which are compatible with surrounding development.*

The proposed works will improve the operation of the existing community use on the site. The works are minor in nature and as outlined above, the development is compatible with the existing use and the surrounding residential area.

(g) Matters to be considered by Local Government: Clause 67(2) 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(2) 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.

The matters relevant to the proposal are:

- (m) the compatibility of the development with its setting including –*
 - (ii) 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;*
- (n) the amenity of the locality including the following –*
 - (ii) the character of the locality.*

For the reasons outlined in this report, the proposal is compatible with surrounding development and the amenity of the locality and is therefore recommended for approval subject to conditions relating to stormwater disposal and the protection and retention of existing trees during construction.

(h) Consultation

Consultation was not required in accordance with Clause 64 of the Deemed Provisions.

Policy and Legislative Implications

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

- (a) granting development approval without conditions; or
- (b) granting development approval with conditions; or
- (c) refusing to grant development approval.

Financial Implications

Nil.

Key Risks and Considerations

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

Strategic Implications

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

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

Sustainability Implications

Nil.

Conclusion

It is considered that the proposal meets all the relevant objectives and provisions of TPS6, draft LPS7 and the Deemed Provisions. It is considered that the proposed works will not detrimentally impact the residential amenity of adjacent residential dwellings.

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

Attachments

- 10.3.4 (a): Attachment (a) - Site Photographs
10.3.4 (b): Attachment (b) - Submitted Plans

10.3.5 Hurlingham Living Stream Project

File Ref: D-24-7705
Author(s): Mark Jumeaux, Urban Design Coordinator
Geoff Colgan, Manager Parks and Environment
Reporting Officer(s): Anita Amprimo, Director Infrastructure Services

Summary

The City has made a successful grant application to the Swan Canning Riverpark Urban Forest program (SCRUF). The grant funding will permit conversion of the existing open drain on the South Perth Foreshore to a living stream. Under the funding program, the Department of Biodiversity, Conservation and Attractions provide two thirds contribution of the project with the City contributing the remaining third.

The total project cost is \$925,705 with the project programmed for completion by November 2026.

The project is a recommendation within the South Perth Foreshore Strategy and Management Plan 2015 for Node 7 (the Lakes) which was formally adopted following public consultation. The detailed design will be finalised following consultation with adjoining residents.

This report seeks Council endorsement to authorise the Chief Executive Officer to execute the funding agreement for the Hurlingham Living Stream project and list consideration of the City's contribution of \$323,356 in the relevant budget years.

Officer Recommendation

That Council:

1. Authorises the Chief Executive Officer to execute the grant funding agreement with the Department of Biodiversity, Conservation and Attractions for the Hurlingham Living Stream Project; and
2. Lists for consideration in subsequent Draft Annual Budgets, the City's estimated co-contribution of \$323,356 over two financial years.

Background

The South Perth Foreshore Strategy and Management Plan (SPFMP) published in May 2015, underwent extensive stakeholder engagement and is still the document that guides management and enhancement of the South Perth Foreshore. Several aspects of the SPFMP have been implemented and the City continues to seek cost effective ways to deliver the objectives of the strategy. The SPFMP splits the foreshore into "nodes" with each having a different focus. The strategy for Node 7 (the Lakes) includes development of the node as a water-based, ecologically focused precinct, restored, expanded and integrated into its surroundings; providing a retreat for bird watching/breeding, ecology and learning. A specific project for this node is the conversion of the open drain into a living stream.

A unique opportunity arose, where the City could apply for a two-thirds funding contribution to the project through the Swan Canning Riverpark Urban Forest program with the City's one-third contribution including in-kind costs. The City applied, and was successful is being awarded grant funding for the Hurlingham Living Stream project.

The proposed project contributes to node 7 strategies:

- N7.1 Enhance and encourage the flora/fauna of the lakes;
- N7.2 Ecological rehabilitation of the lakes and open drain;
- N7.3 Improve storm water management and water harvesting capabilities of the lakes and drain;
- N7.4 Nature play space;
- N7.5 Environmental education and information;

On 21 June 2023 the City provided a briefing to Council on the Urban Forest Strategy. The briefing identified priorities and opportunities for the City's urban forest which included the Hurlingham Living Stream project concept design. It is also proposed to include a bird watering station to provide elevated safe access to drinking water.

Comment

The Swan Canning Riverpark Urban Forest program is part of the State Government's Kep Katitjin – Gabi Kaadadjan – Waterwise Perth Action Plan 2, which aims to establish Perth and Peel as leading waterwise communities by 2030. The program is led by the Department of Biodiversity, Conservation and Attractions (DBCA).

Forests are important to our health and wellbeing; they cool cities and urban areas, reduce air pollutants, support biodiversity, regulate water flow, lower carbon emissions and can increase property value.

The City of South Perth's Hurlingham Living Stream Project will convert the existing open Hurlingham drain (and a considerable area of the surrounding turf) to a planted living stream. The project is located along the existing Hurlingham drain near Hurlingham Road, South Perth.

The Hurlingham Living Stream Project will align with the principles developed by the Department of Water and Environmental Regulation (DWER) and the Water Corporation for the conversion of existing drains to have ecosystems that mimic the characteristics of a natural stream. The City has designed and delivered many similar projects that have used these living stream principles.

The project aligns with the South Perth Foreshore Strategy and Management Plan 2015 and the principles developed by DWER for the conversion of existing drains to ecosystems that mimic the characteristics of a natural stream.

The City has made a successful grant application to the Swan Canning Riverpark Urban Forest program (SCRUF). The grant funding will permit conversion of the existing open drain on the South Perth Foreshore to a living stream. DBCA have provided a two thirds contribution of \$602,350, conditional upon a City co-contribution of one third \$323,356 (including "in kind" contribution). The total project cost is \$925,705 with planning and consultation scheduled for 2023/24 and the physical works scheduled to be delivered in phases through until November 2026.

The project will be delivered by a combination of internal and external resources with approximately 50% of the required 45,000 tubestock plants, will be propagated and grown by the City Nursery.

The project outcomes will be better water quality entering the river and an enhanced riverpark amenity and natural habitat area for park users and wildlife. Currently contaminated ground water flows from an old landfill site to the east and along the Hurlingham drain, before it enters Lake Hurlingham and ultimately the Swan River. In its present state the site offers limited passive recreational use in Summer and becomes sodden and unusable in winter. The living stream treatment will facilitate the removal of water borne contaminants while offering greater year-round useability and interest to park users.

Consultation

The Hurlingham Living Stream Project was outlined in principle under the adopted South Perth Foreshore Strategy and Management Plan 2015. Consultation was undertaken as part of the development of the South Perth Foreshore Strategy and Management Plan. Further, more detailed consultation will take place with adjacent residents and other identified stakeholders prior to finalising the design. The conceptual design and artist renders prepared and submitted with the grant application are attached to this report and will be the basis for consultation with adjoining residents and broader community information.

Policy and Legislative Implications

This matter relates to the following;

- South Perth Foreshore Strategy and Management Plan 2015
- South Perth Foreshore in response to the City's Strategic Community Plan 2021-2031.

Financial Implications

The City's one third contribution (\$323,356) to the project will be listed in the draft 2024/25 and 2025/26 Annual Budgets for consideration by Council.

Key Risks and Considerations

Risk Event Outcome	<p>Reputational Damage</p> <p>Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.</p> <p>Project Time</p> <p>This relates to any project exceeding the project deadline. Ranging from exceeding the deadline by up to 10% to 30% and over.</p>
Risk rating	Low
Mitigation and actions	Projects risks will be managed through robust project planning and timely stakeholder engagement.

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:	3.3.1 Maintain and improve ecosystem biodiversity in the City

Attachments

10.3.5 (a): Hurlingham Living Stream Concept

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 Listing of Payments December 2023

File Ref: D-24-7706
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 December 2023 to 31 December 2023 for information. It also includes purchase card transactions between 1 November 2023 to 30 November 2023 in line with new legislative requirements. The City made the following payments:

EFT Payments to Creditors	(359)	\$5,990,521.23
Cheque Payment to Creditors	(5)	\$897.30
Total Monthly Payments to Creditors	(364)	\$5,991,418.53
EFT Payments to Non-Creditors	(65)	\$377,781.52
Cheque Payments to Non-Creditors	(4)	\$3,186.76
Total EFT & Cheque Payments	(433)	\$6,372,386.81
Credit Card Payments	(76)	\$17,971.10
Fleet Card Payments	(48)	\$2,372.49
Total Payments	(557)	\$6,392,730.40

Officer Recommendation

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

Background

Council has delegated to the Chief Executive Officer (CEO) the exercise of power to make payments from its Municipal and Trust Funds. In accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996, a list of accounts paid by the CEO is to be prepared each month and presented to Council at the next Ordinary Meeting of the Council after the list is prepared. The Local Government (Financial Management) Regulations 1996 have been amended. Regulation 13A have been inserted requiring payments made with purchase cards to be included in the list of accounts paid.

Comment

The payment listing for December 2023 is included in **Attachment (a)**.

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

The report records payments are classified as:

- Creditor Payments

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

- Non-Creditor Payments

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

- Purchase Cards

Purchase card payments are included in the listing of payments as required by the amended Regulations. The amended Regulations requires the City to prepare a list of the payments made with each card and to present it to Council. Due to the time lag between receiving the statements and the successful acquittal of transactions in the City's system this listing will always be for the month preceding the month for which creditor and non-creditor payments are being reported.

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

Consultation

Nil.

Policy and Legislative Implications

Regulations 12, 13(1) and 13A of the Local Government (Financial Management) Regulations 1996.

Policy P602 Authority to Make Payments from the Municipal and Trust Funds.

Financial Implications

The payment of authorised amounts is within existing budget provisions.

Key Risks and Considerations

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

Strategic Implications

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

Strategic Direction:	Leadership
Aspiration:	A 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 December 2023
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10.4.2 Monthly Financial Statements December 2023

File Ref: D-24-7707
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 31 December 2023.

Background

Regulations 34(1) of the Local Government (Financial Management) Regulations 1996, requires each local government to present a Statement of Financial Activity reporting on income and expenditure as set out in the annual budget. Regulation 34(3) specifies that the nature or type classification must be used. In addition, regulation 34(5) requires a local government to adopt a percentage or value to report on material variances between budgeted and actual results. In addition to the above Regulation 35 requires a local government to present a Statement of Financial Position. The 2023/24 budget adopted by Council on 27 June 2023, determined the material variance amounts of \$10,000 or 10% for the financial year. The Financial Management Reports contains an Original and Revised Budget column for comparative purposes.

Comment

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

Ongoing supply shortages an effect of COVID-19 and the war in Ukraine are responsible for continued stubborn inflation worldwide including Australia. The quarterly September 2022 to September 2023 Perth CPI of 5.8% is still considerably higher than the Reserve Bank of Australia (RBA) target rates of between 2% and 3%.

The Australian Bureau of Statistics also reports national CPI on a monthly basis, the November CPI of 4.3% (measured November 22 to November 23), still regarded as too high.

To curb the high inflation the RBA have been raising interest rates since June 2022 increasing the cash rate target from 0.10% to 4.35%. At its December meeting the RBA decided to leave the cash rate target unchanged. In December it increased the cash rate target by 25 basis points, breaking the trend of the four preceding meetings where the RBA decided to leave the cash rate target unchanged.

The RBA made the following statement at its Board meeting of 5 December 2023: “Higher interest rates are working to establish a more sustainable balance between aggregate supply and demand in the economy. The impact of the more recent rate rises, including last month's, will continue to flow through the economy. High inflation is weighing on people's real incomes and household consumption growth is weak, as is dwelling investment. Holding the cash rate steady at this meeting will allow time to assess the impact of the increases in interest rates on demand, inflation and the labour market.”

In framing the Annual Budget 2023/24, the City considered the continued economic uncertainty. The City continues to prudently manage its finances through this challenging time whilst remaining conscious of the need to provide quality services to our community.

Actual income from operating activities for December year-to-date (YTD) is \$61.38m in comparison to budget of \$60.40m, favourable to budget by \$0.98m or 1.64%. Actual expenditure from operating activities for December is \$33.68m in comparison to the budget of \$35.32m, favourable to budget by \$1.64m or 4.64%. The December Net Operating Position of \$27.70m is \$2.63m favourable in comparison to budget.

Capital Revenue is lower than budget by \$0.91m, \$0.45m compared to budget of \$1.36m, revenue recognition is dependent on capital project completion. Actual Capital Expenditure YTD is \$3.72m in comparison to budget the budget of \$6.31m lower than budget by \$2.59m or 41%. A variance analysis is provided within **Attachment (e)** titled Significant Variance Analysis.

Cash and Cash Equivalents which amounted \$86.49m, \$7.16m more than the prior year comparative, mainly the result of rates falling due slightly earlier. Consistent with previous monthly reports, the Cash and Cash Equivalents balance is contained within the Statement of Financial Position. In addition, further detail is included in a non-statutory report (All Council Funds).

Interest rates are still creeping higher albeit at a slower pace than the preceding 12 months, with banks offering average interest rates of 4.79% for investments under 12 months. The City holds a portion of its funds in financial institutions that do not invest in fossil fuels. Investment in this market segment is contingent upon all the other investment criteria of Policy P603 Investment of Surplus Funds being met. At the end of December 2023, the City held 42.10% of its investments in institutions that do not provide fossil fuel lending. The Summary of Cash Investments illustrates the percentage invested in each of the non-fossil fuel institutions and the short-term credit rating provided by Standard & Poors for each of the institutions.

Consultation

Nil.

Policy and Legislative Implications

This report is in accordance with the requirements of the Section 6.4 of the *Local Government Act 1995* and regulations 34 and 35 of the Local Government (Financial Management) Regulations 1996.

Financial Implications

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

Key Risks and Considerations

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

Strategic Implications

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

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

Attachments

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

10.4.3 Listing of Payments January 2024

File Ref: D-24-7708
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 January 2024 to 31 January 2024 for information. It also includes purchase card transactions between 1 December 2023 to 31 December 2023 in line with new legislative requirements. The City made the following payments:

EFT Payments to Creditors	(389)	\$5,715,929.87
Cheque Payment to Creditors	(3)	\$1,292.80
Total Monthly Payments to Creditors	(392)	\$5,717,222.67
EFT Payments to Non-Creditors	(70)	\$715,259.25
Cheque Payments to Non-Creditors	(11)	\$11,070.87
Total EFT & Cheque Payments	(473)	\$6,443,552.79
Credit Card Payments	(84)	\$15,796.88
Fleet Card Payments	(45)	\$3,289.33
Total Payments	(602)	\$6,462,639.00

Officer Recommendation

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

Background

Council has delegated to the Chief Executive Officer (CEO) the exercise of power to make payments from its Municipal and Trust Funds. In accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996, a list of accounts paid by the CEO is to be prepared each month and presented to Council at the next Ordinary Meeting of the Council after the list is prepared. The Local Government (Financial Management) Regulations 1996 have been amended. Regulation 13A have been inserted requiring payments made with purchase cards to be included in the list of accounts paid.

Comment

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

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

The report records payments are classified as:

- Creditor Payments

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

- Non-Creditor Payments

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

- Purchase Cards

Purchase card payments are included in the listing of payments as required by the amended Regulations. The amended Regulations requires the City to prepare a list of the payments made with each card and to present it to Council. Due to the time lag between receiving the statements and the successful acquittal of transactions in the City's system this listing will always be for the month preceding the month for which creditor and non-creditor payments are being reported.

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

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

The payment of authorised amounts is within existing budget provisions.

Key Risks and Considerations

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

Strategic Implications

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

Strategic Direction:	Leadership
Aspiration:	A 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

10.4.3 (a):	Listing of Payments January 2024
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10.4.4 Monthly Financial Statements January 2024

File Ref: D-24-7709
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 31 January 2024.

Background

Regulations 34(1) of the Local Government (Financial Management) Regulations 1996, requires each local government to present a Statement of Financial Activity reporting on income and expenditure as set out in the annual budget. Regulation 34(3) specifies that the nature or type classification must be used. In addition, regulation 34(5) requires a local government to adopt a percentage or value to report on material variances between budgeted and actual results. In addition to the above Regulation 35 requires a local government to present a Statement of Financial Position. The 2023/24 budget adopted by Council on 27 June 2023, determined the material variance amounts of \$10,000 or 10% for the financial year. The Financial Management Reports contains an Original and Revised Budget column for comparative purposes.

Comment

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

Ongoing supply shortages an effect of COVID-19 and the war in Ukraine are responsible for continued stubborn inflation worldwide including Australia. The quarterly December 2022 to December 2023 Perth CPI of 3.6% is still higher than the Reserve Bank of Australia (RBA) target rates of between 2% and 3%.

The Australian Bureau of Statistics weighted average of eight capital cities quarterly CPI December 2022 to December 2023 of 4.1% is still regarded as too high.

To curb the high inflation the RBA have been raising interest rates since June 2022 increasing the cash rate target from 0.10% to 4.35%. At its February meeting the RBA decided to leave the cash rate target unchanged.

The RBA made the following statement at its Board meeting of 6 February 2024: “Higher interest rates are working to establish a more sustainable balance between aggregate demand and supply in the economy. Accordingly, conditions in the labour market continue to ease gradually, although they remain tighter than is consistent with sustained full employment and inflation at target. Wages growth has picked up but is not expected to increase much further and remains consistent with the inflation target, on the assumption that productivity growth increases to around its long-run average. Inflation is still weighing on people’s real incomes and household consumption growth is weak, as is dwelling investment.”

In framing the Annual Budget 2023/24, the City considered the continued economic uncertainty. The City continues to prudently manage its finances through this challenging time whilst remaining conscious of the need to provide quality services to our community.

Actual income from operating activities for January year-to-date (YTD) is \$63.13m in comparison to budget of \$61.76m, favourable to budget by \$1.37m or 2.22%. Actual expenditure from operating activities for January is \$39.10m in comparison to the budget of \$40.84m, favourable to budget by \$1.74m or 4.26%. The January Net Operating Position of \$24.03m is \$3.11m favourable in comparison to budget.

Capital Revenue is lower than budget by \$0.79m, \$0.72m compared to budget of \$1.51m, revenue recognition is dependent on capital project completion. Actual Capital Expenditure YTD is \$4.73m in comparison to budget the budget of \$6.93m lower than budget by \$2.21m or 32%. A variance analysis is provided within **Attachment (e)** titled Significant Variance Analysis.

Cash and Cash Equivalents which amounted \$82.29m, \$7.58m more than the prior year comparative, mainly the result of rates falling due slightly earlier. Consistent with previous monthly reports, the Cash and Cash Equivalents balance is contained within the Statement of Financial Position. In addition, further detail is included in a non-statutory report (All Council Funds).

Interest rates seems to have steadied, with banks offering average interest rates of 4.80% for investments under 12 months. The City holds a portion of its funds in financial institutions that do not invest in fossil fuels. Investment in this market segment is contingent upon all the other investment criteria of Policy P603 Investment of Surplus Funds being met. At the end of January 2024, the City held 45.53% of its investments in institutions that do not provide fossil fuel lending. The Summary of Cash Investments illustrates the percentage invested in each of the non-fossil fuel institutions and the short-term credit rating provided by Standard & Poors for each of the institutions.

Consultation

Nil.

Policy and Legislative Implications

This report is in accordance with the requirements of the Section 6.4 of the *Local Government Act 1995* and regulations 34 and 35 of the Local Government (Financial Management) Regulations 1996.

Financial Implications

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

Key Risks and Considerations

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

Strategic Implications

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

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

Attachments

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

10.4.5 Budget Review for the Period ended 31 January 2024

File Ref: D-24-7710
Author(s): Abrie Lacock, Manager Finance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

The City performed a comprehensive review of the 2023/24 Adopted Budget, the review was based on actual results for the period to 31 January 2024 and includes comments on the required adjustments. The last few years have seen steep rises in inflation worldwide including Australia, central banks have been increasing interest rates to curb inflation drivers. The war in Ukraine and the ongoing residual impact of COVID-19 continues to cause uncertainty and supply shortages around the world and is still seen as the root cause of high inflation.

As is the case for prior years, officers have looked for opportunities to reduce and manage operating expenditure. This effort together with increased revenue has resulted in an improvement to the overall financial position as reflected in this revised budget.

A Statement of Financial Activity is included, the same as the report included in each month's Council meeting agenda. It compares the original adopted budget to the reviewed budget, illustrating the movements within the review. Schedules detailing adjustments as well as a summary of the forecasted Financial Ratios are attached. The underlying theme of the review was to deliver an improved budget outcome.

Officer Recommendation

That Council:

1. Adopts the mid-year budget review and changes contained in the Statement of Financial Activity **Attachment (a)**, as well as the detailed changes contained in **Attachments (b), (c) and (d)**.

Absolute Majority required

Background

Under the *Local Government Act 1995* and the Local Government (Financial Management) Regulations 1996, a local government is required to review the Adopted Budget and consider its financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year. The results of this Budget Review are forwarded to the Department of Local Government after adoption by Council.

Comment

A Statement of Financial Activity is included, similar to the statements of financial activity presented to Council each month. It illustrates the adopted original adjusted budget, compared to the reviewed budget. It is recommended this report be reviewed first before considering the detail included within the schedules. In addition, a summary of the forecasted Financial Ratios has been included.

All adjustments are summarised within the Budget Review Statement of Financial Activity **Attachment (a)**. The detailed revenue and expenditure adjustments are described in **Attachment (b)**, with changes to capital and reserves contained in **Attachment (c)**.

A detailed examination of operating revenue and expenditure accounts along with capital revenue and expenditure has been undertaken to identify the required adjustments.

Where savings have arisen from completed capital projects, funds have been redirected towards other proposals and, where applicable funding from capital grants have been included. Adjustments to the transfers to and from Reserves and Municipal funds are accounted for. Projects and funding carried forward from the prior financial year are also included as these adjustments were approved in September 2023.

The projected Budget Opening Position for 2023/24 was adjusted to reflect the actual figure at year end rather than the 'estimated' figure that was used in formulating the budget. This matter is discussed further in the Financial Implications section of this report. Forecast amended Ratios based on these adjustments are included at **Attachment (d)**.

Overall, the City's financial position has improved since adoption of the Budget.

The review also considered the phasing (pattern of expenditure during the year) of the budget.

Consultation

Nil.

Policy and Legislative Implications

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Financial Implications

The Budgeted Net Operating Deficit in **Attachment (a)**, the Statement of Financial Activity by Nature and Type is forecast to improve and turn into as Surplus. The original budget deficit of \$1.06m is expected to improve by \$1.82m to return a surplus of \$756k. The detail of movements in Operating Revenue and Expenditure are described below.

The projected (at Budget adoption) Opening Net Current Assets in the Statement of Financial Activity by Nature and Type **Attachment (a)** brought forward from 2022/23 was \$6.92m. This figure has been adjusted to reflect the actual figure of \$13.02m at year end rather than the 'estimated' figure that was used in formulating the budget. The forecast net current assets closing position is \$7.03m which is an increase on the budgeted opening position.

Based on current projections, the FHI score will exceed the benchmark of 70 and is forecast at 89 by yearend. As is the case every year, the estimated Budget Closing Position will continue to be closely monitored during the remainder of the year.

Operating Revenue

Operating Revenue is forecast to increase by a net amount of \$1.88m overall. The below commentary explains the significant contributors to this variance, commentary is not provided in this report on other less significant variances included in the totals as adjustments are detailed in **Attachment (b)**. With reference to **Attachment (a)**, the Statement of Financial Activity by Nature and Type, the most significant favourable variance of \$1.34m in interest revenue is mainly due to much better than anticipated interest rates attained on term deposits, with banks currently offering average interest rates of 4.80% for investments under 12 months. Although, the additional interest drives the operating surplus, a significant portion (\$1.85m) of all interest earnings are transferred to reserves, meaning these funds are not available to fund municipal expenditures. This means that from a purely municipal expenditure funding point of view, the City would still be in an operating loss position.

Fees and Charges are higher by \$478k compared to original budget mainly due to increased golf course revenue of \$402k. Other increases and reductions mostly offset, for example more rubbish services charges being offset by lower fees in the planning area due to decreased activity. The balance of the increase mainly related to facility hire fees. There are minor favourable variances in Rates (\$30k) and Grants, Subsidies and Contributions (\$79k), respectively representing additional interim Rate revenue and Operating Grant adjustments. These are offset by unfavourable variances of \$47k in Other Revenue, mainly resulting from minor miscellaneous revenue adjustments. It should be noted that in relation to the Financial Assistance Grants the assumption is that the Federal Government will advance 100% of the 2024/25 grant at the end of the 2023/24 financial year, similar to what was done in the preceding financial year. If this practice is not repeated, the resulting adjustment will see an approximate \$1.6m reduction in operating grant revenue.

Operating Expenditure

Operating expenditure is forecast to increase by a net amount of \$66k from the Original Budget. Like Operating Revenue above, commentary is not provided in this report on other less significant variances included in the totals as adjustments are detailed in **Attachment (b)**. With reference to **Attachment (a)**, the Statement of Financial Activity by Nature and Type, the favourable variance in Employee expenses of \$368k results mainly from careful monitoring of employee expenses and planned and unplanned delays in filling vacancies. The favourable variance in Materials and Contracts of \$326k mainly due savings of \$215k relating to consultancy and legal fees with, the balance is made up of various smaller amounts.

The most significant unfavourable variance of \$763k is in Depreciation and Amortisation. The increase in Depreciation and Amortisation resulted from higher than anticipated asset valuations at the end of the 2022/23 financial year.

Capital Grants and Proceeds from Disposal of Assets

Net movement in grant revenue in the revised budget is anticipated to result in a \$127k downward adjustment resulting from rephasing of grant funded projects and adjustments related to roads. Proceeds from disposal of assets decreased by \$74k to reflect a modified renewal program, these assets will be disposed of in future financial years.

Detailed adjustments are contained in **Attachment (c)**.

Capital Expenditure

Complete detailed adjustments for all capital expenditure items are contained in **Attachment (c)**. Overall capital expenditure is anticipated to be \$234k lower than the original adjusted budget. Property plant and equipment expenditure is forecast to reduce by \$478k and infrastructure expenditure to increase by \$243k.

Included in property plant and equipment expenditure is building capital expenditure, which includes the addition of an All Genders Changerooms and Sport Lighting budget item of \$300k (grant funded) as well as an additional net budget of \$75k from rephasing and cost escalations of various public toilet upgrade works. These items are largely offset by a \$400k reduction in the George Burnett Pump track budget as this part of the pump track expenditure is delayed to next year. A rescoping requirement also delayed \$85k spend for Old Mill Perimeter Drain and there are various other minor adjustments. Capital outlays required for Plant and Equipment reduced by \$234k, mainly due to a modified renewal program (see Proceeds from the Disposal of Assets above).

Significant items included in capital outlays for infrastructure are \$251k for the Como Bowling Club Synthetic Green Conversion project, which is two thirds grant funded (project managed by the club) and increases in road renewal costs resulting from cost escalations due to material and staff shortages driving price volatility. Many of these projects are partly funded by Metropolitan Regional Road Group grants, grant variations have been applied for. As indicated earlier other adjustments offset most variations, details are as per **Attachment (c)**.

It should be noted that many capital projects are multiyear projects. Tenders are put to market for a project that that may need multiple years of proportionate budget approvals to tally to the tender estimates. As such tenders may require approval where budget allocation for a specific financial year does not match the total tender estimate. Examples are the George Burnette Pump Track and Hurlingham Living Stream.

Reserve Transfers

Transfer to reserves are forecast to increase by \$1.24m mainly because of improved interest earnings on reserve balances that will be transferred to the reserves. Transfer from reserves is forecast to decrease by \$5.11m, primarily due to the expectation that the Federal Government will not be asking for the return of \$5.5m in grant funds received for the RAF. This movement is offset by the temporary transfer of funds from the Major Community Facilities Reserve to fund the All Genders Changerooms and Sport Lighting capital expense item of \$300k, to be returned as part of 2024/25 budget when the \$5.5m and interest will be transferred to the Major Community Facilities Reserve. Complete detailed adjustments are contained in **Attachment (c)**.

Sustainability Implications

The purpose of the Budget Review was to assess the year-to-date actual results compared to the original adopted budget and make the required adjustments.

Over the past few years, various factors including the economic conditions predominantly a result of COVID-19 as well as the war in Ukraine, have caused uncertainty around setting budgets. The challenge for the City remains to improve revenue and maintain costs to ultimately improve the Operating Surplus Ratio. A more favourable financial environment, as well as prudent financial management have seen the net operating result improve over time. This review has resulted in an improved Net Operating Position, with a projected \$756k surplus. The City is able to forecast \$1.88m Operating Revenue increases, mainly the result of improved interest earnings on investments and fees and charges. Regardless of cost challenges and significant inflationary pressure only marginal overall operating cost increases of \$66k are forecast. Overall, this is positive result confirming the City's commitment to an improved net operating result and FHI score.

Key Risks and Considerations

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

10.4.5 (a):	Budget Review 2023-24 Statement of Financial Activity
10.4.5 (b):	Amendments identified from normal operations in the 31 January 2024 Budget Review
10.4.5 (c):	Amendments identified from capital operations in the 31 January 2024 Budget Review
10.4.5 (d):	Financial Ratios

11. APPLICATIONS FOR LEAVE OF ABSENCE

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 NOTICE OF MOTION - COUNCILLOR NIC COVENEY - HOONING ALONG THE PENINSULA

File Ref: D-24-7711
Author(s): Anita Amprimo, Director Infrastructure Services
Reporting Officer(s): Mike Bradford, Chief Executive Officer

Summary

Councillor Nic Coveney submitted the following Notice of Motion prior to the Council Agenda Briefing held 20 February 2024.

Notice of Motion Recommendation (Foreshadowed Notice of Motion as submitted by Councillor Mary Choy page 69)

That Council request the Chief Executive Officer to:

1. Investigate the options for the temporary closure of:
 - (a) the Millers Pool Car Park 11 between 9.00pm and 5.00am every day for a period of up to three (3) months, which land is described as Lot 920 on Deposited Plan 214831 and 214832 contained in certificate of Title LR 3119 Folio 157; and
 - (b) the thoroughfare leading to Mill Point Boat Ramp Jet Ski Area Car Park 12 between 9.00pm and 5.00am every day for a period of four (4) weeks, which land is described as Lot 920 on Deposited Plan 214831 and 214832 contained in certificate of Title LR 3119 Folio 157.
2. Until such time as Council considers the Report described at paragraph 4 below:
 - (a) install a barrier preventing use of the western portion of the Millers Pool Car Park 11 that extends under the Kwinana Freeway bridge;
 - (b) install a camera and lighting in the vicinity of Millers Pool Car Park 11, to monitor and deter antisocial driver behaviour, with the location determined in consultation with the local police; and
 - (c) monitor, record and collate vehicle speeds from the existing speed detecting and display signs at a point along Mill Point Road between Millers Pool and the signalised intersection with Labouchere Road, with such data to then be provided to the local police.
3. Engage in the following advocacy work with the following other key stakeholders:
 - (a) write a letter to the Officer in Charge of the Kensington Police Station, Senior Sergeant Michael Tite, requesting the following measures be undertaken along Mill Point Road between Millers Pool and the signalised intersection with Labouchere Road:

- i. the trial of a noise monitoring camera;
 - ii. a police blitz to target antisocial driver behaviour and non-complaint vehicles; and
 - iii. a traffic management assessment and recommended action plan;
- (b) write a letter to the Member for South Perth, Mr Geoffrey Baker MLA, seeking his support to advocate Paul Papalia, Minister for Police, Col Blanch, Commissioner of Police, and Officer in Charge of the Kensington Police Station, Senior Sergeant Michael Tite, for the measures referred to in paragraph 3(a) herein; and
- (c) write a letter to Main Roads Western Australia, requesting that the speed limit be reduced to 40 km/h along Mill Point Road between Millers Pool and the signalised intersection with Labouchere Road, the South Perth Esplanade, and Mends Street.
- 4. Report to Council as soon as possible, but no later than the May 2024 Ordinary Council Meeting:
 - (a) an update on the outcome of paragraphs 2 and 3 herein, including any recommendations as a result of these actions;
 - (b) the options, including cost estimates, for a permanent camera and increased lighting to be installed in the vicinity of Millers Pool Car Park; and
 - (c) the options, including costs estimates, for the temporary closures referred to at paragraph 1 herein.

Background

Councillor Nic Coveney submitted a Notice of Motion regarding the hooning activity at the South Perth Peninsula. The reasons for the Notice of Motion are as follows:

Current state of affairs

1. *The South Perth Peninsula is well known for its million-dollar views, the Mends Street precinct, the Perth Zoo, the Old Mill, and the ferry. In recent years, it has also become known for hooning.*
2. *Hooning was the single biggest issue which residents living along the Peninsula raised with me during my election campaign and which continues to be raised with Councillors. I have spoken with hundreds of residents and continue to liaise with them regularly. They tell me that, after dark, their backyards have become more akin to Perth Motorplex.*
3. *I am told these hoons are revving their engines every second day, and at all hours of the night, spoiling a resident's rights to the peaceful enjoyment of their own property, whether that be sitting on their balcony, watching a movie, or sleeping in peace. There are similarly safety concerns for those walking along the Peninsula at night.*
4. *Almost everyone that I spoke to on the Peninsula knew someone who had either just sold their apartment, or who was about to sell their apartment, or had gone to considerable expense installing double glazed windows, because they were fed up*

with the hooning. One need only visit the Millers Pool Car Park and the roads nearby to see them littered with unwelcome tyre skid marks.

5. *I suspect the hoons love affair of the Peninsula stems in part from the same reasons residents love the Peninsula – its central, close to the city, and offers million-dollar views. But for hoons, it goes further:*
 - (a) *the meeting point, being the Millers Pool Car Park, is situated under the Narrows Bridge is somewhat isolated, therefore offering limited passive surveillance;*
 - (b) *the Mill Point Road stretch offers a single straight road akin to a drag strip; and*
 - (c) *the distance being the South Perth freeway on and off ramp is close together thus creating somewhat of a race track loop.*
6. *Hooning, including speeding and excessive noise, is an ongoing issue. I have worked tirelessly since the election to understand the needs of residents, actions taken by the City and future plans, and what remains possible, but is not yet in the pipeline.*
7. *I am certain the City is aware of the impact that hooning has on residents and the community. Unfortunately, local government has very limited authority with respect to hooning. It is not responsible for enforcement of speeding and noise from vehicles, which is under the jurisdiction of the WA Police.*

What the City has done to date

8. *Notwithstanding this, the City does take the issue seriously and should take direct action on matters that it can, works closely with other stakeholders, and can advocate for the state government to take action.*
9. *In the last two and half years, the City has already undertaken a number of measures to address incidences of hooning. These measures include:*
 - (a) *the implementation of traffic calming measures along Mill Point Road, specially, raised safety platforms at the intersections of Queen Street and Stirling Street;*
 - (b) *the installation of speed detecting and display signs on Mill Point Road;*
 - (c) *the installation of speed humps on the entry to Millers Pool Car Park;*
 - (d) *working with Main Roads to park Main Roads emergency response vehicle in Millers Pool Car Park (its presence acts as a deterrent);*
 - (e) *working with Main Roads to locate a fixed CCTV for a 12-month period at Millers Pool Car Park to support the emergency response vehicle (this also acts as a deterrent);*
 - (f) *the periodic placement of the City's CCTV trailer in the area;*
 - (g) *coordinating with WA Police to conduct operations targeting 'hooning';*
 - (h) *advocating to WA Police to take action to address 'hooning' in the area; and*
 - (i) *communicating with residents on the need to report incidents of 'hooning' to the WA Police by calling 131 444 (which whilst frustrating and time-consuming, is the only way the WA police become aware of the frequency of the issue).*

Outcome of City measures to date

10. *Whilst some of the measures to address incidences of hooning have been successful in part, for example, the installation of raised safety platforms to combat speeding, they have also created new issues, like hoons using those platforms to accelerate and rev even louder.*
11. *Similarly, whilst residents are encouraged to report hooning as and when it occurs, it can be difficult to read license plate numbers from a balcony high off the ground, and by the time the police arrive, if at all, the hoons have departed.*
12. *The reality is there is no 'silver bullet' that can be used to completely eliminate this issue and it requires all of the community to work together to address it and in a strategic manner.*

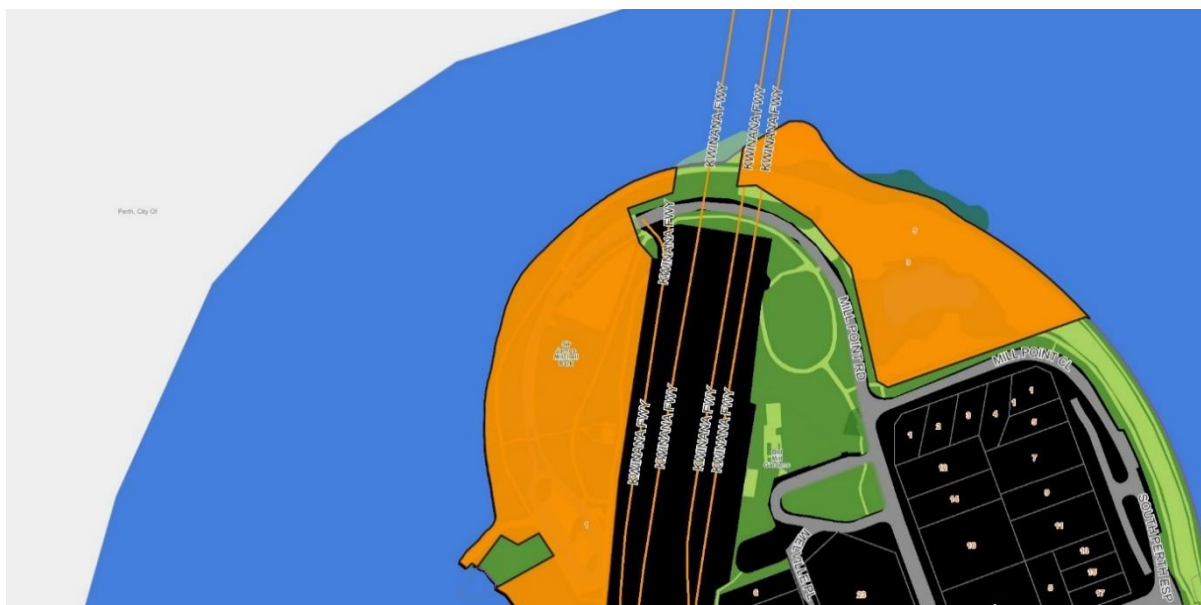
What the City already plans to do

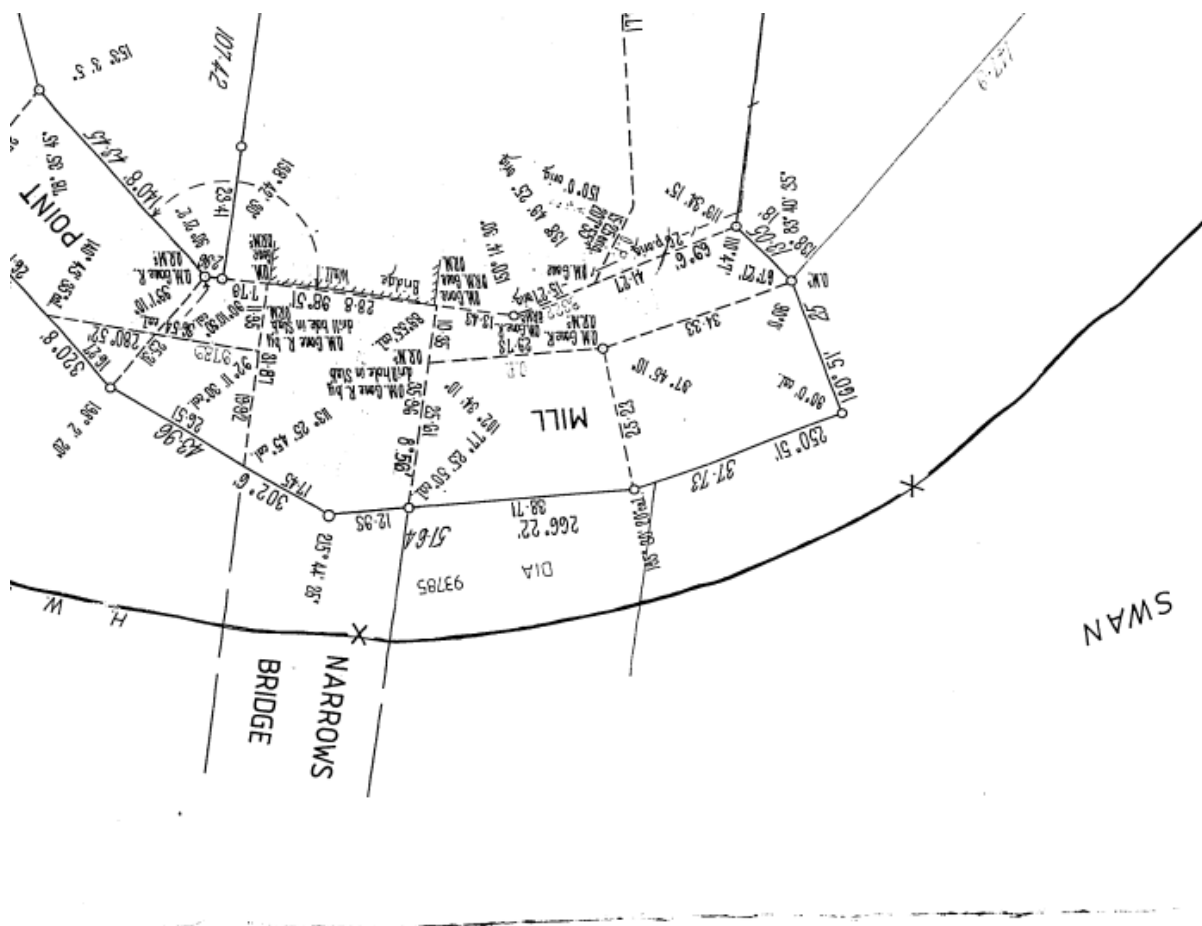
13. *Further actions which the City has already planned to address hooning include:*
 - (a) *the installation of raised safety platforms at the corner of Mill Point Road and Scott Street in March 2024;*
 - (b) *the proposed installation of a raised safety platform on Mill Point Road at the intersection of Mill Point Close in financial year 2024/25; and*
 - (c) *the development of a café at Millers Pool which will 'activate' the area and increase the public presence in the area.*

What else the City can do

14. *In October 2023, I campaigned on the installation of anti-noise cameras, being an emerging technology which is able to detect excess noise from vehicles, which is being trialled in New South Wales. Whilst the City does not have jurisdiction to action their installation themselves, it can and should advocate the state government to do so.*
15. *The City should also take immediate further action by way of:*
 - (a) *investigating the options for temporarily closing the Millers Pool Car Park and the thoroughfare leading to Mill Point Boat Ramp Jet Ski Area Car Park between 9.00pm and 5.00am every day for a period of three (3) months;*
 - (b) *until such time,*
 - i. *installation of a temporary concrete bollard at the Millers Pool Car Park, which will reduce the number of car bays and prevent vehicle access underneath the bridge (which is a spot attractive to hoons because it is not well lit, the sound echoes, and there is ample space for burnouts);*
 - ii. *install a temporary camera and better lighting in the vicinity of Millers Pool Car Park, to monitor and deter antisocial driver behaviour; and*
 - iii. *monitor, record and collate vehicle speeds from the existing speed detecting and display signs, which can then be provided to police.*
16. *formally engaging with key stakeholders, including the local member for Parliament, the local Police, and Main Roads; and*
17. *reporting back to Council about the effectiveness of these measures.*

18. *I understand from liaising with the administration that there is a process involved in temporary closing the car parks, and therefore closure is unlikely to be immediate and the costs are presently unknown. For example, the administration need to work through items such as the costings of gates, having vehicles left in the car parks after closure retrieved, and signage etc.*
19. *Once that exercise is undertaken, which is to be done by no later than May 2024, Council will be in an informed position to decide about whether to proceed with trialling the closure of the car parks after dark. In the meantime, they will have data about the effectiveness of the other temporary measures in place.*
20. *Whilst I have received mixed reviews from residents about the effectiveness of the CCTV camera, it is relatively inexpensive, can be installed quickly, and a proper trial with better lighting and consultation with the police, will allow decision makers to rule it in or out in as an effective measure to curb hooning.*
21. *I appreciate that the administration has been working incredibly hard to curb hooning, has finite resources, and ultimately this issue falls outside of its jurisdiction. However, we must stand up for our residents, and be a council who is tough on antisocial behaviour.*





Comment

As noted above the City has taken a number of steps to mitigate the impact of antisocial behaviour on the community in the vicinity of Mill Point Road; however the City is also aware that there has been limits to the effectiveness of these measures.

The City has made some initial investigations into the potential of night time closures of the Millers Pool and Mill Point Boat Ramp Jet Ski Area car parks and notes that there are some complexities that require further investigation and costing. Full details will be provided in the requested report to Council no later than the May 2024 Ordinary Council Meeting.

Temporary concrete barriers across the western portion of the Millers Pool car park are being installed at an approximate cost of \$5,000.

The City has also sought quotes for a mobile CCTV unit and lighting to be installed on a temporary basis in the vicinity of Millers Pool Car Park and these could be placed at reasonably short notice.

Consultation

The City has been in correspondence with several residents in the Mill Point road area including meeting with a collective residents group on Friday 2nd February 2024. The City is also in ongoing discussions with other stakeholders including WA Police in particular with relation to matters that are beyond the jurisdiction of a local government.

Policy and Legislative Implications

Any policy and legislative implications with the proposed closing of a throughfare will be detailed in the report back to Council.

Financial Implications

The cost to implement the concrete barrier is approximately \$5,000. It will cost a similar sum for the temporary camera and lighting. There is also likely to be some costs associated with assessing the options for nighttime closure of the car parks.

Full costs for the proposed car park closures and the permanent camera and lighting will be included in the report.

Key Risks and Considerations

Risk Event Outcome	Reputational Damage Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
Risk rating	Low
Mitigation and actions	The City will engage with residents and communicate what action is being taken.

Strategic Implications

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

Strategic Direction:	Community
Aspiration:	Our diverse community is inclusive, safe, connected and engaged
Outcome:	1.3 Community safety and health
Strategy:	1.3.1 Enhance community safety in conjunction with other agencies

Councillor Mary Choy's Foreshadowed Notice of Motion

That Council requests the CEO:

1. Do all things necessary to undertake the closure of both the Millers Pool Car Park 11 and the Mill Point Boat Ramp Jet Ski Area Car Park 12 (if possible from around 50 metres away from the left turn of the freeway off-ramp) between 10pm and 5am daily as part of a 3-month trial and to investigate whether the closure can be done automatically without a ranger being required. A temporary sign requesting all vehicles to vacate the carpark prior to 10pm and clearly communicating the new car park closing times to be erected on-site as part of the trial.
2. Monitor, collate and share with the local police any hooning activity footage captured on the City's temporary portable CCTV camera with number plate recognition as part of the 3-month trial.
3. Record, collate and share with the local police vehicle speed data captured from the speed awareness signals (and/or by any other means) along Mill Point Road between the signalised intersection at Labouchere Road and Millers Pool for the same 3-month period.
4. Write a letter to the local and W.A. Police, the South Perth State Member Mr Geoff Baker MLA and the State Government seeking support and advocacy on the hooning problem in South Perth and request:
 - (a) A traffic management assessment and recommendations on a suitable speed camera system for Mill Point Road, between Millers Pool and the signalised intersection with Labouchere Road; and
 - (b) A police safety blitz to target hooning, high risk and erratic driving behaviours, speeding, and non-compliant vehicles, between Millers Pool and the signalised intersection with Labouchere Road.
5. Consider the merits of the potential to use noise cameras to monitor and deter anti-social driving behaviour that impacts South Perth residents by way of excessive noise. Feedback to Council to include a review and analysis of the following:
 - (a) The legislative framework in Western Australia in relation to the potential use of noise cameras, including the ability for fines to be issued based on noise camera evidence;
 - (b) Any views of relevant authorities, such as the W.A. Police, W.A. Department of Transport, and the W.A. Environment Protection Authority;
 - (c) The noise camera program any other local governments use around Australia;
 - (d) The likely cost of using noise camera technology including purchasing equipment, integration, administration and operational costs, and any potential revenue; and

- (e) The feasibility of undertaking a trial of noise camera technology (including to collect data on the scale and frequency of the noise being generated by hooning activities), particularly in the vicinity of the Millers Pool carpark and between Millers Pool and the signalised intersection with Labouchere Road, where noise generating anti-social driving behaviour is a known issue.
- 6. If the car park closure trial in point 1 above fails to adequately curb hooning and anti-social activities at night, and subject to a review of the data collected following performance of point 2 above and any recommendations, then implement a 1-month trial of a full-time portable CCTV camera with number plate recognition in the Millers Pool carpark area and concurrently consider, as part of the 2024/25 Annual Budget process, a cost estimate for funding consideration by Council, the implementation of a permanent CCTV camera with number plate recognition in the Millers Pool carpark area for the purpose of combatting hooning and anti-social activities.
- 7. Provide any further recommendations to Council on how it is proposed to further reduce hooning and anti-social behaviour in South Perth and any other hotspot areas identified in the district.
- 8. Provide feedback to Council on all the above during the trial period outlined in point 1 above and the 2024/25 Annual Budget workshop deliberations, but by no later than end May 2024.

Reason for Foreshadowed Notice of Motion as presented by Councillor Mary Choy

1. *Hooning, in the Australian context, refers to risky driving behaviours, such as street racing and speed trials, as well as behaviours that involve unnecessary noise and smoke; this includes burn outs and skids. Combatting hooning and associated anti-social behaviour, particularly along Mill Point Road in the Peninsular Precinct of South Perth has become an increasingly high priority for this local government in recent years. The Millers Pool area in particular appears to have become a hot spot for public nuisance driving and anti-social behaviour. This includes excessive acceleration, revving, and crackle tuning to amplify and augment exhaust noises. These nuisance activities are causing high degrees of anxiety for residents, impacting on their amenity and quality of life, not to mention safety concerns.*
2. *Residents are regularly and consistently reporting hooning and related anti-social activities to the local police. However, it is very difficult for police to intercept and prosecute offending drivers, since the offenders have often left the area by the time police arrive.*
3. *In spite of everything the City has done and continues doing over recent times to try and combat the issue, the problem remains and the community are frankly fed up with being kept awake at night. There are also mounting fears with the number of cars and also motorbikes now navigating down Mill Point Road and gathering in the Millers Pool area, an injury to a person may eventually occur. Traffic calming measures like the new speed humps may have helped to slow speeding cars but can and seemingly have in some instances also created new problems when it comes to hooning, such as increased noise from vehicle deceleration and acceleration. This disruptive nuisance behaviour is totally unacceptable and needs to stop.*

4. *The South Perth Car Parks 11 and 12 are currently not used by local residents, businesses or visitors overnight, but Car Park 11 appears to be frequently used as a meeting place and gathering spot for car and motorbike clubs, as well as hoons and their vehicles. As long as Car Park 11 and consequently neighbouring Car park 12 remain open and empty at night, it is foreseeable that these vehicle meets and the hooning will remain an issue in the area. The City's new portable CCTV camera has been deployed temporarily in the Millers Pool carpark area for some weeks now, which again is great, but residents are still reporting hooning activities carrying on. Hence, it is the view, that removing the opportunity for people to meet and gather in large groups under the Narrows Bridge and surrounds should be the number 1 priority. It may also prove more cost effective for the City, over the installation of new security infrastructures in the first instance which could fail. The new temporary concrete barrier the City has recently installed in the western portion of the Millers Pool Car Park is a good start to addressing the gathering opportunity issue, but it is only a partial closure and only deters cars not all vehicles, which includes motorbikes who are reportedly still entering the enclosed car park area down the sides of the barrier. The barrier has also been put in place 24/7, as opposed to only late at night, which inconveniences legitimate and authorised daytime and early-evening users of the area. Hence, the view is the objective underpinning point 1 of my motion remains unresolved.*
5. *Emerging technology in the form of noise cameras that can detect and identify vehicles that make excessive noise have been used elsewhere in Australia and overseas and have the potential to help reduce the impact on South Perth residents too. Local governments have been reportedly successful in using these noise cameras, which enable the City to identify and help prosecute public nuisance driving. The noise camera is triggered over a certain decibel, with a few seconds of footage then recorded before and after the event. City officers can review the footage and identify if the driver was driving in a way that is a public nuisance. Officers can then work with the W.A. police to fine the driver. If however, say due to legislative limitations, drivers cannot currently be fined for excessive noise offences, the technology could still be utilized to gather noise data for the City's environmental health initiatives and to assist the police and our local State Members in advocating for legislative change.*
6. *In recognising that dangerous and reckless driving, including hooning is primarily a policing matter, it is important that the City continue to partner with our the W.A. and local police, our local State Member and relevant State Government agencies to collaborate and implement anti-hooning measures, including but limited to, traffic management assessments; community education campaigns; and trialling of noise detection camera technology, to enable swift identification and prosecution of public nuisance offences and give residents back their sleep and peace of mind.*

Officer Comment

Councillor Nic Coveney submitted his Notice of Motion in relation to this matter first on Friday 12 January 2024. Councillor Mary Choy also submitted a Notice of Motion on the same subject matter on Thursday 25 January 2024. Officers met with Councillor Choy and recommended that she move an amendment to Councillor Coveney's motions to ensure all points were covered in the best interests of the Community.

Councillor Choy has since submitted the Foreshadowed Notice of Motion above which will be considered in the event Councillor Coveney's isn't carried.

The commentary in the report responding to Councillor Coveney's Notice of Motion remains the same to address Councillor Choy's Foreshadowed Notice of Motion.

Attachments

12.1 (a): Pictures from 8 February 2024 - Provided by Cr Nic Coveney

12.2 NOTICE OF MOTION - COUNCILLOR MARY CHOY - RESTORING THE LAKE DOUGLAS BRIDGES IN THE SOUTH PERTH LAKES PRECINCT

File Ref: D-24-7712
Author(s): Anita Amprimo, Director Infrastructure Services
Geoff Colgan, Manager Parks and Environment
Reporting Officer(s): Mike Bradford, Chief Executive Officer

Summary

Councillor Mary Choy submitted the following Notice of Motion prior to the Council Agenda Briefing held 20 February 2024.

Notice of Motion Recommendation

That Council requests the CEO:

1. As part of the 2024/25 Annual Budget process, to prepare and submit options with cost estimates for funding consideration by Council, for the repair and or replacement of the Lake Douglas footbridges.
2. Provide a report to Council on the above for Council consideration by no later than the May 2024 Ordinary Council Meeting.

Background

Councillor Mary Choy submitted a Notice of Motion to include the Lake Douglas Footbridges into the 2024/25 Annual Budget. The reasons for the Notice of Motion are as follows:

1. *The Lake Douglas Bridges, being two ornamental wooden footbridges over Lake Douglas on Sir James Mitchell Park in South Perth, were installed in 1987 and 37 years on are unfortunately it appears in a dilapidated state, perceivably beyond repair and have been closed on and off for near on a year now due to safety concerns. This has caused a lot of upset in the community, not just with local residents, but also visitors with a disability and wildlife volunteers and observers such as bird watchers, who regularly frequent the Lakes Precinct on the South Perth Foreshore and use and to some degree depend on the footbridges to undertake their activities.*
2. *The Lake Douglas Bridges are situated within The Lakes precinct identified as Node 7 in the City's endorsed 'South Perth Foreshore Strategy and Management Plan' 2015 (SPFSMP). It is contemplated within that plan that the City continue providing "improved pedestrian legibility and access" within The Lakes precinct, which is to remain and/or continue to be developed as an "...ecologically focused precinct...", "providing a retreat for bird watching/breeding, ecology and learning", with one of the node actions being to "incorporate improved path and bridge connections..."*

3. *In February 2023, the City released a public notice advising the community that it had engaged external engineers to provide a condition assessment report on the Lake Douglas Bridges, which report provided recommendations for repair and maintenance. An initial engineering assessment identified that works would require the bridges to be closed for a period of time whilst these repairs and maintenance were carried out. In response to this assessment, the City installed a connecting path between the bridges to allow pedestrians to continue to use the area, that is to walk between the bridges on a solid path, but not over the bridges to reach the other side of the lakes. Nevertheless, following the necessary repairs and maintenance, the bridges were to be re-opened to the public.*
4. *In March 2023, the City released a public update advising the community that minor work was being carried out on the Lake Douglas Bridges to tighten handrails and re-fix timber boards, again reiterating that the bridges would be re-opened to the public once this work had been completed. The City also acknowledged that on-going maintenance work would be required for the life of the bridges, to ensure the bridges remained functional and open to the public at all times.*
5. *In November 2023, the City released another public notice advising the community that the Lake Douglas Bridges had now been assessed as being structurally compromised and therefore needed to remain closed for the safety of the public until further notice. Since that time, the bridges have remained closed and the City has been in the process of evaluating the future of the bridges, in terms of available options and costings.*
6. *Given the City in its public notices have acknowledged the community's sentiment towards the Lake Douglas Bridges and the broad usage of the bridges by a vast array of uses, as well as already having committed funds to undertake and carry out some repairs and maintenance work on the bridges in 2023 to try and keep them open, together with the node strategies and actions set out in the SPFSMP, it is imperative that these bridges are finally repaired and or replaced to their original or better condition as soon as possible as part of the next upcoming budget cycle and re-opened to the public in perpetuity.*

Comment

The City has prepared estimates and options for Council's consideration and feedback during the 2024/25 budget workshops. These options may be refined based on feedback provided by Council and any alternatives will be presented in subsequent budget workshops.

Consultation

Consultation with Council will be undertaken through the budget workshops.

Policy and Legislative Implications

Nil.

Financial Implications

The City has limited the options that will be presented to those that do not require further design work to be undertaken. The financial implications of each option will be included in the budget workshop.

Key Risks and Considerations

Risk Event Outcome	There are no risks associated with the recommendation of this report.
Risk rating	Not Applicable
Mitigation and actions	Not Applicable

Strategic Implications

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

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable, liveable, diverse and welcoming neighbourhoods that respect and value the natural and built environment
Outcome:	3.3 Enhanced environment and open spaces
Strategy:	3.3.4 Provide proactive enhancement of the environment, maintaining open space and effective management of the Swan and Canning River foreshores

Attachments

Nil.

12.3 NOTICE OF MOTION - COUNCILLOR MARY CHOY - ENCLOSED DOG EXERCISE AREA - OLIVES RESERVE DOG PARK

File Ref: D-24-7713
Author(s): Toni Fry, Manager Governance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

Councillor Mary Choy submitted the following Notice of Motion prior to the Council Agenda Briefing held 20 February 2024.

Notice of Motion Recommendation

That Council requests the CEO:

1. As part of the 2024/25 Annual Budget process, provide cost estimates for funding consideration by Council, for fully enclosing the Olives Reserve Dog Exercise Park and providing additional dog facilities within or around the park.
2. Provide feedback to Council during the 2024/25 Annual Budget deliberations, but by no later than end May 2024.

Background

Councillor Mary Choy submitted a Notice of Motion to include enclosing Olives Reserve as a dog exercise area in the 2024/25 Annual Budget. The reasons for the Notice of Motion are as follows:

1. *The City of South Perth has more dogs registered now than ever before and ever since I was elected to Council in 2019, I have been approached by residents complaining about there being no appropriate enclosed dog exercise area in the district.*
2. *The City of South Perth has many open dog-off-lead exercise areas, but they don't offer any of the features that are found in other well-utilised fully enclosed dog exercise parks in Perth. Hence, residents must leave the district to use other local government's enclosed dog parks and dog facilities.*
3. *Responsible dog owners know they need to exercise their dog regularly and in my discussions with community members, they explain that the open style off-lead dog exercise areas that are only currently available in the district are not suitable for all dogs or their owners and this is restricting dogs' exercise opportunities. What these residents would like to see for their dogs, is fully enclosed fenced off areas such as a small dog and a big dog park area, along with training and play equipment designed to get the dogs, the owners and family members involved in exercise and training together.*

4. *An enclosed dog park allows for better regulation of dog behaviour and increased training opportunities. It ensures dog owners can monitor their dogs and intervene in any behaviours observed, if necessary, especially around other dogs and their owners. City rangers also have an opportunity to inform and educate owners on updated dog local laws and other initiatives.*
5. *There are examples of enclosed dog exercise parks throughout Perth, including in neighbouring Town of Victoria Park and City of Perth, with some employing creative design features and including equipment such as tunnels, hoops, ramps, splash pad, rubberised walkways, training areas, agility courses, water fountains and dog wash stations. Benches are also provided within these dog parks to enable owners to sit in the shade and enjoy a break with their dog. It is viewed as a great opportunity for owners and their dogs to get out, enjoy nature, the company of others, whilst getting some exercise at the same time, and within a relatively safer area than an open off-lead dog area.*
6. *Users of the existing Olive Reserve Dog Exercise Park have told me on numerous occasions that they would prefer for the park to be fully enclosed, with some keeping their dogs on-lead in the off-lead park for safety reasons. Sadly, one such dog owner's fear was realised only just recently, when her small dog for whatever reason got the desire to go through the hedges that act as a natural barrier adjacent to the road in front of an on-coming car and was killed instantly. Of course, this was distressing for all involved. Similar incidents have been reported on the South Perth foreshore, with dogs exercising in off-lead areas crossing shared pathways in front of on-coming cyclists. It demonstrates that no matter how predictable or well-trained a dog may seem to be, if something sets them off there may be no stopping them and the result can be catastrophic. As the district is becoming more built up and many parks and reserves are increasingly being designated for multi-purpose shared used activities, increased safe exercise opportunities for dogs are also needed.*
7. *The location proposed has already had preliminary investigations undertaken by the City administration, is already designated and utilised as a dog exercise park, already has some exercise and agility course equipment installed and is already partially enclosed. Hence, the location is viewed as a suitable location and also economically, enhancing the infrastructure of the existing facility represents a significantly more cost-effective solution than constructing an entirely new facility from scratch somewhere else. Of course, if this enclosed dog park is successful, the City may wish to investigate other enclosed dog park opportunities in the future.*

Comment

A workshop was held with the Elected Members on 4 December 2023. During that workshop the topic of enclosed dog parks was raised.

Following that workshop the internal working group has identified options for an enclosed dog area and are currently working out the costings to provide to the Elected Members at a workshop scheduled to be held Monday 11 March 2024.

Ongoing discussions will continue with Elected Members during the 2024/25 budget setting workshops.

Consultation

Consultation will take place with the Elected Members during a series of workshops.

Policy and Legislative Implications

Nil.

Financial Implications

This will be provided to the Elected Members at the workshop scheduled to be held 11 March 2024.

Key Risks and Considerations

Risk Event Outcome	Reputational Damage Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
Risk rating	Low
Mitigation and actions	The City will undertake stakeholder engagement and follow the requirements of the <i>Dog Act 1976</i> .

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:	3.3.3 Improve the amenity value and sustainable uses of our streetscapes, public open spaces and foreshores

Attachments

Nil.

12.4 NOTICE OF MOTION - COUNCILLOR BRONWYN WAUGH - ADVERTISING OF SHORT TERM ACCOMMODATION LOCAL PLANNING POLICY

File Ref: D-24-7714

Author(s): Donna Shaw, Director Development and Community Services

Reporting Officer(s): Mike Bradford, Chief Executive Officer

Summary

Councillor Bronwyn Waugh submitted the following Notice of Motion prior to the Council Agenda Briefing held 20 February 2024.

Notice of Motion Recommendation (Suggested Alternative Recommendation page 92)

1. That the Council, pursuant to Schedule 2, Part 2, Clause 4(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, advertises the draft Local Planning Policy – Short Stay Accommodation in the terms annexed hereto, save for clause 2.2.1 for which the Chief Executive Officer has discretion to include the relevant carparking requirements prior to the publication of the Policy.
2. That a report to Council on the above be presented by no later than the May 2024 Ordinary Council Meeting.

Background

Councillor Bronwyn Waugh submitted a Notice of Motion regarding the adoption of a new Local Planning Policy for Short Term Accommodation. The reasons for the Notice of Motion are as follows:

“This motion requests Council to consider the advertising of a new Short Term Accommodation Policy to replace the current policy.

The proposed policy is designed to cater for the new LPS7 and to provide clarity to the community and potential proponents to provide guidance. The proposed policy takes into consideration the recent parliamentary enquiry, the proposed amendments to the local planning regulations and the Planning for Tourism and Short-term Rental Accommodation Guidelines position paper and the Planning Bulletin produced by the WAPC.

In September 2019, The Economics and Industry Standing Committee delivered its report entitled Levelling the Playing Field, Managing the impact of the rapid increase of Short-Term Rentals in Western Australia.

The Parliamentary Committee concluded relevantly:

- *Finding 1 – as of early 2019, there were at least 20,000 Short-Term Rental listings in Western Australia.*
- *Finding 6 – Traditional Accommodation providers generally have greater overhead costs than individuals offering Short-Term Rentals as a direct result of existing State and local government regulations and policy settings;*

- *Finding 10 - Traditional Accommodation providers in the South West of Western Australia indicated a significant drop in their revenue and occupancy rates.*
- *Finding 11 – Evidence ... demonstrates that growth in Short-Term Rentals affects the availability of long-term rentals and affordable housing.*
- *Finding 15 - Short-Term Rentals can cause a range of amenity impacts in residential areas, such as parking, the creation and collection of rubbish, the noise and anti-social behaviour of guests, and the behaviour of their pets.*
- *Finding 17 ... many local governments are not adequately enforcing compliance with their local planning schemes, local planning policies and local laws.*

The Parliamentary Committee also found on page 63 that “local governments are able to prepare a local planning policy (LPP) to address any matter relating to the planning and development within any area covered by their LPS. LPPs are non-binding documents generally developed “to guide applicants in their submission of an application.”

In response to the Parliamentary Inquiry Report, on 18 January, the WAPC released a planning position statement for tourism and short-term rental accommodation and launched a registration scheme for short-term rental accommodation providers.

The Planning for Tourism and Short-term Rental Accommodation Guidelines released by the WAPC will be read in conjunction with the Position Statement entitled “Planning for Tourism and Short-term Rental Accommodation”.

It is intended to guide the implementation and aims to:

- *provide context for planning and decision making on tourism and short-term rental accommodation development and land use;*
- *encourage strategic planning that considers local tourism and its broader context;*
- *assist local government in planning for tourism and short-term rental accommodation in its local planning strategy and local planning scheme;*
- *encourage a consistent approach to tourism and short-term rental accommodation in local planning frameworks; and*
- *encourage the flexible and adaptive design of tourism and mixed-use development suited to each local government area.*

The guidelines state:

“Local governments have the opportunity to consider where tourism uses are best located and the amount of land required to service tourism through community consultation and the preparation or review of the local planning strategy, local planning scheme and local planning policies.”

Unfortunately, the guidelines do not provide significant direction to the development of Local Planning Policy, which has been left to Local Government.

Local planning policies can be prepared to inform land use and development control. The Guidelines refer to section 5.4.2 of the Position Statement for specific guidance on preparing local planning policies to outline the local government’s approach to short-term rental accommodation.

Clause 5.4.2 of the Position Paper States:

Development control measures can be set through local planning schemes and local planning policies to manage size, location, and potential amenity impacts.

The guidelines and position paper also recommend amendments to the Local Planning Scheme. This will need to be considered more formally later, as stated in the Planning Bulletin “from a land use planning perspective”.

By Planning Bulletin 115/2023 issued by the WAPC, entitled Short-Term Rental Accommodation, It is anticipated that these will result in “amendments to the Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations) to introduce new land use classes and exemptions for STRA”.

Interim Guidance for local government in the Bulletin states:

Local governments will play an important role in implementing these changes through their local planning frameworks. Most significantly, this will include amendments to local planning schemes to incorporate new land use classes for STRA, along with the deletion of any superseded land uses where relevant. Local planning policies may also be prepared to provide further guidance on various other matters.

A coordinated approach is expected across Local Government by way of amendment to the Planning and Development (Local Planning Schemes) Regulations 2015 that will, in the main, deal with ‘Hosted Short-Term Rental Accommodation’ as exempt development and ‘Unhosted Short-Term Rental Accommodation’.

Exempt development is not to be considered against the policy criteria. Put another way, if development is exempt, a Local Planning Policy does not apply as an instrument to which due regard is to be had in the grant of approval because it is an exempt development.

The need for the Council to provide leadership in its district in this area is critical. As an inner City Local Government the City of South Perth is under pressure for more Short-Term Rentals, returns on Short-Term Rentals can be more than double the usual rents. However, the Council must ensure that the City does not become the subject of Short-Term Rental Accommodation in random locations scattered throughout the City. It must adopt a policy that guides decision-making where Short Term Rental may be provided and where it is inappropriate.

Further, Short-Term Rentals divert from traditional accommodation providers. Leadership is required to preserve those locations supported for traditional accommodation. Several providers are located within the City of South Perth.

If the City enables scattered Short-Term Rentals throughout its district, it has the effect of subverting legitimate professional accommodation providers.

Further, the City of South Perth must show leadership in ensuring the fabric of our communities is protected without an erosion of the amenity. As the Parliamentary Inquiry found:

“Short-Term Rentals can cause a range of amenity impacts in residential areas, such as parking, the creation and collection of rubbish, the noise and anti-social behaviour of guests, and the behaviour of their pets.”

In this respect, robust measures are being recommended to ensure providers adhere to the Management Plans that they submit to the City and to provide a mechanism of enforcement if those management plans are breached by removing the grant of the Development Approval (this is permissible. The Parliamentary Inquiry found it is often difficult to enforce planning conditions around several persons in Short-Term Rental or parking requirements. However, the possibility of losing Approval ought to be a significant incentive to ensure compliance. Removing an approval granted is permissible by law (see Section 50 of the Interpretation Act).

This is a matter of great importance to the City of South Perth to ensure it supports short-term rentals in the appropriate locations. Adopting a new Local Planning Policy under LPS 7 is required given the palace state of rental accommodation that is available, otherwise known as the rental crisis.

Other inner-City local government districts are also reporting a proliferation of Short Stay Rental and are considering the adoption of Local Planning Policies to guide development approval decision making.

It is known that in 2019, 20,000 Short-term Rentals were available for Western Australians, which will go a considerable way to alleviating the rental crisis in Western Australia.

A Local Planning Policy dealing with Short Term Rental ought to be adopted by the Local Government to address appropriate locations for Development Applications being made for Short-Term Rentals, going some way to address the present housing crisis and ensure that locations are identified that are suitable for Short-Term Rental accommodation with proximity to Tourist Sites, or within Centre Zones to limit amenity impacts and locate Short-Term Rentals in areas that are appropriate. Even if certain types of short-term rentals become exempt development uses, the City ought to continue the adoption of appropriate policies to address the present needs. If a Policy needs to change, then this can be done with relative ease.

PROCESS FOR ADOPTING A POLICY

The procedure for making a Local Planning Policy is in the Planning and Development (Local Planning Schemes) Regulations 2015, specifically clause 4 of Schedule 2. The process is summarised below:

- 1. Published the proposed policy in accordance with clause 87, giving details of the policy, objectives, and the manner and form of submissions, as well as giving at least 21 days within which submissions are to be made.*
- 2. If the Policy is inconsistent with a State Planning Policy, give notice to the WAPC;*
- 3. Carry out any other consultation that the City considers appropriate, and this would usually include the WAPC;*
- 4. After the closure of submissions, review of the submissions and proceeding with or without modifications to the policy, the WAPC ought at this time to have approved the policy as part of the consultation process;*
- 5. If the Local Government decides to proceed with the policy, then publish a notice in accordance with clause 87 of the Planning and Development (Local Planning Schemes) Regulations 2015;*
- 6. Publish and keep up to date with the policy.*

CONCLUSION

In respect to Local Planning Policy, the Bulletin states: "Local governments may develop local planning policies or additional scheme provisions to address specific STRA planning issues in their area provided these are consistent with the LPS Regulations and Position Statement."

This proposed policy is consistent with the Position Policy, LPS Regulations, and proposed LPS 7 upon adoption and ensures a current framework is in place to guide decision-making on the most appropriate location for Short-Term Accommodation.

This Policy is consistent with State Planning Policies. It provides leadership to ensure the vibrancy of our community while identifying appropriate locations where short-term rentals are to be located.

This policy will ensure that:

1. *Short-Term Rentals are located in appropriate locations consistent with the Parliamentary Inquiry outcomes, the Short Stay Rental Guidelines and the Position Paper and Planning Bulletin issued by the WAPC;*
2. *Adopting a Short-Term Rental policy under LPS 7 is essential in circumstances where a new policy is being adopted;*
3. *Residential amenity is maintained in the City of South Perth;*
4. *Ensuring residential homes are available for rental, alleviating the current rental crisis, and*
5. *Ensuring traditional accommodations providers, who are subject to significant regulatory burden, are not diminished as a consequence of Short-Term Rental accommodation by avoiding a proliferation of Short-Term Rentals within the City of South Perth.*

LOCAL PLANNING POLICY - SHORT-TERM RENTAL

This is a Local Planning Policy prepared under Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations). This Policy may be cited as Local Planning Policy – Short Term Rental.

INTRODUCTION

The City of South Perth is within proximity to the Perth Central Business District, tourist attractions such as the iconic river foreshore, Perth Zoo, main street entertainment areas, and public transport networks. This makes the City of South Perth attractive for Short Term Accommodation. Short-stay accommodation must be appropriately located and managed to ensure the ongoing amenity of the residential areas and to ensure the City remains a vibrant community where people live, work and recreate.

The City of South Perth is supportive of diversity in accommodation types to ensure economic vibrancy and facilitate a local tourist economy; the purpose of this Policy is to guide decision-making in respect of appropriate locations where Short Term Accommodation is to be located.

When considering any Development Application for short-term accommodation, it is important to ensure land use compatibility with existing uses within an area and to minimise land use conflict, specifically in residential areas. This is because the activities associated with short-stay accommodation land uses are different to those of permanent residential populations. Whereas the purpose of residential areas is to adequately protect areas, the City should also ensure that it provides short-term rental accommodation close to tourist sites.

This policy ensures that Short-stay accommodation will only be located in appropriate locations proximate to Tourist Sites.

When considering a proposal for short-stay accommodation, the City will apply strict locational and management conditions to ensure ongoing compatibility with surrounding land uses.

PURPOSE

The purpose of this policy is to provide clear standards for short-term accommodation proposals within the City of South Perth and ensure operators understand their responsibilities to ensure that residential amenity is not affected. The purpose of this policy is also to ensure that the amenity of existing localities and residents remain intact, but that Short Term Accommodation is located proximate to Tourist Sites.

OBJECTIVES

The objectives of this policy are to ensure Short Term Accommodation in the City of South Perth:

- 1. Positively contributes to the surrounding locality and diversity of accommodation types offered in the area;*
- 2. Are contextually appropriate and respond to the emerging State Government framework for host and un-hosted tourist accommodation;*
- 3. Are managed in a manner that protects the amenity of the surrounding community, especially existing and established residential areas;*
- 4. Are located, designed and operated in a manner that minimises the level of noise generated by guests in the surrounding community;*
- 5. Do not negatively impact the heritage integrity of a place or its historical and social value;*
- 6. Do not have an undue impact on the amenities of the area, including surrounding residential properties and businesses; and*
- 7. Provide sufficient car parking or access to alternative transport modes to minimise the negative impact on the area's amenity.*

SCOPE

This policy applies to the following land uses within the City of South Perth's Local Planning Scheme No. 7 area:

- Bed and Breakfast;*
- Holiday House;*
- Holiday Accommodation;*
- Hotel;*
- Motel;*
- Serviced Apartment;*
- Tourist Development; and*
- Any unlisted use that is used for short-term accommodation.*

Land use definitions are provided in Part 6, Division 2 – Land use terms used in Scheme, Clause 38 of Local Planning Scheme No. 7.

This policy has been prepared in accordance with Table 3: Short-term Rental Accommodation Planning Scheme and Conditions of the Planning for Tourism and Short-term Rental Accommodation Guidelines dated November 2023, released by the State Government of Western Australia.

On this basis, the requirement for development approval (i.e., the provisions of this policy) will apply only to un-hosted short-stay accommodation outside of tourist zones.

PART 2 – POLICY PROVISIONS

1. DEFINITIONS

Family means a group of one or more parents/caregivers and their children residing together as a unit.

Guest means a person who occupies a building for short-term accommodation but is not covered by a Residential Tenancy Agreement.

Host means a person who permanently resides at a building used for short-term accommodation and is responsible for its upkeep and management.

Short-term accommodation/short stay accommodation means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12-month period. **Strata Company** means a body corporate constituted under section 32 of the Strata Titles Act 1985, whether for a strata scheme or a survey-strata scheme.

Tourist Sites include the Old Mill and Perth Zoo.

2. DEVELOPMENT APPROVAL REQUIREMENTS

Unless exempt, proposals to operate short-term accommodation require the submission and approval of an application for development approval by the following requirements.

2.1 Specific requirements for all Short-Term Accommodation that require development approval

NEIGHBOURHOOD CENTRE ZONE

- a) *The preferred location for short-term accommodation uses is on land zoned Neighbourhood Centre. This is because the City's Neighbour Centre Zone has high entertainment, amenity value, and accessibility.*
- b) *Proposals for short-term accommodation shall demonstrate that the use is compatible with and would not negatively impact the amenity of surrounding uses by addressing the following Acceptable Development Criteria:*
 - *The proposal is in respect of the heritage significance of the subject site or immediately adjoining sites listed in the City of South Perth's Municipal Heritage Inventory or the State Heritage Register as detailed in the place's Statement of Heritage Significance.*
 - *Short-term accommodation areas that propose a sufficient distance and separation from the outdoor living area of the adjoining property(s) to minimise noise generated by guests.*
 - *An accommodation that has a direct interface with noise-generating (non-residential) uses or where ambient noise/activity already exists.*
 - *As a host is not present, a management plan (in accordance with Clause 2.2.3 below) is to be submitted, ensuring the proposal is consistent with the objectives of this policy.*

CENTRE ZONES

Consistent with Clause 18.6 of LPS 7, Short Term Accommodation uses shall be identified within the relevant structure plan or local development plan.

If short-term accommodation can be considered, an application shall not be submitted unless the Strata has expressly granted prior written consent for the application to be made.

All Other Zones (Residential, Private Community Purpose, Mixed Use and Local Centre)

Proposals in these zones will only be considered if they are:

- *Within 200 metres of the Old Mill site.*
- *Within 200 metres of the Perth Zoo site.*
- *Within 400 metres of a Neighbourhood Centre.*

Proposals for short-term accommodation within these locational areas shall demonstrate that the use is compatible with and would not negatively impact the amenity of surrounding uses by addressing the following Acceptable Development Criteria:

- *The proposal is in respect of the heritage significance of the subject site or immediately adjoining sites listed in the City of South Perth's Municipal Heritage Inventory or the State Heritage Register as detailed in the place's Statement of Heritage Significance.*
- *Short-term accommodation areas that propose a sufficient distance and separation from the outdoor living area of the adjoining property(s) to minimise noise generated by guests.*
- *Accommodation that has a direct interface with noise-generating (non-residential) uses or where ambient noise/activity already exists.*
- *As a host is not present, a management plan (in accordance with Clause 2.2.3 below) is to be submitted, ensuring the proposal is consistent with the objectives of this policy.*

Short-term accommodation will not be considered in these zones unless they meet the above location criteria. If they are located within the above, they must also comply with this policy's general development requirements.

2.2 General Development Requirements for all short-term accommodation proposals that require development approval**2.2.1 Car Parking**

The following car parking requirements apply to all short term accommodations where a development application is required:

<i>Use Class</i>	<i>Parking Provision</i>

2.2.2 Management Plan and Code of Conduct

All applications for short term accommodation require a detailed Management Plan and Code of Conduct to be submitted with the development application. The provisions below outline the requirements for Management Plans and Codes of Conduct.

2.2.3 Management Plan

The Management Plan shall address the following:

- (a) Control of noise and other disturbances such that, at a minimum, the use accords with the Environmental Protection (Noise) Regulations 1997;*
- (b) Screening and assessment procedures for all prospective guests;*
- (c) Complaints management procedures, which are to include:*
 - after-hours complaints procedures, including response times;*
 - the provision of the telephone number of the accommodation owner(s) and operator for during and after-hours complaints to adjoining and adjacent neighbours prior to the use commencing;*
 - that guests are provided with the code of conduct prior to and on arrival, and*
 - that guests are made aware that anti-social behaviour and breaches of conduct will not be tolerated and guests may, as a result, be removed*
- (d) The premises are secure, and guests are aware of emergency phone numbers and protocols; and*
- (e) Control of parking to ensure that all guests are made aware, verbally and in writing, of the parking rules and regulations and the acceptable parking requirements.*

2.2.4 Code of Conduct

An operator of a Short Term Accommodation facility is to demonstrate by the production of a Police Clearance Certificate together with their Development Application that they are a person of good character and repute.

A Code of Conduct shall be prepared by the applicant detailing the expected behaviour of guests in order to minimise any impact on adjoining residents that includes the following:

- (a) contact details of the owner and operator;*
- (b) parking rules and regulations and acceptable parking requirements (details are to include any relevant car parking restrictions applicable to the area in relation to parking vehicles on surrounding properties and within the local streets and any parking arrangements required for the development);*
- (c) requirements around noise and antisocial behaviour;*
- (d) house rules for guests;*
- (e) guests must be made aware of the Code of Conduct, which must be displayed in a prominent position within the premises at all times and*
- (f) any breach of the Code of Conduct will be given consideration as part of the renewal of any Development Application for Short Term Accommodation.*

2.2.5 Residential Building – Specific Requirements

Residential Buildings are subject to the requirements for Lodging Houses set out in the Health Act 1911 and the City's Health Local Law 2002 relating to Lodging Houses.

1.2.6 Serviced Apartments – Specific Requirements**1.2.6.1 Design**

Serviced Apartments shall include a reception desk, which shall be attended by staff at all times when apartment check-ins and check-outs can occur.

1.2.6.2 Servicing Strategy

All applications for Serviced Apartments shall include a Servicing Strategy detailing the level of servicing containing, at a minimum:

- (a) opening hours for guest check-ins and checkouts;*
- (b) method of reservations/bookings;*
- (c) means of attending to guest complaints;*
- (d) cleaning and laundry services, where available;*
- (e) company name and relevant experience of management/operator; and*
- (f) management and accommodation of service vehicles within the context of the overall car parking for the development*

3. PUBLIC ADVERTISING

If advertising is required for applications for Short Term Accommodation, advertising will be undertaken in accordance with the City's Local Planning Policy – Advertising of Planning Proposals

4. TIME LIMITED APPROVALS

In all instances, short-term accommodation proposals will be subject to a time limitation of 12 months. The City will consider the setting and impact on adjoining land uses in determining time-limited approval; if the City does not receive any complaints and the Short Term Accommodation is well-run, the City Officers may grant an application for up to three years.

Comment

On 9 November 2023, the State Government announced new regulations for un-hosted Short-Term Rental Accommodation (STRA) in Western Australia, and is currently progressing amendments to the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations) to introduce 'Hosted Short-Term Rental Accommodation' and 'Unhosted Short-Term Rental Accommodation' land uses and associated exemptions from the requirement to obtain development approval.

It is anticipated that 'Hosted Short-Term Rental Accommodation' will be exempt from development approval in all instances and that 'Unhosted Short-Term Rental Accommodation' will be exempt if the property is not rented for more than 90 nights in a 12-month period, with these amendments expected to take effect in June 2024.

Whilst the City agrees that an updated LPP will be required for those STRA that require development approval, the City has previously advised Council via the Councillor bulletin that it intends to defer review of the current Short-term Accommodation Local Planning Policy until mid-2024 once the amendments to the Regulations have been finalised. The rationale for this recommendation is further explained below:

- There may be other additions to the Regulations the City is unaware of given the proposed amendments have not been publicly released. Once the amendments to the Regulations are known, the City will present a draft LPP for Council's consideration.
- Local Planning Scheme No.7 (LPS 7) contains 'Holiday accommodation' and 'Holiday house' as the STRA land use definitions. At the time of drafting LPS 7, these were consistent with the Department of Planning, Lands and Heritage (DPLH) draft Position Statement – Planning for Tourism.
- The proposed amendments to the Regulations introduce 'Hosted Short-Term Rental Accommodation' and 'Unhosted Short-Term Rental Accommodation' land uses, and as such, the City will need to progress an amendment to LPS 7 to remove the redundant land uses which will be superseded by the new definitions.
- The State Government has advised that all local governments will be expected to amend their local planning schemes to implement the changes, which will ensure approvals can be issued ahead of the 1 January 2026 STRA Registration Scheme coming into effect. Property owners must demonstrate compliance with local planning requirements or risk de-registration beyond this date.
- The City expects the DPLH will enable this to be treated as a 'basic' scheme amendment, which requires initiation by Council but will not require advertising. This is expected to be presented to Council concurrently with the revised LPP in mid-2024 once the amendments to the Regulations are known.
- The draft LPP provided with the NoM includes land uses reflective of those contained in LPS 7 (e.g. holiday house), which will soon be superseded.
- The City is anticipating that the new land uses inserted into the Regulations will be contained within the deemed provisions, which automatically apply to all local planning schemes.
- For this reason, should Council progress with a draft LPP ahead of the regulatory changes, it will be required to consult on and consider a draft LPP with land uses soon to be inconsistent with the Regulations, and if included in the deemed provisions, will have no effect.
- Council would then need to recommence consultation and consideration of an amended LPP to ensure consistency with the Regulations and Scheme changes within a short timeframe of adoption of the draft LPP contained within the NoM.
- The City considers this may result in community confusion and an ineffective use of resources.
- The State Government has advised amendments to the Regulations will occur early 2024. Whilst this is anticipated to be completed by June, it is possible that regulatory changes could come into effect whilst consultation on the draft LPP contained within the NoM is occurring.

- Should this occur, the draft LPP would need to be amended. Such modifications would not constitute minor amendments which could otherwise be made when Council is considering the draft LPP contained with the NoM for final adoption, rather, may require re-advertising depending on the extent of changes.

Given the City can already consider any matters related to the management of STRA under the current LPP under Town Planning Scheme No. 6 and Clause 67(2) of the Regulations (amenity impacts, traffic, noise etc.) for when LPS 7 is gazetted, a framework remains in place to enable to the assessment of STRA whilst the regulatory changes occur.

In respect to the assessment and compliance of applications, three applications for STRA accommodation have been received in the past year as detailed below:

- Of the three STRA applications received, two were refused (one by Council and one by the City under delegation) and one was approved by Council subject to conditions to ensure appropriate management.
- For the application refused by the City, complaints were received prior to an application being received. The City commenced an investigation and required the landowner to submit an application should they seek approval for the continuation of the use. Once the application was received, following assessment, the application was refused by the City and the use subsequently ceased. No further complaints were received.
- No other complaints have been received in respect to these applications, however, the City can undertake enforcement action in accordance the *Planning and Development Act 2005* should issues arise.

Whilst the background to the NoM states removing an approval granted is permissible by law under Section 50 of the *Interpretation Act 1984* (IA), this is incorrect and not an option available to Council should compliance issues with STRA present in future. Whilst at face value this section of the IA could be seen as permitting a local government to revoke a development approval it had previously granted, the provisions of the IA do not operate where the intent and object of the written law in question, or something in the subject or context of the law, is inconsistent with the application of the IA – section 3 IA.

A development approval has an enduring function and is regarded as equivalent to a right ‘*in rem*’ which runs with the land to which it applies. It protects the holder of the approval from carrying out an activity (i.e. development) that would be unlawful but for the approval. A development approval has an important enduring function of a public nature that can influence landowners other than the current owner. The grant of development approval therefore has a different character to most other administrative decisions and in WA, Supreme Court authority confirms that once a development approval has been granted it cannot be revoked or varied unless there is an express statutory authority to do so. The rationale for that position is that it would be inconsistent with the special nature and enduring public function of a development approval (which arises from the *Planning and Development Act 2005*) for it to be capable of revocation or variation (absent a specific power, rather than the default general position established by the IA).

Clause 77 of the deemed provisions of the Regulations provides a power to amend or cancel a development approval, but that power only operates where the owner of the land the subject of the approval makes an application to amend or cancel. There is no power for the local government to amend or cancel the development approval unilaterally. Further, the IA does not provide a power to allow a local government to unilaterally withdraw a development approval, and to apply that general provision would be inconsistent with the deemed provisions of the Regulations which are made under the *Planning and Development Act 2005*, which are specific to development approvals. Section 3 of the IA means that the section 50(2) power will not apply in those circumstances.

Consultation

Should Council proceed with the draft LPP as provided in the NoM, the Regulations require public advertising for a minimum of 21 days (excluding holiday periods).

Policy and Legislative Implications

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

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

As such, should Council resolved to adopt the draft LPP as provided in the NoM for the purposes of advertising, a public notice will be made available on the City’s website in accordance with the Regulations.

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	Legislative Breach Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation
Risk rating	High
Mitigation and actions	Should Council consider adopting the notice of motion recommendation, Council must first modify the notice of motion recommendation to ensure legislative compliance. It is recommended that Council adopts the suggested alternative recommendation, and not proceed with the draft local planning policy provided in support of the notice of motion.

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

Suggested Alternative Recommendation

That Council notes a draft Local Planning Policy – Short Term Rental Accommodation, will be presented to Council for consideration for advertising following gazettal of amendments to the Planning and Development (Local Planning Schemes) Regulations 2015 related to Short Term Rental Accommodation.

Reason for Alternative Recommendation

The State Government has announced planning reforms for Short Term Rental Accommodation, including amendments to the Planning and Development (Local Planning Schemes) Regulations 2015 which may otherwise impact the content of a local planning policy.

Attachments

Nil.

12.5 NOTICE OF MOTION - COUNCILLOR BRONWYN WAUGH - SPORT SPACES COLLIER RESERVE - OPTION TO LEASE

File Ref: D-24-7715
Author(s): Garry Adams, Director Corporate Services
Reporting Officer(s): Mike Bradford, Chief Executive Officer

Summary

Councillor Bronwyn Waugh submitted the following Notice of Motion prior to the Council Agenda Briefing held 20 February 2024.

Notice of Motion Recommendation

That Council:

1. Requests the Chief Executive Officer to negotiate with Wesley South Perth Hockey Club (Inc) (WASP) to prepare a deed granting a three-year call option to lease over a portion of Collier Reserve (Option to Lease) for a period of 21 years, subject to the terms identified in clause 2 below.
2. Resolves that the Option to Lease include the following terms:
 - a) the option period within which WASP can exercise the Option to Lease will be three years commencing on the date when the last party signs the Option to Lease, after which time the option will lapse;
 - b) the Option to Lease cannot be assigned by WASP;
 - c) the lease to be granted under the Option to Lease (Lease) must include the following terms:
 - i) a term of 21 years in respect of the building footprint and the footprint of the hockey field (Leased Premises), with a non-exclusive licence (with priority access by WASP during the hockey season and pre-season) over those other parts of the reserve that sit between the building and hockey field (Licensed Area) for a corresponding term (with construction of the building and hockey field to occur during the term of the Lease) ;
 - ii) the Licensed Area must be available for use by members of the general public for activities such as walking, dog exercise and other passive recreation activities when not in use by the WASP;
 - iii) the permitted use of the Leased Premises and the Licensed Area and the rights granted to WASP under the lease must:
 - (1) be for the purpose of a 'sport space' in accordance with the priorities outlined in the Key Recommendations of

- the South Perth Community Facilities Plan 2019 – 2033, principally hockey; and
- (2) be consistent with the Priorities, Outcomes and Strategies, in furtherance of the strategic direction headed 'Community' as outlined in the City of South Perth Strategic Community Plan 2021-2031;
 - iv) WASP must, at its expense, keep the Leased Premises and Licensed Area safe and in good, tenantable and substantial repair, order and condition (fair wear and tear excepted) having regard to the condition of the Leased Premises as at the date of practical completion of WASP's construction of the building and hockey field;
 - v) WASP's repair and maintenance obligations will include structural and capital repairs;
- d) WASP's exercise of the option under the Option to Lease will be subject to the following conditions precedent:
- i) WASP obtaining development approval to construct the club facilities building and hockey field within the Leased Premises (Development);
 - ii) WASP must demonstrate to the City's satisfaction that it has secured funding for the Development;
 - iii) WASP preparing and submitting to the City and the City approving a tree management plan for the Development footprint which endeavours to retain as many existing trees on the reserve as possible and provides for the planting of replacement trees on the reserve to replace those removed during construction (with the Lease to impose an obligation on WASP to comply with this tree management plan);
 - iv) WASP is to negotiate in good faith with other user entities or organisations to:
 - (1) enter into one or more subleases or licenses for the use of all or part of the facilities constructed by WASP at a peppercorn rent and for a minimum area prescribed by the City during the term of the Lease; or
 - (2) demonstrate to the satisfaction of the City that it has made all reasonable attempts to reach agreement with other user entities or community based incorporated associations for the use of all or part of the facilities constructed by WASP at a peppercorn rent and for a minimum area under a sublease or licence but failed to reach agreement.
3. In so far as it is necessary, to the extent that this motion is inconsistent with council's decision 0623/107 of 27 June 2023, Council hereby rescinds that decision.

4. Notes that entry by the City into the Lease agreement will be subject to:
 - a) Council approval for the terms of the Option to Lease and Lease and the final boundaries of the Leased Premises and the Licensed Area; and
 - b) the consent of the Minister for Lands to the Lease under section 18 of the *Land Administration Act 1997*; and
 - c) such option and lease to be presented to Council at its August 2024 Ordinary Council Meeting

Absolute Majority required for Recommendation 3.

Background

Councillor Bronwyn Waugh submitted a Notice of Motion regarding the Collier Reserve. The reasons for the Notice of Motion are as follows:

‘This report requests Council to consider commencing negotiations with Wesley South Perth Hockey Club (inc) for an option to lease Collier Reserve for the purpose of sport spaces.

This is an exempt disposal for the purposes of section 3.58 of the Local Government Act 1995, however, the report outlines the conditions that would be required to be met by the proposed lessee prior to the lease being entered into.

SUMMARY BACKGROUND

1. *At its Council meeting of 27 June 2023 Council resolved:*
“The council does not progress to the proposal to establish a synthetic hockey pitch at the Collier Reserve Como.” The report includes issues that the reports considers justifies the recommendation at page 17 of the minutes. I wish to address the matters then raised”
2. *At its July 2023 Council Meeting Council Mayor Greg Milner put a resolution to instruct the CEO to:*
Engage with Wesley South Perth (WASP) Hockey Club, Wesley College and other relevant stakeholders with a view towards finding an appropriate location within the City of South Perth for:
 - (a) *a clubhouse;*
 - (b) *grass hockey grounds; and*
 - (c) *synthetic turf grounds, appropriate for the needs of the Club, appropriate for the needs of the Club (sic).**That a report to the council on the above be presented to council for consideration at an appropriate time, but by no later than February 2024 Ordinary Council Meeting.*
This resolution was carried.
3. *The CEO has now informed Councillors that the City intends to advise WASP’s to use the facilities at the Perth Hockey Stadium.*
4. *This is not acceptable to WASP’s as they wish to have their own home, a location that they can play, host other clubs and entertain. This is not new to Council as it was a matter first raised with the Council in 2012 when WASP’s were considering a new synthetic hockey pitch.*

5. *For that reason the only location for a home for the WASP's is at Collier Reserve.*
6. *The WASP's wish to have an opportunity to have their own home, this motion gives WASP's that opportunity.*

BACKGROUND IN BRIEF

7. *Collier Reserve is located on approximately 35,900m² located at 181 Thelma Street, Como, being Reserve 26820 (vested in the City for the purpose of Recreation). The City has the power to lease for any term not exceeding 21 years subject to the consent of the Minister for Lands. The land is zoned 'Reserve' under the MRS and 'Parks and Recreation' under TPS6.*
8. *The land at Collier Reserve is designated as a 'sport space' and is set aside as playing fields and ovals.*
9. *By this motion, the City will work with the WASP's to enable provision of playing fields, ovals, and ancillary sporting and recreation community facilities consistent with the City of South Perth Community Facilities Plan 2019-2033 and the Strategic Community Plan 2021-2031 while also ensuring the interests of other users of Collier Park are considered.*
10. *The site consists of:*
 - *Ovals;*
 - *parking spaces; and*
 - *Collier Pavilion.*
11. *It is noted however, that Collier Reserve is identified in the City's strategic documents as being appropriate for the WASP's. This motion provides WASP's the opportunity to obtain an option to lease exercisable over three years, with an appropriate lease to enable them to have the opportunity to build a home.*
12. *WASPs is one of the oldest Associations operating within the district of South Perth. It has operated within the district of South Perth for 90 years and has over 700 members consisting of approximately half men and women and half juniors and seniors.*
13. *Over the last 20 years the sport has developed so that its continued future success is dependent upon being able to train and play on synthetic turf.*
14. *The need for WASPs to have a new synthetic turf has long been recognised by Council. Council actively participated in promoting WASPs to consider alternate locations from which to operate.*
15. *Council passed its Community Recreation Facilities Plan in 2019 that was prepared by experts that:*
 - (a) *identified need and demand with the city, was considered amended and endorsed by Council, and expressly included in its key recommendations:*
"That the City works with Wesley South Perth Hockey Club, Wesley College, Hockey WA and other stakeholders for the relocation of WASPs to Collier Reserve incorporating a synthetic hockey turf, cross hockey fields and clubrooms."
16. *Council further encouraged WASPs by endorsing its pre-feasibility study at its Council meeting of 24 November 2020; and*

17. *The nearest synthetic hockey field is currently located at Curtin University, where access is limited and prioritised for Hockey WA, State and National teams. Its future resources and availability are also currently under review and are also being pursued by other teams.*

South Perth Community Facilities Plan – Council meeting 25 June 2019

18. *The site is identified in the City of South Perth community recreation facilities plan as a “sport space”. This classification provides a setting for formal structured sporting activities.*
19. *The City has identified that there is a deficiency of playable sports space within its district. The recommendation is 6.5 m² of active open space per resident within the Perth Peel region, and whilst the City has approximately 9.2 m² per resident of green space, it only has approximately 5 m² of playable sports space.*
20. *In this report, the City has also identified gaps in the provision of sport spaces being:*
- *indoor netball courts;*
 - *outdoor netball courts;*
 - *indoor basketball courts;*
 - *synthetic cricket pitches and training nets;*
 - *synthetic hockey fields; and*
 - *public aquatics facilities.*
21. *Collier Reserve was identified in the plan as the most appropriate location for a synthetic hockey turf, grass hockey fields and clubrooms.*
22. *The report was adopted after careful consideration by Council. The Key Recommendation adopted by the Council contained within the Report was:*
- “That the City work with Wesley South Perth Hockey Club, Wesley College and Hockey WA and other stakeholders for the relocation of the WASPs to Collier Reserve incorporating a synthetic hockey turf, grass hockey fields and club rooms”*
23. *There is simply no other way to read this but that the City would work with WASP’s to relocate the WASP’s to Collier Park Reserve.*
24. *Council had drawn a line in the sand. It stated its position. At this time, it passed the report without amending this Key Recommendation.*
25. *There were a significant number of changes to other parts of the report by Council, but not to the Key Recommendations. Further, it is not as if this report was just passed at one meeting. It was the subject of careful, open, and transparent consideration by the representatives of the Community, the Councillors. This was made available for public consideration by being published on the agenda and carefully considered by the representatives of the community before being adopted.*
26. *Two inconsistent resolutions should not stand. It is simply not good governance to have a Community Plan with a Key Recommendation that is subsequently not followed.*
27. *The Community Recreation Facilities Plan was to be delivered over 15 years between 2019 to 2034.*

South Perth Strategic Community Plan 2021-2031

28. *This plan builds on the City's previous strategic community plans, 2017-2027 and 2013-2023, and has the same four strategic directions:*
- a. *COMMUNITY: Our diverse community is inclusive, safe, connected and engaged*
 - b. *ECONOMY: A thriving City activated by attractions and opportunities that encourage investment and economic development*
 - c. *ENVIRONMENT (BUILT AND NATURAL): Sustainable, liveable, diverse and welcoming neighbourhoods that respect and value the natural and built environment*
 - d. *LEADERSHIP: A local government that is receptive and proactive in meeting the needs of our community*
29. *Under the strategic direction headed 'Community', the priorities identified are:*
- *Provide infrastructure and facilities that encourage participation and bring our community together*
 - *Enhanced safety for the community*
 - *Provide a range of inclusive community events that engage our community*
 - *Support residents and community groups to improve and foster local growth*
 - *Reinforce the City of South Perth identity and amenity.*
30. *Under the heading 'Outcomes and Strategies', the following is identified:*
- 1.1. *CULTURE AND COMMUNITY*
 - 1.1.1. *Develop and facilitate events, services and programs to respond to community needs and priorities*
 - 1.1.2. *Facilitate and create opportunities for inclusive and cohesive social, cultural and healthy activity in the City*
 - 1.1.3. *Celebrate, support and value heritage and culture within the City for present and future generations*
 - 1.1.4. *Encourage volunteering that benefits our community*
 - 1.2. *COMMUNITY INFRASTRUCTURE*
 - 1.2.1. *Maintain current and plan, develop and facilitate community infrastructure to respond to community needs and priorities*
 - 1.2.2. *Effectively develop, manage and optimise the use of the City's properties, assets and facilities*
 - 1.2.3. *Plan for and promote the development of recreation and aquatic facilities to service City of South Perth needs*
 - 1.3. *COMMUNITY SAFETY AND HEALTH*
 - 1.3.1. *Enhance community safety in conjunction with other agencies*
 - 1.3.2. *Facilitate and foster a healthy and connected community*
 - 1.3.3. *Implement effective Emergency Management arrangements*

Collier Reserve Detailed Feasibility Study Full Report

31. *In November 2022, the City was presented with a feasibility study in respect to the feasibility to move from its existing facility to Collier Reserve. This was presented to council some seven (7) months later, in June 2023.*

Relevantly, the key outcomes of the feasibility study are as follows:

- *Community Engagement*

From mid-2021 until early-2022, community engagement was undertaken. This included:

- *a letterbox drop to homes within a 400m radii;*
- *site signage;*
- *one-on-one interviews with existing and potential user groups;*
- *online engagement;*
- *open house session at Collier Reserve Pavilion; and*
- *hard copy surveys.*

The outcome:

- *558 respondents in support of the proposed development; and*
- *49 respondents adverse to the development.*

- *Community Needs Analysis*

- *Catchment analysis – “...Currently there are just over 200,000 residents and this is likely to grow to over 280,000 by 2041. Wit that growth comes extra pressure and demand for greater diversity of recreational and sporting facilities.”*
- *Income Profiling – “An analysis of average weekly income indicates that within the catchment of Collier Reserve, the general financial capability of residents who may become members (or are members) of the club is strong. A high number of persons resident within the site catchment potentially have the capability to have sufficient disposable income to support investing in recreational pursuits and sporting facilities.”*
- *Employment Characteristics – “An assessment of the employment characteristics is also a determinant of the ability to pay and take part in particular sporting uses. Hockey is typified by a user base predominantly across the professional, managerial and community/personal services. The employment profile identified at figure 9 identifies that within the broader catchment there are high numbers of people employed within those sectors. This is consistent with the close proximity of Collier Reserve to the Perth CBD. It is also indicative of a potential greater capacity of the resident population's ability to support and service (through a strong volunteer network) hockey club with associated turf and clubhouse facility.*

- *WASPs Membership Profile*
 - *In 2021 Wesley South Perth (WASP) Hockey Club had 758 registered members which was an increase of 80 members from 2020 figures. In 2021 the club had 413 registered juniors which was up from 381 in 2020 (of which 136 were Minkey/Grads compared to 2020 which comprised 125).*
 - *The overall split was approximately 50% male and 50% female. The club consists of 381 members under the age of 18 and 121 members over 40 (with the oldest being 68). The average age is 23.*
 - *The breakdown of members place of residence is identified in figure 12 below. This includes the most popular suburbs (i.e. greater than five registrants) with an additional 195 members from other locations. It can be seen that in excess of 350 members are resident within the immediate city of South Perth suburbs.*
- *Perth Hockey Stadium*
 - *“It is important to understand the capacity within PHS to accommodate a club is limited through the presence of Curtin University Hockey Club and Victoria Park Xavier Hockey Club which currently utilise the PHS turf. The lack of a dedicated clubhouse facility and grass pitch infrastructure would replicate the current deficiencies experienced at Richardson Park. The club would continue to experience problems with operating from a split site and there is no agreement in place which would guarantee access to a dedicated clubhouse facility. Consequently WASP have explored alternative options. Collier Reserve represents the last option currently available.*
- *Geotechnical Investigation*

“Structerre Consulting were requested to undertake a geotechnical investigation of Collier reserve in May 2021... The report confirmed that the site is suitable for on-site disposal of stormwater and run-off subject to the proposed development.”
- *Water Usage and Maintenance on Synthetic Turf*

“Based on industry benchmarking the water usage of the synthetic turf will be at or below the current water usage for the equivalent grass space.
- *Co-Location of Facilities – South Perth Baseball Club*

“A memorandum of understanding (MOU) is in negotiation between SPBC, WASP and Wesley college... If the MOU is agreed with SPBC they will have access to 3 full-sized senior diamonds and the new clubhouse facility.”
- *Lighting*
- *Impact on current usage*

“The development will enhance current sporting opportunities at the broader sporting precinct with proposed enhancements to baseball provision and suggested car park improvements. The only potential loss of user group would be BrOzzy Football Club who hire Collier reserve and pavilion on a casual basis and can be relocated at Richardson Park.”

- *Car Parking*

Uloth Traffic engineers have undertaken a parking study. The detailed report is attached at appendix B to the feasibility study. Relevantly, three options were proposed with “the most viable option with 50 spaces to be constructed along the existing access road adjacent to Belgrade and reserve (noting that this would also address the existing access issues that already occur at this location) and an additional 50 spaces as part of the development of the proposed synthetic turf facility on Collier Reserve.”

- *Noise*

“The conclusion reached in these studies is that the noise implications are minimal and reduce over distance. The noise generated by a synthetic structure placed some 100 m from the nearest residential properties will therefore be negligible and partially absorbed by existing structures and grass grounds between the turf and residential properties.”

- *Funding*

The capital cost for the synthetic turf and clubhouse facilities to be resourced through WASP and Wesley college. WASP intended to seek funding from other grant agencies at city state and federal level.

- *Viability*

“The financial model indicates that the joint venture between WASP and Wesley college is viable and has the capability to reinvest and replace synthetic turf infrastructure as it reached the end of this useful life (and to have sufficient capability to manage and maintain the clubhouse asset). The financial model developed incorporates all aspects of Hockey WA sustainability model and has been tested against industry benchmarks.”

- *Feasibility*

“the Land at Collier Reserve Represents the only viable proposition to develop a synthetic turf, clubhouse and grass grounds within the city of South Perth to support the growth of one of the cities established community clubs with a high membership base and approve an ongoing commitment to providing sporting opportunities to the local community. Collier reserve is capable of being developed as contemplated within this detailed feasibility study.”

- *Management options*

Both WASP and Wesley college have drafted a memorandum of understanding (MOU) which has been jointly signed by both parties. This MOU provides an overarching framework and understanding within which a facility specific joint venture agreement is to be managed and is provided at appendix J. A summary of the agreed way of working is provided below:

- *The college and wasp will jointly fund the establishment of the synthetic turf.*
- *The capital cost of the clubhouse is to be funded between the college and wasp.*
- *Maintenance costs of the clubhouse are to be agreed, based on the final percentage of the capital cost between the college and wasp.*

- *Two fire, including turf, seating overlooking the synthetic turf, change rooms and toilets, and grass pitch higher – income to be put into the synthetic turf maintenance costs joint account.*
 - *Bar and function room hire – income to be for benefit of wasp if wasp fund 100% of the capital and operating cost of this area.*
 - *Control of the overall facility (subject to the clubhouse and grass discussion) will rest with a joint venture committee (JVC).*
 - *The synthetic turf will operate on a user pays basis with the user paying the agreed fees on books times.*
 - *The Wesley sports club will undertake management of the synthetic turf, clubhouse and grass facilities as to its bookings, invoicing, reporting and maintenance.*
 - *The JVC will have responsibility to design, build, operate, maintain, promote and represent the facility which will have equal representation from the college and WA SP.*
 - *In respect of ongoing usage the college and wasp will be primary uses of the facility.*
 - *On an annual basis, representatives of the two primary users will meet to agree the proposed usage times of the synthetic turf and grass as to training and playing times. This will also include:*
 - *Annual usage and higher charges and any cost recovery (i.e. lights) having regard to operating expenses, whole of life costs including prudent sinking fund requirements and respective capital contributions.*
 - *Talking control, invoicing, recordkeeping and ongoing maintenance of the synthetic turf, clubhouse and grass grounds.*
 - *Grass ground maintenance cost to be determined and apportioned on a pro rata basis based on usage.*
32. *The land is capable of being developed as contemplated within the detailed feasibility study presented to Council on 27 June 2023.*
33. *As stated earlier, the outcome of the July 2023 Council Meeting was that the CEO was to:*
- Engage with Wesley South Perth (WASP) Hockey Club, Wesley College and other relevant stakeholders with a view towards finding an appropriate location within the City of South Perth for:*
- (a) a clubhouse;*
 - (b) grass hockey grounds; and*
 - (c) synthetic turf grounds, appropriate for the needs of the Club, appropriate for the needs of the Club (sic).*
- That a report to the council on the above be presented to council for consideration at an appropriate time, but by no later than February 2024 Ordinary Council Meeting.*

34. *The investigations were carried out. WASPs report that they did not receive any contact from the CEO in August 2023 and sent 2 emails to the City as well as the CEO.*
35. *In late 2023 the CEO made contact and requested a meeting on 19 December 2023. At that time the WASPs representatives were advised that the City administrations had held meetings together with Hockey WA without WASPs involvement.*
36. *It was further stated by the CEO and the administration that there were no other obvious locations within the City and that WASPs best outcome would be to “strike a deal with Hockey WA” within the upcoming redevelopment of Perth Hockey Stadium.*
37. *WASPs state that they had considered other sites, for example the Ellam Street and Como Secondary College sites but were not considered to be viable.*
38. *At a briefing of Councillors, the CEO informed the Councillors that the WASP’s will be directed to use the State Facilities at Hockey WA.*
39. *This is not an outcome that WASP’s had anticipated. They consider that they were not kept informed and only given the outcome without an opportunity for discussion.*
40. *They say that the Hockey WA facility is not their home, and it is not suitable.*

HOCKEY WA: A HOME FOR THE WASP’S?

41. *WASP’s have been playing in the District of the City of South Perth. Because they have not had the opportunity to build synthetic turf playing pitches some of their members are playing at clubs where synthetic turf is available.*
42. *But WASP’s want more than just synthetic turf playing pitches, they want to have a home. They want to share that facility with Wesley College and provide new facilities for baseball that is currently using the oval.*
43. *The question that arises is why isn’t the Hockey WA Facility acceptable to the WASP’s. A review of the Hockey WA Strategic Plan 2021 to 2026 produced in May 2021 makes clear the answer without even speaking to any member of the WASP’s.*
44. *The Hockey WA Strategic Plan makes clear that:*
 - *its two highest priority projects being:*
 - *(1) to develop a set of world-class hockey facilities; and*
 - *(2) establish model that customises the support afforded to clubs as a way of strategically growing the game.*
45. *Further the Strategic Plan states as its key results:*
 - *From 2021, Hockey WA and the State government has an agreed concept plan for a State hockey facility;*
 - *Provide a world-class service and facility in order to retain the national hockey program in 2024.*
 - *An international quality venue that has the capacity to attract a minimum of three international fixtures annually, starting from 2025.*
 - *Complete upgrade of Perth hockey stadium by end of 2021.*

46. *Finally, its strategic Plan discloses the following:*
- *Strategic Facilities Plan –*
 - *“... To Meet this demand, we need a plan that engages our people and guides facility development to strategically significant locations. We seek to develop new facilities in key locations, while also maintaining the sustainability of clubs...”*
 - *“We have a clear ambition to become the destination of choice for national and international matches and events.”*
 - *“To ensure that facilities across the state meet minimum standards for both compliance and visitor experience.”*
 - *“Work with local councils to develop sustainable hockey venues in areas of significant growth. Identify 15 local government authorities annually based on participation in hockey and work directly with them to ensure the sustainability of hockey venues.”*
 - *“Publicised Plan. From 2022, Hockey WA has an agreed, published plan for developing sustainable hockey facilities across the state and has buy-in from key stakeholders.”*
47. *Hockey WA does not represent itself as providing facilities for local clubs. Its target market and purpose is different.*
48. *It would be an odd thing indeed, if the City of South Perth were to send the WASP’s outside of its District after 90 years, to the Town of Victoria Park.*

SUPPORT OF WESLEY

49. *Wesley continue to support the WASP’s to build its future facility. The internal mechanism for funding is not a matter that ought to be of relevance to the City, however, the club is not about to “fold” or become insolvent, and the Wesley College wish to co-operate to build a club facility for synthetic turf ovals, a matter of which the City of South Perth has consistently been appraised since 2012.*

CONCLUSION

50. *Between 2012 and 2016 the City of South Perth has been repeatedly informed by WASP’s that it wished to build synthetic playing ovals.*
51. *In June 2015 WASP’s commissioned and paid for its own study by GHD on developing synthetic turn ovals. It concluded that:*
- For the longer term sustainability and viability of the Club it is imperative that they have a synthetic turf facility. This facility would reconnect the Club’s teams, cementing the cohesion of the Club and enable it to continue its rich and long history in South Perth.*
52. *The GHD study was presented to the Council and in 2016 the City of South Perth, motivated by concern that the South Perth station was imminent encouraged WASP’s to consider other locations to move to.*
53. *At its Council meeting of 19 March 2019 agenda briefing WASP’s made application for funding of a feasibility study to be undertaken to evaluate its relocation from Richardson Reserve in South Perth to Collier Reserve in Como without any financial contribution being requested from the City of South Perth.*

54. *Council provides in-principle support of the Community, Sport and Recreation Facility Fund application submitted by the Wesley and South Perth Hockey Club to assist the club to undertake a feasibility study to evaluate its proposed relocation from Richardson Reserve in South Perth to Collier Reserve in Como.*
55. *Council at its meeting of 25 June 2019 adopted the Community Recreation Facilities Plan. Its key recommendation was:*
“That the City work with Wesley South Perth Hockey Club, Wesley College and Hockey WA and other stakeholders for the relocation of the WASPs to Collier Reserve incorporating a synthetic hockey turf, grass hockey fields and club rooms” (see page 32 of the report and page 40 of the ordinary council minutes).
56. *At this meeting, in effect, Council had drawn a line in the sand. It stated its position. The report was the outcome of careful, open, and transparent consideration by the representatives of the Community, the Councillors. It was made available for public consideration by being published on the agenda.*
57. *At its Council meeting of 24 November 2020 the Council approved the pre-feasibility study, the Council report stated:*
“The report seeks Council’s “in principle” support for the Wesley South Perth Hockey Club to proceed to a full feasibility study investigation the proposed viability to relocated its Club from Richardson Reserve, South Perth, to Collier Reserve, Como, incorporating a new synthetic hockey turf, grass hockey fields and clubroom facility.”
58. *The full feasibility was given to Council in November 2022 and presented to the Council meeting on 27 June 2023. The Council Officers Report noted:*
“This study follows the commitment from the City of South Perth, as stated in their Community Recreation Facilities Plan 2019, to work with Wesley South Perth Hockey Club, Wesley College, Hockey WA and other stakeholders for the relocation of WASP to Collier Reserve incorporating a synthetic hockey turf, grass hockey fields and clubrooms. Subsequently a motion and council decision was taken on 24 November 2020 following the submission of an initial feasibility analysis which provided “in principle” support for the Wesley South Perth Hockey Club to further investigate the creation of the new synthetic hockey turf and relocation of its club from Richardson Reserve to Collier Reserve.”
59. *The report to the meeting of 27 June 2023 extended well beyond what it had ever previously requested to be included in the feasibility study and presented a report that was negative, making a critique of the feasibility without adequate basis..*
60. *The 25 July 2023 resolution required meaningful engagement and a search for an alternate location for a home within South Perth, it could not have been considered that it was intended to be anywhere but in South Perth.*
61. *This has not produced an outcome other than to direct WASP’s to Hockey WA. This is not an acceptable outcome. For that reason this report provides the WASP’s an opportunity to secure a site, and then put relevant proposals to the Council for adoption, including a development application with all of the relevant supporting document.*

Officer Comment

Whilst it is noted that Council previously resolved not to proceed with a hockey turf on Collier Reserve (Council Resolution 0623/107 of 27 June 2023), continued work by the City has not identified another more suitable space within the City of South Perth.

It should be noted that the City is recommending that it continues to work with WASPs and Hockey WA to determine whether the Club's needs can be met at the proposed Australian High- Performance Hockey Centre. This is likely to be resolved within the next 6 to 12 months, however, City officers can commence the development of the (option to) lease concurrently with the ongoing discussions.

It is important to note that Collier Reserve is Crown Land and that any lease will require the approval of the Minister for Lands. The proximity of the land to the proposed new high-performance centre would likely be considered during this process.

Additionally, any development application on this land will require the consideration of the Western Australian Planning Commission prior to determination, with the applicant being required to demonstrate that:

- (i) the nature and scale of the proposal is compatible with the use and zoning of surrounding land, the nature and purpose of the reserved land and the environmental character of the location;
- (ii) there is a community need for the proposed facility in the proposed location;
- (iii) the community and local government support the proposal;
- (iv) the proposal can be integrated with other planned facilities and sharing of facilities by more than one incorporated club, community group or private business; and
- (v) the proposal is consistent with existing and/or proposed land use and management plans.

Consultation

If the development of the hockey turf does proceed, consultation will be required with two current licensees based at Collier Reserve as well as regular users and surrounding residents that may be impacted.

Policy and Legislative Implications

The following policies are relevant to this report:

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

Local Government Act 1995 section 3.58

Land Administration Act section 18

Local Government (Administration) Regulations 1996 Reg 10

Department of Planning, Lands and Heritage - Development Control Policy 5.3 – Use of Land Reserved for Parks and Recreation and Regional Open Space

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	Reputational Damage Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
Risk rating	Medium
Mitigation and actions	The City will continue to work with WASP and liaise with the relevant stakeholders regarding the location of a synthetic turf.

Strategic Implications

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

Strategic Direction:	Community
Aspiration:	Our diverse community is inclusive, safe, connected and engaged
Outcome:	1.2 Community infrastructure
Strategy:	1.2.1 Maintain current and plan, develop and facilitate community infrastructure to respond to community needs and priorities

Attachments

12.5 (a):	WASPs Background - Provided by Cr Bronwyn Waugh
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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 December 2023 Ordinary Council Meeting can be found in the Appendix of these Minutes.

13.2 QUESTIONS FROM MEMBERS: 27 FEBRUARY 2024

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

15. MEETING CLOSED TO THE PUBLIC

Nil.

16. CLOSURE

APPENDIX

13.1 QUESTIONS FROM MEMBERS taken on notice OCM 12 December 2023

Councillor André Brender-A-Brandis	Response to questions provided by: Anita Amprimo – Director Infrastructure Services
<p><i>Preamble:</i></p> <p><i>I've just a couple of questions with regard to the 'My South Perth' publication that was released a couple of weeks ago with regard to the cockatoo article on page 14.</i></p>	
<p>1. This article does talk about our cockatoos and the importance of them and it reflects on the Collier Park Golf Course. It refers to one statement here about the replacement of the non-native trees such as pine and macadamia nuts. I'm just a bit concerned about that and I'm just wondering what sort of replacement program is in place with regard to those trees?</p>	<p>The City's approach to replacing declining pine trees is to plant pines in conjunction with a variety of endemic species that allow for a range of food sources and habitat for native fauna. City officers have implemented a planting program at Collier Park Golf Course in anticipation of the actual and expected loss of the ageing pines. Unfortunately it is very difficult to establish vegetation in the understory of the pines due to their root structure, the acidity of their needles and shading which limits success in creating broader habitat in these locations. The shallow root structure of the trees and the significant water demands of pines mean they are less resilient to the Perth climate and changing weather patterns. It is therefore prudent to consider a wider diversity of flora species which will ensure increased habitat and a consistent food source for our wildlife into the future.</p> <p>The City's commitment to improving environmental outcomes within Collier Park is evidenced by the more than 10 hectares of "out of play grassland" which has been transformed into sanctuary zones. The rewilding of the course specifically focused on 27 different species of plants which are known food sources for Black Cockatoos and included 6 different banksias and 7 different Hakeas.</p>

	These efforts have been in addition to the pre-emptive planting of 230 new pine trees during the past decade to offset the slow decline of the older pines that are reaching their end of life.
2. So just to clarify, do we have any planting program for the pine trees themselves? And if so, how many have we planted over the last few - two/three years?	See response to question 1.
<p><i>Preamble:</i></p> <p><i>I still have another question on the same article. A different part of the article. It refers to, pine and macadamia provide fat rich food that can lead the birds to be too heavy to take off the ground quickly, contributing to frequent bird injuries or fatalities from predator attacks and collisions with cars.</i></p>	
3. I'm just wondering, that is a very important piece of information, is there any research that can be provided to me as to where that has come from because I am quite passionate about the cockatoos, and I haven't actually seen that as being a piece of important research.	The information referenced in the article came from a professional development forum, as such there is no reference material that can be provided.

Councillor Mary Choy	Response to questions provided by: Anita Amprimo – Director Infrastructure Services
<p><i>Preamble:</i></p> <p><i>I'm just following on from Cr Brender-A-Brandis' question about the article about black cockatoos. I've also received quite a few phone calls and emails from concerned residents who seem to know a lot more than I do about black cockatoos and pine trees.</i></p>	
<p>1. Who does the City consult with in terms of the care and protection of the black cockatoos?</p>	<p>The City engages and consults with the following in relation to the care and protection of the black cockatoos:</p> <p>Department of Biodiversity Conservation and Attractions as the State Government agency responsible for all native wildlife protection in WA;</p> <p>Birdlife Australia as Australia's largest bird conservation charity who advise and support the community, local governments, private businesses;</p> <p>Carnaby's Crusaders as a Registered Not For Profit Charity dedicated to supporting the recovery, breeding and preservation of habitat that supports Western Australia's native Black Cockatoo species; and</p> <p>Kingsley Dixon who is the former Kings Park Director of Science, now Director of Curtin University Centre for Mine Site Restoration.</p>
<p>2. So, my other question is about the shelter bench seat outside Coles. I understand when I last enquired about this, a request had been sent to Windsor Knight regarding the reinstatement of the shelter and bench seat. I was just wondering where we are at with that please?</p>	<p>Windsor Knight have confirmed that they will not be reinstating the bench seat however the City is installing a seat in the vicinity of the bus stop.</p>