

MINUTES

Ordinary Council Meeting

23 July 2024

Mayor and Councillors

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



MIKE BRADFORD
CHIEF EXECUTIVE OFFICER

26 July 2024

Acknowledgement of Country

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

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

Our Guiding Values



Disclaimer

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

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

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Ordinary Council Meeting - Minutes

Minutes of the Ordinary Council Meeting held in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth at 6.00pm on Tuesday 23 July 2024.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 6.01pm.

2. DISCLAIMER

The Presiding Member read aloud the City’s Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil.

4. ATTENDANCE

Mayor Greg Milner (Presiding Member)

Councillors

Como Ward	Councillor Glenn Cridland
Como Ward	Councillor Bronwyn Waugh
Manning Ward	Councillor Blake D’Souza
Manning Ward	Councillor André Brender-A-Brandis
Moresby Ward	Councillor Jennifer Nevard
Moresby Ward	Councillor Hayley Prendiville
Mill Point Ward	Councillor Mary Choy
Mill Point Ward	Councillor Nic Coveney

Officers

Chief Executive Officer	Mr Mike Bradford
Director Corporate Services	Mr Garry Adams
Director Development and Community Services	Ms Donna Shaw
Director Infrastructure Services	Ms Anita Amprimo
Manager Development Services	Ms Fiona Mullen
Manager Finance	Mr Abrie Lacock
Manager Governance	Ms Toni Fry
Communications and Marketing Coordinator	Ms Karys Nella
Governance Coordinator	Mr Morgan Hindle
Senior Governance Officer	Ms Christine Lovett
Governance Officer	Ms Jane Robinson

Gallery

There were approximately 24 members of the public present.

4.1 APOLOGIES

Nil

4.2 APPROVED LEAVE OF ABSENCE

Nil.

5. DECLARATIONS OF INTEREST

- Mayor Greg Milner - Impartiality Interest in Item 10.1.1 as 'I am a former co-patron of WASPS Hockey Club.'
- Councillor Hayley Prendiville – Impartiality Interest in Item 10.1.1 as 'myself and my family are members of WASPS Hockey Club, my involvement extends to numerous committee positions, one of those positions being President, I am currently Minkey Coordinator.'
- Councillor Bronwyn Waugh – Impartiality Interest in Item 10.1.1 as 'my son attends Wesley College but does not play hockey.'
- Councillor Mary Choy – Impartiality Interest in Item 10.1.1 as 'my sons attend Wesley College and have played for WASPS Hockey Club and my husband is a Wesley College old boy and has also played and coached for WASPS Hockey Club in the past.'
- Councillor Glenn Cridland – Impartiality Interest in Item 10.1.1 as 'two of my children used to play hockey for WASPS and the site that WASPS are considering down at Collier Reserve is where I walk my dog each day.'

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

6.2 PUBLIC QUESTION TIME: 23 JULY 2024

The Presiding Member opened Public Question Time at 6.03pm.

Written questions were received prior to the meeting from:

- Mr Michael Morrissey of Como.
- Ms K Poh of Como.
- Mr Murray Rosenberg of Como.

At 6.19pm, in accordance with Clause 6.7 of the City of South Perth Standing Orders Local Law 2007, the Presiding Member extended Public Question Time by an additional 15 minutes to hear those questions not yet heard.

- Professor Preis Max Sully of Como.
- Ms Cristy Lowe of Como.
- Dr Sue Gillieatt of Salter Point.
- Ms Katherine Brady of Kensington.
- Mr Warwick Boardman of Salter Point.

At 6.34pm the Presiding Member called for a Motion to extend Public Question Time to hear those questions not yet heard.

COUNCIL DECISION

0724/122

Moved: Mayor Greg Milner

Seconded: Councillor André Brender-A-Brandis

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

CARRIED (9/0)

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

Against: Nil.

- Ms Kathy Lees of South Perth.
- Ms Bronwyn David of South Perth.
- Mr Thomas Leek of South Perth.

Written questions were received at the meeting by:

- Dr Natasha Hurley-Walker of Karawara.

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

There being no further questions, the Presiding Member closed Public Question Time at 6.47pm.

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 25 June 2024

Officer Recommendation AND COUNCIL DECISION

0724/123

Moved: Councillor Nic Coveney

Seconded: Councillor Blake D'Souza

That the Minutes of the Ordinary Council Meeting held 25 June 2024 be taken as read and confirmed as a true and correct record.

CARRIED (9/0)

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

Against: Nil.

7.2 CONCEPT BRIEFINGS

7.2.1 Concept Briefings and Workshops

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

Date	Subject	Attendees
2 July 2024	Community Recreation Facilities Plan Review	Mayor Greg Milner and Councillors André Brender-A-Brandis, Mary Choy, Glenn Cridland, Blake D'Souza, Jennifer Nevard, Bronwyn Waugh.
2 July 2024	Local Heritage Survey Workshop	Councillors André Brender-A-Brandis, Mary Choy, Glenn Cridland, Blake D'Souza, Jennifer Nevard, Bronwyn Waugh.

Attachments

Nil.

7.2.2 Council Agenda Briefing - 16 July 2024

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

Attachments

7.2.2 (a): Briefing Notes

Officer Recommendation AND COUNCIL DECISION

0724/124

Moved: Councillor Nic Coveney

Seconded: Councillor André Brender-A-Brandis

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

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

CARRIED (9/0)

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

Against: Nil.

8. PRESENTATIONS

8.1 PETITIONS

Nil.

8.2 PRESENTATIONS

Nil.

8.3 DEPUTATIONS

Deputations were heard at the Council Agenda Briefing held 16 July 2024.

9. METHOD OF DEALING WITH AGENDA BUSINESS

The Presiding Member advised that with the exception of the items identified to be withdrawn for discussion that the remaining reports, including the Officer Recommendations, will be adopted by exception resolution (i.e. all together) as per Clause 5.5 Exception Resolution of the Standing Orders Local Law 2007.

The Chief Executive Officer confirmed all the report items were discussed at the Council Agenda Briefing held 16 July 2024.

ITEMS WITHDRAWN FOR DISCUSSION

10.3.1 Draft Local Planning Policy - Tree Retention (Final Adoption)

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

Officer Recommendation AND COUNCIL DECISION

0724/125

Moved: Councillor Nic Coveney

Seconded: Councillor André Brender-A-Brandis

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

10.3.2 Proposed Alterations and Additions to Single House and Home Business (Office) - Lot 3, No. 151 Angelo Street, South Perth

10.3.3 Proposed Child Care Premises - Lot 21 and Lot 22, No.15 and No.17 Bowman Street, South Perth

10.4.1 Listing of Payments June 2024

10.4.2 Monthly Financial Statements June 2024 (Interim)

10.4.3 City of South Perth Honour Boards

CARRIED (9/0)

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

Against: Nil.

10. REPORTS

10.1 STRATEGIC DIRECTION 1: COMMUNITY

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

File Ref: D-24-31245
Author(s): Donna Shaw, Director Development and Community Services
Reporting Officer(s): Mike Bradford, Chief Executive Officer

Summary

This report presents the discussions with Wesley South Perth Hockey Club (WASPs) and Hockey WA in respect to how WASPs needs can best be met at the Australian High-Performance Hockey Centre.

Council previously considered the matter at its meeting held 27 February 2024 and resolved for a further report to be presented by July 2024 on the outcome of the discussions.

Officer Recommendation AND COUNCIL DECISION

0724/126

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

That Council:

1. Notes the outcome of discussions with WASPs Hockey Club and Hockey WA in respect to use of the Australian High-Performance Hockey Centre.
2. Notes that the Chief Executive Officer will continue to engage with Hockey WA with respect to use of the Australian High-Performance Hockey Centre to meet the needs of the community.

CARRIED BY EXCEPTION RESOLUTION (9/0)

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

Against: Nil.

Background

At its meeting held 27 February 2024, Council considered a response 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' and resolved as follows:

"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.*

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

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.”*

Comment

Australian High-Performance Hockey Centre

The City had previously met with Hockey WA on 29 January 2024 who advised:

- 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.

On 22 April 2024, the City attended a meeting facilitated by Hockey WA at the Perth Hockey Stadium at Curtin University which included:

- Introduction and overview by Hockey WA;
- Overview of the State Government’s proposal for the Australian High-Performance Hockey Centre by the Department of Local Government Sport and Cultural Industries (DLGSCI); and
- Project design overview by Steven Smyth-Hunt Architects, who are the appointed architects for the project.

The meeting was attended by representatives of the DLGSCI, the City, Town of Victoria Park and the three local clubs (WASPs, Curtin and Xavier Hockey Club). The clubs had the opportunity to view concept plans for the facility, raise questions and seek feedback from Hockey WA and DLGSCI and to discuss their future needs.

The clubs reiterated their need for ongoing/annual synthetic turf access, the need for income generating opportunities on the site and maintaining their sense of identity by being able to display club memorabilia and the like.

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

On 9 May 2024, the City wrote to Hockey WA requesting any further information that would otherwise address the concerns that had been raised by the clubs, to which the following was provided:

- The hours of operation and the size of the venue will enable all parties to integrate without the existing overlap of demand, this will be particularly prominent in years such as 2024 when the national teams are in Olympic preparation;
- The number and variety of meeting and activity spaces within the venues will be advantageous to the club as they will be able to access the different areas for their various club meeting and social events; and
- The new indoor centre will provide expanded opportunities for all three clubs for training purposes (i.e. indoor training options). There will also be an opportunity for the clubs to expand their involvement in indoor hockey and floorball.

This information was conveyed to WASPs, who advised that their position on the matter remains unchanged in that they continue to seek a suitable location for co-located hockey facilities (synthetic turf, grass turf and association club facilities).

Option to Lease

Whilst this report presents the outcome of discussions, it is noted that at the 27 February 2024 Ordinary Meeting, Council also resolved to request the Chief Executive Officer to negotiate with WASPs 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 various terms, conditions precedent and consent from the Minister for Lands.

The City prepared the lease document consistent with Council's resolution and provided it to WASPs for review. The Option to Lease will be presented to Council at its 27 August 2024 Ordinary Meeting in accordance with the requirements of the resolution.

Consultation

Nil.

Policy and Legislative Implications

Nil.

Financial Implications

Nil.

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>
Risk rating	Low
Mitigation and actions	The City has liaised with the relevant stakeholders.

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, plan, develop and facilitate community infrastructure to respond to community needs and priorities

Attachments

Nil.

10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

Councillor Blake D'Souza left the meeting at 7.13pm and returned at 7.16pm during consideration of Item 10.3.1.

10.3.1 Draft Local Planning Policy - Tree Retention (Final Adoption)

File Ref: D-24-31246
Author(s): Donna Shaw, Director Development and Community Services
Reporting Officer(s): Mike Bradford, Chief Executive Officer

Summary

The purpose of this report is for Council to consider adopting draft amended Local Planning Policy – Tree Retention following advertising.

Alternative Motion

Moved: Mayor Greg Milner
Seconded: Councillor Hayley Prendiville

That Council:

1. Pursuant to Schedule 2, Part 2, Clause 4 (3) of the Planning and Development (Local Planning Schemes) Regulations 2015 does not adopt draft Local Planning Policy – Tree Retention as contained within **Attachment (a)**.
2. Requests the Chief Executive Officer write to the State Government and request the State Government adopt a consistent position concerning trees on private property, to provide certainty on this issue.

Reasons for Change

The City does not have the resources or the capability to give effect to the draft Local Planning Policy – Tree Retention.

COUNCIL DECISION

0724/127

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

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

CARRIED (9/0)

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

Against: Nil.

COUNCIL DECISION

0724/128

Moved: Mayor Greg Milner
Seconded: Councillor Nic Coveney

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

CARRIED (9/0)

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

Against: Nil.

COUNCIL DECISION

0724/129

Moved: Mayor Greg Milner
Seconded: Councillor Nic Coveney

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

CARRIED (9/0)

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

Against: Nil.

Alternative Motion and COUNCIL DECISION

0724/130

Moved: Mayor Greg Milner
Seconded: Councillor Hayley Prendiville

That Council:

1. Pursuant to Schedule 2, Part 2, Clause 4 (3) of the Planning and Development (Local Planning Schemes) Regulations 2015 does not adopt draft Local Planning Policy – Tree Retention as contained within **Attachment (a)**.
2. Requests the Chief Executive Officer write to the State Government and request the State Government adopt a consistent position concerning trees on private property, to provide certainty on this issue.

Reasons for Change

The City does not have the resources or the capability to give effect to the draft Local Planning Policy – Tree Retention.

CARRIED (5/4)

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

Against: Councillors André Brender-A-Brandis, Mary Choy, Jennifer Nevard and Bronwyn Waugh.

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 draft amended Local Planning Policy – Tree Retention as contained within **Attachment (a)**.
2. Suspends application of Local Planning Policy – Tree Retention until such time detailed data has been obtained for trees on private property to ensure enforcement of the Policy.
3. In accordance with Part 7, Division 2, Regulation 52 of the Planning and Development Regulations 2009, waive fees associated with applications for development approval for tree damaging activity to a regulated tree.

Background

At its meeting held 23 April 2024, Council resolved to advertise draft Local Planning Policy – Tree Retention (draft Policy). A copy of the draft Policy is contained as **Attachment (a)**.

CommentModifications to Policy

The following modifications have been made to the draft Policy in response to submissions:

Modification	Rationale
Application of the Policy – zoned land under Local Planning Scheme No. 7	To clarify that the Policy applies to land zoned (not reserved) under Local Planning Scheme No. 7.
Application – works – head of power	Whilst the draft advertised Policy stated that a development application is required for tree damaging activity to a regulated tree, specifying the head of power for clarity (i.e. the Planning and Development (Local Planning Schemes) Regulations 2015 and <i>Planning and Development Act 2005</i>) has been inserted.

Exemptions – tree damaging activity	To explicitly state that tree damaging activity requires development approval except in the circumstances provided in the Policy. To clarify that all weeds on either a State or local weed register, and palm trees, are exempt from the Policy requirements.
General requirements – Structural Engineers Report	To ensure the City would consider the recommendations of a Structural Engineers Report where tree damaging activity is proposed to a regulated tree (e.g. structural damage caused by tree roots).
Definitions – Public works	To define public works in accordance with the <i>Planning and Development Act 2005</i> .

Effect of Policy

Should Council adopt the draft Policy, the effect of the Policy is such that tree damaging activity as defined in the Policy will be considered works under the under the Planning and Development (Local Planning Scheme) Regulations 2015 (the Regulations) and development under the *Planning and Development Act 2005*.

A development application would be required for any tree damaging activity to a regulated tree as defined in the Policy where other works are proposed on a subject site, even if those other works are exempt from development approval under the local planning scheme as per the deemed provisions of the Regulations (e.g., the erection of a Single House that meets the deemed-to-comply requirements of the Residential Design Codes).

If the roots or branches of a tree encroach into a neighbouring property, the neighbour will still require development approval for tree damaging activity to the encroaching tree, unless the work is exempt under the Policy (e.g. development approval to remove overhanging branches, even if the tree itself is located on a neighbouring property).

Enforcement

Should Council adopt the draft Policy, the provisions detail that tree damaging activity to a regulated tree (including tree removal) is considered development, and it would therefore become an offence under the *Planning and Development Act 2005* to undertake such works without having first obtained development approval.

In the absence of appropriate data, should a tree be removed or damaged, it may be difficult for the City to prove (for the purposes of a prosecution) that the former tree met the criteria contained within the LPP (height, species etc.). Detailed mapping is required to collect data to enable the City to identify trees which meet the criteria on private property, consistent with the draft Policy provisions, for compliance purposes.

Should Council adopt the draft Policy, it is recommended that application of the Policy be suspended until such time the City has procured appropriate data in this respect.

Pre-Emptive Tree Removal

Development approval is not currently required for the removal of trees, and therefore land can be cleared prior to lodging a subdivision or development application.

10.3.1 Draft Local Planning Policy - Tree Retention (Final Adoption)

Should Council adopt the draft Policy and during the interim period whilst data is being obtained to enforce the Policy, there is a likelihood of trees being pre-emptively removed at scale ahead of the Policy measures being introduced that may otherwise impact the ability of landowners to remove trees without approval.

The City considers that a broad community advertising campaign is required to explain the implications of the draft Policy, as well as the benefits of tree retention, however, pre-emptive removal of trees remains a risk during this period.

Communication

In considering whether to advertise the draft Policy, it was recommended that if ultimately adopted by Council, a broad community advertising campaign be undertaken. As such, should Council adopt the draft Policy, it is recommended that information be made publicly available to explain the implications of the Policy and circumstances where development approval is required.

Consultation

Following Council's resolution on the matter, the draft Policy was advertised for public comment between 29 May 2024 and 20 June 2024 (22 days) in the following manner:

- An email was sent on 29 May 2024 to the Strategic Planning Project database, with over 2000 subscribers from previous strategic planning engagement projects;
- Two articles were included in the mySnapshot (e-newsletter) on 30 May 2024 and 13 June 2024;
- One media release was published on the City's website on 29 May 2024;
- Two social media posts on the City's Facebook page (29 May 2024 and 13 June 2024); 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 advertising period, 313 submissions were received on the draft Policy as further detailed below:

Overall Submissions		
	Number	%
Support	220	70.3
Oppose	82	26.2
Neutral	8	2.6
No response to position	3	1.0
Total	313	100

Submissions received within the City of South Perth		
	Number	%
Support	144	63.4
Oppose	72	31.7
Neutral	8	3.5
No response to position	3	1.3
Total	227	100

Submissions received outside of the City of South Perth		
	Number	%
Support	76	88.4
Oppose	10	11.6
Neutral	0	0
No response to position	0	0
Total	86	100

A schedule of submissions for the draft Policy is contained at **Attachment (b)**. The key themes raised in the submissions are detailed below:

Issue	Comment
Impinging on private property rights	<p>The City recognises that regulatory intervention for tree retention needs to be balanced against the rights of individual property owners to make decisions about the use and enjoyment of their land.</p> <p>The balance between private property rights and the public interest is a fundamental challenge of urban planning, which needs to consider legal and economic implications, as well as the public interest/ social aspect of property ownership.</p> <p>In considering whether to adopt the draft Policy, Council needs to consider the benefits of private property rights over a regulatory approach that may otherwise protect social and environmental aspects of the urban environment.</p> <p>In restricting private property rights, consideration should be given to any potential adverse market/ financial outcomes, the benefit to society as a whole over the individual and whether community expectations as a result of the regulatory action can be satisfied.</p>

	<p>In November 2021, the State Government adopted the Private Property Rights Charter for Western Australia, which applies to State Government decisions and aims to ensure proper regard is given to the rights of private landowners. Local Governments are also encouraged to comply with the principles from the Charter, which, as it relates to tree retention on private property, includes the following:</p> <ol style="list-style-type: none"> 1. <i>Providing a community benefit: Government action which adversely affects private property rights in land should endeavour to benefit the community or otherwise advance the public interest. Public officials should only take government action which adversely affects private property rights in land when they consider it to be justified, having regard to the appropriate balance between the public interest to be advanced by the action and the public interest in the protection of private property rights in land.</i> <p>The City considers that the retention of mature trees results in public benefit by virtue of reduced urban heat, streetscape character, neighbourhood amenity and increased biodiversity.</p> <ol style="list-style-type: none"> 2. <i>Considering alternatives. Public officers should consider whether there are any alternative means by which the relevant community benefit or public interest could be advanced in a manner which avoids or reduces adverse effects on private property rights in land.</i> <p>Whilst the City will continue planting trees on public open space and within road reserves, opportunities for such planting to occur are reducing (e.g. competing interests between active sports spaces and tree planting on public open space, additional crossovers and parking to facilitate infill development and as available space for trees are planted out).</p> <p>Given the existing urban form, the City recognises that a contiguous canopy cannot be achieved in the absence of mature canopy on private property.</p>
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<p>Role of Council in regulating land</p>	<p>The role of planning is fundamentally to regulate use and development of land, including land in private ownership.</p> <p>The planning system in Western Australia already provides for the regulation of private land and associated impact on private property rights as the <i>Planning and Development Act 2005</i> requires approval for the development and/ or use of land. Examples include heritage protection, zoning and built form requirements.</p> <p>Many local governments have regulated the removal of trees through the use of significant tree registers, and the removal of trees on rural and special residential zoned land in particular is regulated.</p> <p>Amenity and environmental values are relevant and established planning considerations. The removal of a tree on private property is not expressly excluded from the requirement to obtain development approval under the current planning framework.</p> <p>Whilst historically, removal of trees in Western Australia has not been considered works that otherwise require approval, the City considers a reasonable argument can be made to this effect. Specifying this position via a local planning policy would provide certainty to the community as to Council's position if adopted.</p>
<p>Benefits of tree retention</p>	<p>The City recognises the environmental and social benefits of the retention of mature trees, including:</p> <ul style="list-style-type: none"> • reduced urban heat and temperature regulation; • retention of streetscape character; • neighbourhood amenity; • increased biodiversity; • habitat; • carbon absorption and oxygen production; • water retention and soil stabilisation; • public health benefits (mental health and wellbeing); • microclimate (evaporation and precipitation); • pollution mitigation and air purification; • ecosystem support (soil and nutrient fertility); • noise and visual mitigation (vegetative screening); and • economic benefits (sustainable design).

Achieving canopy targets	<p>Comments were made with respect to achieving an urban canopy across the City, including potential canopy targets.</p> <p>Urban greening, which includes tree canopy, understory, low and groundcover planting, provides environmental, social, psychological and recreational benefits.</p> <p>This environmental asset includes all trees and vegetation on public and private land.</p> <p>Historically targets have been set for achieving a minimum percentage tree canopy across a geographic area and there is still a focus on achieving a percentage canopy cover.</p> <p>Whilst percentage canopy cover measures trends over an extended period of time, the disconnect between planting of trees and increase in canopy cover significantly diminishes the value of using canopy cover as a measure to promote action that will overall increase canopy.</p> <p>Understanding the elements that contribute to urban forest and setting targets that promote action in each of these areas, can be measured in a meaningful way over the short to medium term.</p> <p>Percentage canopy cover also does not measure the value of planting other than trees, these also being a valuable component of urban greening.</p> <p>Should Council adopt the draft Policy, it will assist in the retention of trees on private property to contribute towards the overall canopy across the district.</p>
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<p>Liability and safety issues</p>	<p>Landowners have a duty of care to ensure reasonable measures are taken to ensure harm is not caused (to the public or adjacent properties) by a tree on the landowner's property.</p> <p>If a tree from a property has branches and/or roots that encroach into an adjoining owner's land, that landowner is otherwise entitled to remove the material up to the boundary of the property without the prior approval of the landowner. Should Council adopt the draft Policy, development approval would first be required if the tree was a regulated tree.</p> <p>If a request was made to prune/ remove a regulated tree, the City would consider the recommendations of the arborist report and/ or structural engineers report to determine whether the tree is dangerous and requires pruning/ removing.</p> <p>In the instance a tree was required to be retained that later resulted in damages to an adjacent landowner, the City would have been required to reasonably foresee that such damages would occur to be negligent.</p> <p>Ensuring determinations are made based on the recommendations of an arborist report, and the City acting reasonably when determining such applications, is considered suitable to minimise liability for any potential damage caused.</p>
<p>Planting on public land</p>	<p>Several submitters noted the need to ensure planting on public land and/ or that the City should focus tree planting efforts on public land over private land.</p> <p>The City will continue to plant trees within road reserves and within public open spaces, however, as planting continues to occur, there will be limited further opportunities for such planting. The City also needs to consider competing interests such as use of public open space for sports spaces.</p> <p>Should Council adopt the Policy, mature tree retention on property also provides a mechanism to retain canopy cover mid-block, resulting in overall canopy benefits across the district.</p>

Subdivision	<p>Submissions were made regarding the impact of the draft Policy on subdivision activity.</p> <p>The Western Australian Planning Commission (WAPC) determines all subdivision applications in Western Australia.</p> <p>Where the WAPC has approved a plan of subdivision, s157 of the <i>Planning and Development Act 2005</i> provides that this approval is taken to be approval by the responsible authority under the planning scheme of the carrying out of works necessary to enable the subdivision of land that is shown on the plan of subdivision and required by the WAPC to be carried out as a condition of approval of the plan of subdivision.</p> <p>The WAPC may determine that the approval is not taken as approval under the local planning scheme for specified works, and as such may determine that development approval of the local government is required for the removal of a regulated tree in accordance with the Policy, despite subdivision approval having been granted.</p> <p>As such, the application of the Policy applies to subdivision to the extent that the City may recommend that prior to the determination of an application for subdivision approval, additional information be provided to the WAPC to allow consideration of the impacts of the subdivision design and layout on any regulated tree and whether the general requirements of the Policy have been addressed. In addition, the City could recommend a condition of subdivision approval such that the prior approval of the City is required for the removal of the regulated trees.</p>
Impact on achieving dwelling targets and limiting development	<p>Submitters raised concerns that requiring the retention of trees on private property could impact the ability to develop a site and provide for additional housing throughout the City, as well as achieving the State Government's infill housing targets for South Perth.</p> <p>The City considers that in many instances, an appropriate balance between development and tree retention can be achieved however, will take a pragmatic approach to development applications where an alternative design to retain a regulated tree would otherwise prohibit a site being developed for a dwelling (e.g. the regulated tree is sited in the centre of the lot).</p> <p>The City offers free pre-lodgement meetings to discuss proposals and has a Design Review Panel, both of which discuss means of retaining trees whilst accommodating development.</p>

Policy and Legislative Implications

In accordance with the Regulations, 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 Policy, the local government must publish notice of the Policy in accordance with clause 87 of the Regulations.

Financial Implications

Development applications attract an application fee of \$147 for works less than \$50,000. To incentivise applications being made in accordance with the draft Policy, it is recommended that Council waive fees associated with applications for development approval for tree damaging activity to a regulated tree.

\$100,000 was included in the adopted 2024/25 Annual Budget towards tree mapping and arborists reports to ensure enforcement and technical advice in support of implementation of the draft Policy. Should Council not adopt the draft Policy, the funds would not be required, and Council could re-allocate the funds during the mid-year budget review.

Key Risks and Considerations

Risk Event Outcome	<p>Environmental Damage</p> <p>Includes any detrimental impact upon the natural environment within the City. This includes pollutant spillages and leakages, failure to maintain or enhance the natural environment within the City or its connections with its natural or municipal neighbours.</p> <p>Legislative Breach</p> <p>Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation</p>
Risk rating	Medium
Mitigation and actions	In the absence of an appropriate statutory planning instrument, the City has limited ability to maintain tree canopy on private property. In the absence of appropriate data for trees on private property, it may be difficult for the City to prove (for the purposes of a prosecution) that the former tree met the criteria contained within the LPP.

Strategic Implications

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

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

Attachments

- 10.3.1 (a): Draft Local Planning Policy - Tree Retention (as amended)
- 10.3.1 (b): Schedule of Submissions - Draft Local Planning Policy - Tree Retention

10.3.2 Proposed Alterations and Additions to Single House and Home Business (Office) - Lot 3, No. 151 Angelo Street, South Perth

Location:	Lot 3 No. 151 Angelo Street South Perth
Ward:	Mill Point Ward
Applicant:	Urbanista Town Planning
File Reference:	D-24-31247
DA Lodgement Date:	12 April 2024
Author(s):	Remajee Narroo, 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 Alterations and Additions to a Single House and a Change of Use to a Home Business (Office) on Lot 3, No.151 Angelo Street, South Perth.

The item is referred to Council as the proposal includes a 'Home Business' land use under Local Planning Scheme No. 7, which is a non-residential use in the Residential zone. Three objections to the proposal were received during the advertising period and the proposal therefore falls outside of the delegation to Officers.

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

Officer Recommendation AND COUNCIL DECISION

0724/131

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

That pursuant to the provisions of the City of South Perth Local Planning Scheme No. 7, the application for development approval for Alterations and Additions to Single House and Home Business (Office) on Lot 3, No.151 Angelo Street, South Perth, **be approved** subject to the following conditions:

1. The Home Business must not employ more than two persons who are not members of the occupier's household.
2. The Home Business must only operate between the hours of 8:00am to 5:00pm Monday to Friday and not at all on Saturday, Sunday or Public Holidays.
3. A maximum of one client per day and three clients per week are permitted to attend the Home Business, by appointment only.
4. A tree protection zone (TPZ) in accordance with Australian Standard AS4970-2009 shall be implemented during construction for the trees notated on the approved plans to the satisfaction of the City of South Perth.
5. All stormwater discharge from the development shall be contained and disposed on on-site unless otherwise approved by the City of South Perth.

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

CARRIED BY EXCEPTION RESOLUTION (9/0)

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

Against: Nil.

Applicant	Urbanista Town Planning
Landowner	S R McLeish, N I Seddon

Development Site Details

The development site details are as follows:

Zoning	Residential
Density coding	R25
Lot area	658m ²

Comment**(a) Background**

On 13 December 2023, a Home Occupation (Office) was approved under delegated authority on the subject site. Former Town Planning Scheme No. 6 provided for a Home Occupation to employ no more than one person not a member of the occupiers household. Condition No.5 of this approval provided that not more than one person other than permanent members of the household shall be permitted to carry on, or conduct or engage in the Home Occupation. Two individuals resided at the property, with one external employee.

A Home Occupation under the City's Local Planning Scheme No. 7 (LPS 7) can occupy an area no greater than 20m² and does not involve employing a person who is not a member of the occupier's household. The existing approval has 'non-conforming use rights' under LPS 7 and can continue to operate as previously approved if the use is not discontinued or changed (including new buildings).

In April 2024, the City received the current development application for proposed Alterations and Additions to Single House and Home Business (Office).

A Home Business is an 'A' (discretionary with consultation) use under LPS 7 and is defined as follows:

'Home Business means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession –

- (a) does not involve employing more than 2 people who are not members of the occupier's household; and*
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and*
- (c) does not occupy an area greater than 50m²; and*

Proposed Alterations and Additions to Single House and Home Business (Office) - Lot 3, No. 151 Angelo Street, South Perth

- (d) *does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and,*
- (e) *does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and,*
- (f) *does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and*
- (g) *does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.'*

Delegation DC690 requires non-residential 'A' uses within the Residential zone to be determined by Council where objections are received during consultation.

At its meeting held 25 June 2024, Council resolved to not initiate a proposed Scheme Amendment to LPS 7 for an Additional Use (Office).

(b) Description of the Surrounding Locality

The existing development on the site is a Single House with an approved use for Home Occupation (Office) and the site immediately abuts residential development to the south and west. The eastern adjoining lot is zoned Local Centre and contains a Shop, reflecting the historic use of the site.



Figure 1: Aerial image of the subject site

(c) Description of the Proposal

The proposal seeks approval for Alterations and Additions to a Single House and a Change of Use to a Home Business (Office). The proposed works include the addition of a new bedroom to the rear of the existing dwelling and a carport in the south-western corner of the lot.

A Home Business (Office) is proposed due to an expansion to the existing approved use of Home Occupation (Office).

Details of the proposed Home Business are as follows:

- The business is a building company, providing advice and services in respect to construction, design and development.
- The Home Business will operate within the existing Single House, which is proposed to be altered to create three office spaces and one living quarters.
- One consultant will reside at the dwelling, and two consultants are employees who do not reside at the premises.
- The total area of the Home Business is 44m².
- The hours of operation will be from Monday to Friday 8:00am to 5:00pm.
- The original application proposed three clients per day, which was revised to a maximum of one client per day and three clients per week attending the site.

There is currently an existing carport and driveway which is being used for car parking for the consultants and visitors for the approved Home Occupation (Office). This proposal includes relocating the carport and providing three car bays at the rear of the property.

The plans and report submitted as part of the application are contained in **Attachment (a)**.

The proposal has been assessed against the Residential Design Codes, LPS 7 and relevant Local Planning Policies. The following elements require discretionary assessment as discussed below.

(d) Land Use

The proposed land use of a Home Business is an 'A' use class (discretionary with consultation) land use under LPS 7.

(e) Clause 32 of LPS 7 – Additional Site and Development Requirements

Clause 32 of LPS 7 provides additional site and development requirements. With respect to a Home Business on all land zoned or reserved under the Scheme, the following is applicable:

Additional Site and Development Requirement	Assessment
(2)(a) A Home Business shall not involve: The calling of more than fifteen (15) clients per week or more than three (3) clients per day to the land;	A maximum of one client is proposed per day, with a maximum of three clients per week.
(b) The storage, preparation or sale of foodstuffs;	There will be no storage, preparation, or sale of foodstuffs.
(c) The breeding, keeping or selling of any animal; or	No breeding, keeping or sale of any animal is proposed.
(d) The storage of goods, merchandise, materials, equipment or supplies other than within a building.	There will be no external storage of goods, merchandise, materials, equipment or supplies.

(f) Compatibility and Amenity

Clause 67(2)(m) and Clause 67(2)(n) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) require the local government to have regard to the compatibility of the proposal within its setting as well as amenity considerations (including environmental, character and social impacts).

The proposed Home Business (Office) has a maximum of one client per day and three clients per week, by appointment only during business hours. Given one client per day will attend the site, the use is not expected to generate any vehicle movements exceeding what could reasonably be expected for a Single House.

The nature of the proposed activity is such that the proposal is unlikely to create noise and activity which would impact the character or amenity of the surrounding locality.

(g) Car Parking

Three car bays are proposed at the rear of the property with one car bay allocated for the resident and two bays for staff. It is noted that a Home Occupation (Office) is already operating from the existing dwelling with clients currently parking in the driveway. The client attending the premises can park in the driveway and as such, all car parking can be accommodated on site.

(h) Residential Design Codes - Volume 1 (R-Codes)

The proposed additions and alterations are required to be assessed against the R-Codes. The R-Codes include deemed-to-comply criteria and design principles. Applications not complying with the deemed-to-comply criteria can be assessed against relevant design principles.

The additions satisfy the deemed-to-comply criteria with the exception of the carport which is proposed to be setback 0.9m in lieu of the required 1.0m to the western lot boundary.

The proposed setback is considered to satisfy the relevant design principles as the variation in setback is minor, it is an open framed structure unlikely to result in amenity impacts associated with building bulk and the structure will not obstruct natural light and ventilation to the adjoining property.

It is noted that no objection was received from the adjoining western neighbour affected by the setback variation.

(i) Consultation

Consultation has been undertaken for this proposal to the extent and in the manner required by the Regulations and Local Planning Policy - Advertising of Planning Proposals.

The application was advertised for a period of 15 days between 16 May 2024 and 31 May 2024 in following manner:

- A total of 12 letters were sent to owners and occupiers of adjoining properties; and
- A copy of the application was made available on the City's website.

At the closure of the consultation period, three submissions were received objecting to the proposal. It is noted that one submission summarised another submission (both submitted by the same individual). A summary of the submissions is provided below,

in addition to the Officer comments. The schedule of submissions is contained as **Attachment (b)**.

Submission	Comment
To clarify if each Home Business is supposed to have one resident or if these home offices will be used by non-resident employees.	One consultant will reside at the dwelling, and two consultants are employees who do not reside at the premises.
The site is zoned Residential. There is concern if these three offices are approved as Home Business which will lead to commercial use which is out of character with the residential area.	A Home Business is a land use that can be considered within the residential zone under LPS 7. The nature and scale of the business it not considered of adversely impact the amenity of the residential area.
The subject site is located at a busy junction with two existing hairdressers on both corners. The proposed Home Business with 3 consultants and 3 clients will impact on the traffic safety around this junction. The impact on traffic safety will increase if the cars from this property are not able to exit in forward gear.	In response to this submission, the applicant amended the proposal to provide a maximum of one client per day attending the premises. Traffic movements are therefore consistent with that of a residential dwelling and within the capacity of the existing road network to accommodate. In respect to safety, vehicles are capable of exiting the site in a forward gear.
<p>The height of the carport is based on the concrete pad and not the natural topography of the land. Therefore, the impact of the height of the carport on the adjoining properties cannot be determined.</p> <p>The vehicle swept path from the carport is shown to encroach on the adjoining rear property which is not acceptable.</p>	<p>The applicant submitted amended plans in respect to the existing natural ground levels. The overall height of the carport will be 3.27m which complies with the height requirements of the R-Codes.</p> <p>Vehicles are capable of exiting the site in a forward gear without encroaching onto neighbouring properties.</p>
<p>The proposed carport will result in an increase in noise due to movements of vehicles which will impact on the adjoining properties.</p> <p>Light from the carport will spill out on adjoining properties which also includes lights of car movement in and out of the carport at night.</p>	The business is proposed to operate Monday to Friday, 8:00am to 5:00pm only. Light associated with the use of the carport is not considered beyond what would typically occur if the carport was used in association with a dwelling.

There is no information how the stormwater drainage will be managed.	All stormwater is required to be contained on site. Should Council approve the proposal, a condition is recommended in this respect to ensure compliance.
Request the applicant to clarify whether the existing trees along the rear boundary will be maintained. The removal of these trees or death due to construction of the carport/driveway will impact on the visual amenity of the adjoining properties.	The applicant has confirmed that no trees are proposed to be removed. A condition requiring Tree Protection Zones to ensure trees are not impact by construction works is recommended.

Policy and Legislative Implications

In accordance with the Regulations, 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

This determination has some financial implications, to the extent that if the applicant were to make an application for review of the decision, the City may need to seek representation at the State Administrative Tribunal.

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

Conclusion

The proposal is consistent with the requirements of the local planning framework and is not considered to result in amenity impacts to the surrounding area. Accordingly, it is recommended that the application be approved subject to conditions.

Attachments

10.3.2 (a):	Development Plans
10.3.2 (b):	Schedule of Submissions

10.3.3 Proposed Child Care Premises - Lot 21 and Lot 22, No.15 and No.17 Bowman Street, South Perth

Location:	No. 15 and No.17 Bowman Street, South Perth
Ward:	Mill Point Ward
Applicant:	Altus Planning
File Reference:	D-24-31248
DA Lodgement Date:	27 November 2023
Author(s):	Joshua Loveridge, 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 a Child Care Premises at Lot 21 and Lot 22, No. 15 and No.17 Bowman Street, South Perth.

This item is referred to Council as the proposed use falls outside of the delegation to Officers.

For the reasons outlined in the report, it is recommended that the application be approved subject to conditions.

Officer Recommendation AND COUNCIL DECISION

0724/132

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

That pursuant to the provisions of the City of South Perth Local Planning Scheme No. 7, the application for development approval for a Child Care Premises and associated additions and alterations at Lots 21 and 22, No. 15 and No. 17 Bowman Street, South Perth be approved subject to the following conditions:

1. The development shall be in accordance with the approved plans unless otherwise authorised by the City of South Perth.
2. Prior to or in conjunction with the submission of a building permit application, the applicant is to submit to a final schedule of colours, materials and finishes to the City of South Perth. This schedule is to be approved in writing to the satisfaction of the City of South Perth. Prior to occupation or use of the development, the endorsed material and finishes schedule shall be implemented and thereafter maintained to the satisfaction of the City of South Perth.
3. Prior to or in conjunction with 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.

4. Prior to or in conjunction with the submission of a building permit application or demolition permit application, whichever is earlier, a Construction Management Plan must be submitted to, and approved by, the City of South Perth. The Construction Management Plan must address the following issues, where applicable:
 - (i) Public safety and amenity;
 - (ii) Site plan and security;
 - (iii) Contact details of essential site personnel, construction period and operating hours;
 - (iv) Community information, consultation and complaints management plan;
 - (v) Noise, vibration, air and dust management;
 - (vi) Traffic, access and parking management;
 - (vii) Waste management and materials re-use;
 - (viii) Street tree management and protection; and
 - (ix) Asbestos removal.

The Construction Management Plan must be complied with at all times during development, to the satisfaction of the City of South Perth.
5. Prior to or in conjunction with the submission of a building permit application, an external lighting plan demonstrating compliance with *Australian Standard 4282 – Control of Obtrusive Effects of Outdoor Lighting* must be submitted and approved in writing by the City of South Perth. The lighting is to be designed and located to prevent any increase in light spill onto the adjoining properties. Prior to occupation and use of the development, the lighting shall be installed in accordance with the approved plan and maintained thereafter to the satisfaction of the City of South Perth.
6. Prior to or in conjunction with the submission of a building permit application, a Noise Management Plan shall be submitted to and approved by the City of South Perth, to the specifications and satisfaction of the City of South Perth. The Noise Management Plan is to be implemented for the life of the development, to the satisfaction of the City of South Perth.
7. Prior to occupation or use of the development, a Parking Management Plan (PMP) shall be submitted to and approved by the City of South Perth. The Parking Management Plan is to include detailed management measures for the operation of the following to ensure vehicle access is readily available and safe at all times:
 - (i) The total number of car parking bays, time restrictions on parking bays, short and long term bicycle parking spaces and the total number of other bays (for example, service and loading and unloading bays);
 - (ii) Parking allocation for users of the development (for example, staff and customer bays, accessible bays and bays allocated for shared use), and duration of use of the bays;
 - (iii) Details of who will be responsible for the management, operation and maintenance of parking;
 - (iv) Management of allocation of parking bays as specified in the PMP, including signage and enforcement; and

- (v) Details of how parking arrangement and alternative transport options will be communicated to visitors and staff.

The approved Parking Management Plan shall be implemented and adhered to all times, to the satisfaction of the City of South Perth.

8. Prior to occupation or use of the development, all vehicle crossings are required to be upgraded, designed, and constructed to the satisfaction of the City of South Perth.
9. Prior to occupation or use of the development, any redundant crossovers shall be removed and the verge and kerbing reinstated, at the expense of the applicant to the satisfaction of the City of South Perth.
10. Prior to occupation and use of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained, line-marked and kerbed in accordance with:
 - (i) The approved plans;
 - (ii) Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking;
 - (iii) Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities;
 - (iv) Australian Standard AS 1428.1-2009, Design for access and mobility, Part 1: General Requirements for access-New building work (by providing a link to the main entrance of the development by a continuous accessible path of travel); and
 - (v) City of South Perth engineering requirements and design guidelines.

The car parking is to be maintained to the satisfaction of the City of South Perth for the lifetime of the development.
11. Prior to occupation and use of the development, the applicant shall supply certification confirming the constructed design of all bicycle parking and end of trip facilities are compliant with AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities to the satisfaction of the City of South Perth.
12. Prior to occupation or use of the development, landscaping is to be installed and maintained in accordance with the approved landscaping plan dated 28 May 2024, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City of South Perth.
13. The accessible bay is to be designed and installed in accordance with the relevant Australian Standards or as otherwise supported by a performance solution to the satisfaction of the City of South Perth.
14. The approved Waste Management Plan prepared by Urbii date stamped May 2024 shall be implemented and adhered to all times, to the satisfaction of the City of South Perth.
15. All street trees in the verge adjacent to the lot will be required by the City to be protected by a tree protection zone (TPZ), including appropriate fencing, to Australian Standards during the works. The City requires that mulch is provided around the base of each tree within the TPZ and watered regularly for the duration of the works.

16. A tree protection zone (TPZ) in accordance with Australian Standard AS4970-2009 shall be implemented during demolition and construction for the trees notated on the approved plans for retention within the lot, and trees to be protected on adjacent lots, to the satisfaction of the City of South Perth.
17. External fixtures, such as air-conditioning infrastructure, shall be integrated into the design of the building so as to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties, to the satisfaction of the City of South Perth.
18. Noise from any proposed mechanical plant, exhaust or air conditioner systems, shall be verified by a suitably qualified acoustical consultant and only installed where compliance with the Environmental (Noise) Protection Regulations 1997, has been demonstrated to the City.
19. A maximum of seven employees are permitted to operate from the premises at any one time.
20. The opening hours of the Child Care Premises is limited to Monday to Friday – 7.00am to 6.00pm. The Child Care Premises is not permitted to operate on weekends and public holidays.
21. Service and/or delivery vehicles shall service the premises between 7.00am to 7.00pm Monday to Saturday and not at all on Sundays unless otherwise approved by the City of South Perth.
22. The number of children on site at any one time is restricted to a maximum of 38 children.
23. Outdoor play shall not be permitted before 7:30am and after 6:00pm.
24. The signage shall not contain any flashing or moving light, audio, animation or movement in its design or structure; reflective, retro-reflective or fluorescent materials in its design structure to the satisfaction of the City of South Perth.
25. Prior to the occupation and use of the development, Lot 21 and Lot 22 Bowman Street, South Perth shall be amalgamated, to the satisfaction of the City of South Perth.
26. Prior to the occupation of the development, the existing Colorbond fence is to be replaced with masonry side and rear boundary fencing (behind the building line) of 1.8 metres in height to the satisfaction of the City of South Perth. Where the ground levels differ on either side of the fence, the required height shall be measured above the higher ground level.

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

CARRIED BY EXCEPTION RESOLUTION (9/0)

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

Against: Nil.

Applicant Details	Altus Planning
Landowner	Millpoint Capital Pty Ltd

Development Site Details

The development site details are as follows:

Zoning	Centre
Density coding	RAC-0
Lot area	No.15 Bowman Street – 597m ² No.17 Bowman Street – 597m ² 1,194m ² (total area)

Comment

(a) Background

In November 2023, the City received an application for a proposed Child Care Premises and associated additions and alterations to existing buildings at Lot 21 and Lot 22, No. 15 and No.17 Bowman Street, South Perth (the subject site).

Further information requests were sent to the applicant and technical reports were required to be undertaken in support of the application. A final set of amended plans and Planning Report were received in June 2024.

A Child Care Premises is a 'D' (i.e. discretionary) use under the City's Local Planning Scheme No. 7 (LPS 7) and is defined as follows:

“means premises where –

- a) an education and care service as defined in the Education and Care Services National Law (Western Australia) Section 5(1), other than a family day care service as defined in that section, is provided; or,*
- b) a child care service as defined in the Child Care Services Act 2007 section 4 is provided.”*

(b) Description of the Surrounding Locality

The existing development on the site is two single storey office buildings. The site immediately abuts a variety of built form and land use typologies, noting its location within the Richardson character area of the South Perth Activity Centre (SPACP). It is noted that the subject site is located approximately 71m west of Labouchere Road, and 60m south of the Kwinana Freeway entry.



1. **Figure 1:** Aerial image of the subject site

(c) **Description of the Proposal**

The proposal is for a Child Care Premises and associated additions and alterations. Details of the proposal are as follows:

- Partial internal and external demolition of the existing buildings, and demolition of the rear garage and carparking hardstand and concrete edging;
- construction of additions to connect the two existing buildings, toilets and storerooms;
- construction of fencing surrounding the outdoor play areas;
- landscaping, signage and a shade sail;
- proposed hours of operation are between 7:00am to 6:00pm Monday to Friday;
- the Child Care Premises will accommodate up to 38 children and seven staff;
- one parking bay for visitors and six bays for staff. All parking is located on-site;
- waste is to be collected via kerbside collection; and,
- amalgamation of the two lots into one lot.

A copy of the development plans, site photos and applicant's cover letter are contained in **Attachment (a)**, **Attachment (b)** and **Attachment (c)** respectively.

(d) **Land Use**

The proposed land use of Child Care Premises is 'D' (i.e. Discretionary) land use under LPS 7 in the 'Richardson' character area ACR 2 (land subject to the South Perth Activity Centre Plan), which means that the use is not permitted unless the local government has exercised its discretion by granting development approval.

(e) Planning framework

The proposal meets the requirements of LPS 7 and relevant Local Planning Policies except the following which are further discussed in this report.

South Perth Activity Centre Plan

- 4.1.2.3 - Use of street setback areas

Local Planning Policy - Child care premises

- 5.2.3 - Location of outdoor play areas
- 5.3.3 - Location of visitor parking
- 5.4.2 - Boundary fencing
- 5.4.3 - Landscaping
- 5.5.1 - Waste management and servicing

(f) South Perth Activity Centre Plan (SPACP)

The subject site is located within the Richardson character area of the SPACP.

The following outlines those matters where the applicant is seeking discretion under the SPACP.

Matter	Comment
<p>4.1.2.3 - Use of street setback areas</p> <p>Street setback areas are not to be used for car parking.</p>	<p>An existing area of hardstand in the front street setback area of No. 15 Bowman Street is proposed to be formalised as a visitor car parking bay. The remaining car parking bays are located at the rear of the building.</p> <p>Given the proposal is utilising an existing area of hardstand, this variation is considered acceptable.</p> <p>Further, a 1.2m wide landscaping strip is provided between the drop off bay and the public footpath to improve presentation to public realm (0.9m wide strip on site, and 0.3m in verge). The planting is dense, with species selection that will generally grow up to 1.0m in height. It is considered that this landscaping will provide a degree of visual relief, whilst allowing for visibility of the bay to the public realm to aid in legibility and safety.</p>

(g) Local Planning Policy - Child Care Premises

Local Planning Policy – Child Care Premises seeks to regulate the development of Child Care Premises within the City of South Perth. The following outlines those matters that do not comply with the provisions of the Policy.

Matter	Comment
<p>5.2.3 - Location of outdoor play areas</p> <p>Outdoor play areas shall be located away from any adjoining noise sensitive premises such as dwellings and residential aged care facilities unless supported by an acoustic report from a suitably qualified professional.</p>	<p>An Acoustic Report has been submitted with the development application (refer to Attachment (d)).</p> <p>The City is satisfied the acoustic report demonstrates that the expected noise levels will comply with the Environmental Protection (Noise Regulations) 1997.</p>
<p>5.3.3 - Location of visitor parking</p> <p>Vehicle access shall achieve the following:</p> <p>e) All drop off and pick-up parking areas to provide safe and direct access from the car parking area to the entry point to the Child care premises.</p>	<p>The drop off bay located at the front of No. 15 Bowman Street is considered to allow for direct, safe pedestrian access from the bay to the entry.</p>
<p>5.4.2 – Boundary fencing</p> <p>Boundary fencing is required to be of masonry construction to the satisfaction of the City.</p>	<p>The site has an existing Colorbond boundary fence.</p> <p>Whilst the City notes that the Acoustic Report states that no specialist fencing is required, the requirement for masonry fencing is for noise abatement and amenity reasons and as such, it is recommended that compliance with the Policy in this respect be achieved. A condition has been recommended in this respect.</p>

<p>5.4.3 - Landscaping</p> <p>A Landscaping Plan is required to be submitted with the development application addressing the following to the satisfaction of the City:</p> <ul style="list-style-type: none"> a) Landscaping of the front setback area to contribute positively to the streetscape; b) A minimum of 10 percent of the total site area, excluding outdoor play areas, is to be landscaped; and c) A minimum of one (1) tree per four (4) uncovered bays within at grade car parking areas. 	<p>The Landscaping Plan is included as Attachment (e).</p> <p>Landscaping in the front setback area is considered to positively contribute to the streetscape, including the retention of two existing trees and provision of a new tree within the front setback area.</p> <p>It is noted that the proposed landscaping area provided on site (outside of outdoor play areas) is 9.1%, in lieu of 10%.</p> <p>The shortfall in landscaping is supported given the amount and type of landscaping has been maximised as much as practical due to the existing building footprint.</p>
<p>5.5.1 – Waste management and servicing</p> <p>A Waste Management Plan is required to be submitted with the development application to address the following to the satisfaction of the City:</p> <ul style="list-style-type: none"> (a) Waste storage areas shall: <ul style="list-style-type: none"> (i) Be located behind the primary building setback line and screened from view from the street, public spaces and adjacent properties; and (ii) Not be located abutting a shared residential property boundary. (b) Waste trucks must enter and exit the site in a forward gear, with all manoeuvring carried out on site. 	<p>A Waste Management Plan has been provided demonstrating compliance with these requirements.</p>

(h) Compatibility and Amenity

Clause 67(2)(m) and Clause 67(2)(n) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) require the local government to have regard to the compatibility of the proposal within its setting as well as amenity considerations (including environmental, character and social impacts).

Built Form

The proposal largely utilises the existing built form, with additions being single storey, and minor in scale compared to the surrounding built form context of the locality. A condition requiring the provision of a detailed materials and finishes schedule is recommended to ensure that the materials and finishes are compatible with the existing built form and locality.

Noise

The Acoustic Report has been reviewed by the City and is supported.

A condition is recommended to ensure the recommendations of the Acoustic Report are implemented.

The submitted Acoustic Report does not include recommendations for the day-to-day operation of the centre. As such, should the application be approved, to manage operational noise on site, a condition has been recommended requiring a Noise Management Plan be submitted, approved, and thereafter implementation to the satisfaction of the City.

Traffic and Parking

The TIS submitted in support of the application satisfactorily demonstrates that traffic generation is within the capacity of the existing road network to accommodate, and that vehicle manoeuvring is able to occur safely on site.

The total number of on-site car parking bays is compliant with the requirements of the SPACP. A minimum of six on-site car parking bays are required in accordance with the SPACP and seven on-site parking bays are proposed.

Waste Management

Waste management is proposed to occur in the following manner:

- The proposed bin storage area is located at the rear of No. 15 Bowman Street;
- collection is to occur from the Bowman Street verge twice per week via private collection using a rear loader waste truck;
- bulk waste will be stored in the on-site store rooms until private collection occurs; and
- it is noted that it is not feasible for a waste truck to access the rear of the site for on-site collection due to the location of existing buildings.

The Waste Management Plan contained in **Attachment (f)** is supported.

(i) **Consultation**

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

Advertising was undertaken for a period of 14 days between 22 April and 6 May 2024 in the following manner:

- A total of 373 letters were sent to owners and occupiers of adjoining properties; and,
- A copy of the application was made available on the City's website.

It should be noted that the set of plans advertised excluded the western elevation, which was later provided by the applicant. The additions are not proposed to the western side.

At the closure of the advertising period, two objections were received. A summary of the submissions is provided in the table below together with the Officers comments, with a Schedule of Submission is contained at **Attachment (g)**.

Submission	Comment
Acoustic report has not accurately considered noise impacts on surrounding properties (noting location of outdoor play areas relative to neighbouring properties). Applicant recommends a post-occupancy noise assessment.	<p>The City is satisfied that the assessment undertaken as part of the Acoustic Report regarding noise impacts on adjoining properties is accurate, and expected noise levels will comply with the Environmental Protection (Noise Regulations) 1997.</p> <p>The provision of a Noise Management Plan is recommended to ensure ongoing compliance with respect to the operation of the Child Care Premises.</p>
Traffic and vehicle manoeuvring, and safety issues are posed by the proposal.	<p>The applicant has provided a Transport Impact Statement (Attachment (h)) in support of the proposal which is supported by the City.</p> <p>The provision of a Parking Management Plan is recommended as a condition to regulate the parking operation on an ongoing basis.</p>
Insufficient number of visitor and staff car bays provided.	<p>The total number of on-site car parking bays is compliant with the requirements of the SPACP.</p> <p>A minimum of six on-site car parking bays are required in accordance with the SPACP and seven on site parking bays are proposed.</p>
No ACROD bay provided.	<p>Accessible bay requirements fall under the National Construction Code and relevant Australian Standards and will be determined through the Building Permit stage.</p>
Waste collection will cause adverse amenity impacts.	<p>A Waste Management Plan has been submitted in support of the proposed development which is supported by the City.</p>

Plans include insufficient detail relating to wash basins and toilets.	The provision and configuration of toilet and wash basins is a matter which will be considered at the Building Permit application stage in accordance with the National Construction Code.
Insufficient fencing is proposed for outdoor play areas, posing concerns that children may not be kept within play areas.	All outdoor play areas are fully fenced and contained, ensuring that children are not able to interact with traffic.
Public transport is unlikely to be used by visitors, with few children living in the Richardson precinct.	Regardless of whether users of the Child Care Premises utilise public transport, sufficient car parking has been provided on site. Notwithstanding, the subject site is located in close proximity to high frequency public transport.
The nearest educational establishment is over one kilometre from the subject site.	The nearest educational establishment is located at No. 2 Hardy Street, South Perth, which is approximately 272m from the subject site. The nearest primary schools are St Columba's Catholic Primary School and South Perth Primary Schools which are located approximately 1km from the subject site.
There is no demonstrated need for a child care centre in this area.	The applicant has submitted information which details there is a demand for child care facilities in the SPACP and surrounding areas, which has been reviewed and accepted by the City.
Substantial development is occurring in the locality, which must be taken into account when considering traffic, parking, and noise.	These matters are considered to be satisfactorily addressed as detailed in this report.

Policy and Legislative Implications

In accordance with the Regulations, 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

This determination has some financial implications, to the extent that if the applicant were to make an application for review of the decision, the City may need to seek representation at the State Administrative Tribunal.

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 coordinated 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

Conclusion

Whilst it is acknowledged that the proposal does not wholly comply with several requirements of the local planning framework as discussed in this report, on balance, it is considered that the scale and nature of the proposed use is appropriate for an activity centre. Variations that have the potential to adversely impact the amenity of residents can be appropriately addressed via conditions of approval.

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

Attachments

- 10.3.3 (a): Development Plans dated 14 June 2024
- 10.3.3 (b): Site Photos
- 10.3.3 (c): Applicant's Cover Letter
- 10.3.3 (d): Acoustic Report
- 10.3.3 (e): Landscaping Plan
- 10.3.3 (f): Waste Management Plan
- 10.3.3 (g): Schedule of Submissions
- 10.3.3 (h): Transport Impact Statement

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 Listing of Payments June 2024

File Ref: D-24-31249
Author(s): Abrie Lacock, Manager Finance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report presents to Council a list of accounts paid under delegated authority between 1 June 2024 to 30 June 2024 for information. It also includes purchase card transactions between 1 May 2024 to 31 May 2024 in line with new legislative requirements. The City made the following payments:

EFT Payments to Creditors	(509)	\$6,514,248.19
Cheque Payment to Creditors	(5)	\$9,899.25
Total Monthly Payments to Creditors	(514)	\$6,524,147.44
EFT Payments to Non-Creditors	(79)	\$851,418.86
Cheque Payments to Non-Creditors	(26)	\$30,151.99
Total EFT & Cheque Payments	(619)	\$7,405,718.29
Credit Card Payments	(77)	\$13,531.56
Fleet Card Payments	(32)	\$2,038.45
Total Payments	(728)	\$7,421,288.30

Officer Recommendation AND COUNCIL DECISION

0724/133

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

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

CARRIED BY EXCEPTION RESOLUTION (9/0)

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

Against: Nil.

Background

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

Comment

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

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

The report records payments are classified as:

- Creditor Payments

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

- Non-Creditor Payments

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

- Purchase Cards

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

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

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

The payment of authorised amounts is within existing budget provisions.

Key Risks and Considerations

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

Strategic Implications

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

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

Attachments

- 10.4.1 (a): Listing of Payments June 2024

10.4.2 Monthly Financial Statements June 2024 (Interim)

File Ref: D-24-31250
Author(s): Abrie Lacock, Manager Finance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

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

Officer Recommendation AND COUNCIL DECISION

0724/134

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

That Council notes the Interim Financial Statements and report for the month ended 30 June 2024.

CARRIED BY EXCEPTION RESOLUTION (9/0)

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

Against: Nil.

Background

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

Comment

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

Despite monetary policy measures taken by central banks across the globe inflation worldwide including Australia remains stubbornly high. The March 2023 quarter to March 2024 quarter Perth CPI of 3.4% as well as the national CPI for the same period of 3.6% are still higher than the Reserve Bank of Australia (RBA) target rates of between 2% and 3%.

The monthly weighted average CPI of eight capital cities May 2023 to May 2024 of 4% is regarded as too high and higher than the 3.5% and 3.6% respectively for the 12 months ended March 2024 and April 2024.

To curb the high inflation the RBA have raised interest rates. The cash rate target increased from 0.10% in June 2022 to the current 4.35%. At its June meeting the RBA decided to leave the cash rate target unchanged, stating that the economic outlook remains uncertain and recent data have demonstrated that the process of returning inflation to target is unlikely to be smooth.

The RBA also made the following statement at its Board meeting of 18 June 2024: “The central forecasts published in May were for inflation to return to the target range of 2–3 per cent in the second half of 2025 and to the midpoint in 2026. Since then, there have been indications that momentum in economic activity is weak, including slow growth in GDP, a rise in the unemployment rate and slower-than-expected wages growth. At the same time, the revisions to consumption and the saving rate and the persistence of inflation suggest that risks to the upside remain. Recent budget outcomes may also have an impact on demand, although federal and state energy rebates will temporarily reduce headline inflation. The persistence of services price inflation is a key uncertainty. Also, although growth in unit labour costs has eased, it remains high. Productivity growth needs to pick up in a sustained way if inflation is to continue to decline.”

Council adopted the mid-year budget review on 27 February 2024 reflecting a forecasted operating surplus (\$0.76m) as opposed to the original budgeted operating loss (-\$1.06m). Although subject to yearend amendments and final accrual adjustments the interim results are better than forecasted at mid-year review, mainly due to positive revenue outcomes and the City’s continued efforts to prudently manage its finances whilst remaining conscious of the need to provide quality services to our community.

Interim actual income from operating activities for June year-to-date (YTD) is \$72.94m in comparison to budget of \$71.18m, favourable to revised budget by \$1.76m or 2.48%, mainly the result of higher interest rates, fees and charges and the receipt of the Financial Assistance Grants in advance, which was budgeted for but unanticipated due to delays in confirmation regarding payment. Interim actual expenditure from operating activities for June is \$68.22m in comparison to the budget of \$70.42m, favourable to budget by \$2.21m or 3.13%, mainly in materials and contracts due to ongoing cost management initiatives. The Interim June Net Operating Position of \$4.73m is \$3.97m favourable in comparison to budget.

Interim actual Capital Revenue is lower than budget by \$0.97m, \$1.43m compared to budget of \$2.40m, revenue recognition is dependent on capital project completion and like capital expenditure below subject to yearend accruals. Interim actual Capital Expenditure YTD is \$11.31m in comparison to budget the budget of \$15.33m lower than the revised budget by \$4.02m or 26.22%. Some of the current year projects required re-budgeting for in 2024/25 due to factors outside of the City’s control. A variance analysis is provided within **Attachment (e)** titled Significant Variance Analysis.

Cash and Cash Equivalents amounted to \$65.55m. 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.

10.4.2 Monthly Financial Statements June 2024 (Interim)

Interest rates have been trending upward, with banks offering average interest rates of 5.34% 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 May 2024, the City held 37.70% 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 City of South Perth Honour Boards

File Ref: D-24-31251
Author(s): Morgan Hindle, Governance Coordinator
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report outlines the current condition and location of the City's honour boards and a solution for their future preservation and public display.

Officer Recommendation AND COUNCIL DECISION

0724/135

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

That Council endorse the procurement of two 65-inch digital honour boards for display at the Civic Centre Reception and in the Council Chamber foyer.

CARRIED BY EXCEPTION RESOLUTION (9/0)

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

Against: Nil.

Background

At its meeting held 26 March 2024, Council resolved to request the Chief Executive Officer to prepare a report for Council detailing the current condition and locations of the City's honour boards and portraits, methods for their future preservation and potential public display locations.

Comment

Honour boards play a significant role in publicly acknowledging and celebrating the contributions and service of former Mayors and Councillors to Council and their community. They serve as a permanent record, preserving the history and legacy of leadership and providing a chronological account of those who have shaped the City of South Perth.

The honour boards were first implemented following a request from former Councillor Bill Gleeson in 2005 and were displayed in the Reception Room at the Civic Centre. The Reception Room is utilised by the City's administration for meetings, training, Council workshops and dinners and is not generally available for public use.

10.4.3 City of South Perth Honour Boards

In total there are 16 honour boards which consist of two types:

1. 6 x Perspex (acrylic) boards which display a list of names of Elected Members and CEO's in chronological order; and
2. 10 x photo boards in wooden frames which display Elected Members and senior City Officers in chronological order for a given period.

In 2019 an internal upgrade of the Civic Centre was carried out, this upgrade included changes to the Reception Room such as repainting, new carpet and the display of images from across the City representing the City's vision:

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

The public currently has access to these honour boards in the following manner:

- A digital copy of the perspex boards is available via the Library Services Team;
- Digital Images of all Council photo boards can be accessed online via the Library [website](#);
- A small collection of physical photo boards are currently available for inspection at Heritage House; and
- A listing of previous Elected and administrative leaders of the City is available on the City's [website](#).

As a result of the upgrade, the honour boards were removed and are stored within the South Perth Library records.

Current Condition and Potential Location of Perspex Honour Boards

The honour boards feature white ink on a clear background with an old City of South Perth logo. Current images and the original design graphics of these honour boards can be viewed at **Attachment (a)**. Unfortunately, the names on these boards have become difficult to discern due to the lack of contrast and the aging of the materials. The clear perspex also causes reflections, making it difficult to find a suitable location for display.

The size and number of honour boards also limit potential public display locations. Furthermore, if the City were to continue producing honour boards in this fashion, new boards would be required over time. This would necessitate identifying additional display areas, which the City does not have available.

The City explored multiple locations to display the honour boards with consideration to factors such as public access, space and background suitability. The most obvious proposed areas were the Council Chamber and the current Civic Centre Reception Room. The City's Council Chamber was deemed unviable due to the impact large boards would have on the acoustics of the room whilst the City's Reception Room area lacks sufficient space to display these boards and as previously mentioned, is generally not open to the public.

Preservation of Honour Boards

Given the current condition of these honour boards, they are not suitable for display without significant refurbishment.

The City sought quotes for both the renewal and replacement of these honour boards from a variety of suppliers and were informed by subject matter experts that repairing or restoring clear perspex boards is impractical and complicated.

10.4.3 City of South Perth Honour Boards

If the City were to opt to replace the honour boards with new ones, especially on wooden or frosted backgrounds, there would be ongoing maintenance costs associated with engraving and updating the boards as new Councillors are elected. As identified, this would also prove challenging to maintain given the limited public display space available. As such, City administration is recommending not to proceed with refurbishment or replacement of the honour boards.

Digital Scrolling Honour Boards

Considering the factors outlined above, the City recommends installing digital scrolling honour boards, which offer several solutions to the issues discussed above. Digital boards can be easily updated to reflect new appointments, eliminating the need for ongoing updating maintenance costs. A digital display requires less physical space and can be placed in more locations without the constraints posed by traditional boards. Beyond just displaying names, the digital boards are versatile and can display images of the photo boards and any key City messaging as required.

The proposal involves installing two 65-inch screens, one in the City's front reception and another in the Council Chamber foyer, as displayed at **Attachment (b)**. These screens will utilise remote access content management software, allowing the City to control the displayed signage. The provider, Amped Digital has collaborated with other local governments such as the City of Bunbury, Canning, Cockburn, Stirling, and Subiaco to provide this service in recent times.

Notably, the City of Subiaco and the National Gallery of Australia have recently installed similar screens for the purpose of honour boards, with examples provided at **Attachment (c)**.

This digital solution will enable the City to display honour boards inclusive of photo boards in public view without occupying significant space or impacting rooms like the Council Chamber. Additionally, it offers the flexibility to display important messages for the public from time to time and will provide much greater access to the public when visiting the City administration building.

Consultation

The City consulted with a variety of honour board providers and engravers within the metropolitan area. The City of Subiaco and the City of South Perth Historical Society were also consulted to gather further insights and recommendations on how best to display honour boards.

Policy and Legislative Implications

Nil.

Financial Implications

The cost to install two commercial 65-inch screens and two software licences to facilitate the display is approximately \$7,327.20 excluding GST. A support service fee ranging from \$14 to \$38 a month depending on the level of support will also need to be factored in.

Should Council support the boards, a body of work is required to gather information relating to the history of former Elected Members to display. This will require significant staff resources to both research the former Elected Members and display the information accurately and appropriately. The cost of this work, is as yet unknown but will need to be absorbed into current budgets.

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>
Risk rating	Low
Mitigation and actions	Installation of Digital Honour Boards to preserve history and maintain a record of Elected Member service.

Strategic Implications

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

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

Attachments

- 10.4.3 (a):** City of South Perth Honour Boards
- 10.4.3 (b):** Proposed Location for Honour Boards
- 10.4.3 (c):** Example Digital Honour Boards

11. APPLICATIONS FOR LEAVE OF ABSENCE

- Mayor Greg Milner for the period 12 September 2024 to 22 September 2024, inclusive.
- Councillor Glenn Cridland for the period 12 September 2024 to 13 October 2024, inclusive.
- Councillor Bronwyn Waugh for the period 28 January 2025 to 10 March 2025, inclusive.

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

COUNCIL DECISION

0724/136

Moved: Councillor Blake D'Souza

Seconded: Councillor Nic Coveney

That Council approve the Leave of Absence application received from:

1. Mayor Greg Milner for the period 12 September 2024 to 22 September 2024, inclusive.
2. Councillor Glenn Cridland for the period 12 September 2024 to 13 October 2024, inclusive.
3. Councillor Bronwyn Waugh for the period 28 January 2025 to 10 March 2025, inclusive.

CARRIED (9/0)

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

Against: Nil.

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 NOTICE OF MOTION - MAYOR GREG MILNER - INDOOR SPORTING FACILITIES IN THE CITY OF SOUTH PERTH

File Ref: D-24-31252
Author(s): Donna Shaw, Director Development and Community Services
Reporting Officer(s): Mike Bradford, Chief Executive Officer

Summary

Mayor Greg Milner submitted the following Notice of Motion prior to the Council Agenda Briefing held 16 July 2024.

COUNCIL DECISION

0724/137

Moved: Mayor Greg Milner
Seconded: Councillor Mary Choy

That Council:

1. Recognises the chronic shortfall of indoor sporting facilities within the district, and welcomes the support of the State Government and Federal Government to meet this urgent community need.
2. Requests the Chief Executive Officer write to the Minister for Local Government and Youth, the Hon Hannah Beazley, and to the State Member for South Perth, Mr Geoff Baker MLA as well as to the Hon. Anika Wells MP the Minister for Aged Care and Minister for Sport, and to Zaneta Mascarenhas MP, Member for Swan, as well as to the Shadow Minister for Sport in the State Government, the Hon. Peter Rundle MLA, and the Shadow Minister for Sport in Federal Government, the Hon. Senator Anne Ruston to:
 - a. Provide the State Government with information relating to the shortfall of indoor sporting facilities within the district; and
 - b. Signal Council's support for a 12-court indoor sporting and mixed-use community facility that will benefit the community of the City of South Perth.

CARRIED (9/0)

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

Against: Nil.

Background

Mayor Greg Milner submitted a Notice of Motion regarding indoor sporting facilities in the City of South Perth. The reasons for the Notice of Motion are as follows:

1. *Strategy 1.2.3 of the City's Strategic Community Plan states that the City will: "Plan for and promote the development of recreation facilities to service City of South Perth needs".*
2. *During the City's consideration of the Recreation and Aquatic Facility (RAF) project, the City documented the chronic shortage of indoor playing courts across the Perth Metropolitan Region.*
3. *The growth of sports such as basketball and volleyball (two of the fastest growing team sports in WA) are constrained by the number of courts available for training and competition. Existing indoor court venues are heavily oversubscribed.*
4. *There is a particular need for indoor playing courts capable of benefitting the community of the City of South Perth. Provision of indoor playing courts would address sporting and community needs, encourage greater participation in physical activity and promote the growth of community sport in Western Australia.*
5. *The Perth Basketball Association (Redbacks) have launched a campaign to achieve a 12-court indoor sporting and mixed-use community facility. This campaign is supported by Perth Reds Volleyball (Reds) and the Member for South Perth, Mr Geoff Baker MLA.*
6. *An ePetition, facilitated by the Hon. Hannah Beazley MLA and seeking funding and land to build a new 12-court indoor sporting and mixed-use community facility in Kensington, is scheduled to be presented to the Legislative Assembly in mid-August. At the time of writing, the ePetition had over 4,400 signatures.*
7. *With the State Government election scheduled for 8 March 2025, this is a prime opportunity for Council to advocate for this urgent community need on behalf of our residents.*
8. *Without necessarily tying the City of South Perth's support to a specific site or project, the Council should take this opportunity:*
 - (a) *Represent and reiterate our community's need for a 12-court indoor sporting and mixed-use community facility; and*
 - (b) *Share with the State Government the City's learnings about the need for indoor sporting facilities in this district.*

Comment

There is significant community demand for an indoor multi-sports courts facility. The current offerings at George Burnett Leisure Centre in Karawara are undersized, outdated and not fit-for-purpose. Currently in the City there is a:

- Lack of indoor sporting and ageing facilities that are no longer fit for purpose;
- Low participation rates in local sports, particularly amongst females;
- Lack of preventive health programs delivered in the community.

Industry standards recommends that one district level facility has a minimum of four courts to provide for every 30,000 people. The City has a population of 46,000 people and currently has only one indoor court. Ideally, the City should have a facility with a minimum of six indoor courts.

12.1 Notice of Motion - Mayor Greg Milner - Indoor Sporting Facilities in the City of South Perth

A multi-sports indoor courts proposal will meet a significant community need for indoor playing courts in the Perth metropolitan area and build greater capacity for female participation in a variety of sports. New multi-sports indoor courts will offer a range of further benefits to the whole community, including but not limited to:

- Providing a place for people of all ages and abilities to connect and be active;
- Helping to reduce social isolation; and
- Providing a positive impact on physical and mental health and wellbeing.

Consultation

Nil.

Policy and Legislative Implications

Nil.

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	Reputational Damage Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
Risk rating	Low
Mitigation and actions	The City will advocate for community infrastructure consistent with the Community Recreation Facilities Plan 2019.

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:	1.2.3 Plan for and promote the development of recreation facilities to service City of South Perth needs

Attachments

Nil.

12.2 NOTICE OF MOTION - COUNCILLOR NIC COVENEY - PUBLIC ART AT THE SOUTH PERTH FORESHORE

File Ref: D-24-31253
Author(s): Donna Shaw, Director Development and Community 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 16 July 2024.

COUNCIL DECISION

0724/138

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

That Council requests the Chief Executive Officer to prepare a report to Council by no later than the 10 December 2024 Ordinary Council Meeting with respect to the installation of temporary and permanent artwork and/or signage to attract tourists to the South Perth foreshore and surrounding precincts, noting the opportunities as set out in these reasons.

CARRIED (7/2)

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

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

Background

Councillor Nic Coveney submitted a Notice of Motion regarding Public Art at the South Perth Foreshore. The reasons for the Notice of Motion are as follows:

Background

- 1. Architectural Digest is an international design magazine founded in 1920, which carries influence around the world. On 26 June 2024, Architectural Digest published an article titled "the 17 most beautiful skylines in the world". The Perth CBD skyline was ranked at number 6, beating the likes of well known skylines such as Sydney, Singapore, and Toronto.*
- 2. The best views of the Perth CBD skyline are, at least in my opinion as a proud South Perth resident, from the South Perth foreshore.*
- 3. However, the South Foreshore is not included in the top attractions in Perth on Trip Advisor, the world's largest travel platform which has over a billion reviews. Instead, the top attractions on Trip Advisor are to places like Kings Park, the Perth Mint, the Bell Tower, and Elizabeth Quay.*

4. *Similarly, on the official Australia tourism website, the South Perth foreshore is not included in the suggested three-day itinerary, which focuses on Kings Park, beaches, the Swan Valley, Fremantle, and Rottnest.*
5. *So the question then becomes, do we want to attract more people, both residents and non-residents to the South Perth foreshore and the nearby precincts, and if so, how can that be achieved? The answer to the first question is yes, and the answer to the second question, is through engaging public art.*

Analysis of Relevant Plans

6. *The Public Art Masterplan 2022-25 (“PAM”) states:*

“The City recognises the role that public art can play to assist in achieving its vision through place activation; creating community pride; strengthening connections between people; providing landmarks that make places and help people to find their way; and enhancing access and understanding of the natural environment, local history and heritage.”
7. *The PAM refers to the connection between the public art and the directions of the South Perth’s Strategic Community Plan. In this regard:*
 - (a) *In relation to the economy, the PAM states:*

“...a major economic opportunity for the City is developing tourism on the South Perth peninsula by leveraging key existing attractions including the Perth Zoo and the South Perth Foreshore. Cultural attractions are a developing part of the City’s offer for tourists in these areas, and there are real opportunities for well-coordinated and promoted public art to make a key contribution...”
 - (b) *In relation to the community, the PAM states:*

“Our community told us that public art successfully delivered outcomes that helped community to feel a sense of belonging and pride in places in the City... Public art remains more accessible to our community than many other cultural experiences usually accessed in museums, galleries, theatres and concert halls. Because of its placement in the public realm, public art complements and encourages a range of recreational activities and adds enriching cultural dimensions to outdoor experiences and an active lifestyle.”
 - (c) *In relation to the environmental, the PAM states:*

“Our community told us that a key benefit provided by public art was adding interest and improving the appearance of the City’s public areas...”
8. *There are five city-wide initiatives listed in PAM, the first being to “create”...“active places and beautiful spaces through public art...”*
9. *The deliverables for the “create” initiative highlighted in the preceding paragraph are:*
 - (a) *“Commission and facilitate the delivery of new works of public art that will develop and enhance the City’s collection of public art and enhance cultural dimensions of the public realm.”*
 - (b) *“Create and pursue opportunity to leverage enduring and temporary public art attractions in the City for cultural tourism in support of the local economy.”*

10. *The opportunities & initiatives in South Perth specifically, as set out in PAM are to:*
- (a) *“Establish and develop a regular public art festival / event in partnership with others for the South Perth Foreshore/Sir James Mitchell Park to enhance the dynamism and seasonal offer of South Perth as a cultural destination with a developing local/national/ international profile”; and*
 - (b) *“Investigate options and opportunities to provide low-impact infrastructure along the South Perth Foreshore to support dynamic public art, community events and other activations.”*
11. *In relation to the South Perth Activity Centre Precinct specifically, the PAM says:*
- (a) *“The South Perth Activity Centre Plan identifies a cultural and commercial heart for the precinct centred around Mends Street, key attractions such as the Perth Zoo, Mindeerup and Windsor Park, and key existing transport linkages serviced by the Ferry and bus services on Labouchere and Mill Point Road...*
 - (b) *Mill Point and the South Perth foreshore is also a location much used recreationally for cycling, walking and a range of water sports... Correspondingly, public art associated with private development and in public open spaces will be prominent features and important amenities for this precinct and represent a real opportunity for the future of the City and its community of residents, businesses and community.”*
12. *Please refer to **Annexure B** for a full analysis of the relevant plans, including the South Perth’s Strategic Community Plan 2021-2031, Corporate Business Plan 24/25-27/28, Culture Plan 2023-28, Economic Development Plan September 2023, and South Perth Foreshore and Management Plan 2015.*

Opportunities

Introduction

13. *There has been rapid economic development at Elizabeth Quay, including tourism. There is a ferry which runs from Elizabeth Quay to the Mends Street jetty. It is currently the only ferry route along the Swan River. The Mends Street jetty is at Minderup, which is at the bottom of the Mends Street precinct, and on the foreshore where there are breathtaking views of the Perth CBD skyline, which has just been internationally recognized as one of the best globally. Local residents want activation of our foreshore and precincts. Herein lies a raft of opportunities with art.*

“Instagrammable” art piece

14. *There are plenty of examples of successful artworks which have become international attractions and are of cultural significance to their location of residence. For example:*
- (a) *The Hollywood sign attracts close to 50 million visitors annually, stimulating local businesses and creating job opportunities.*
 - (b) *The Chicago Cloud Gate attracts around 5 million visitors annual, with that tourism boost representing an additional \$1.5 billion annually for the City’s economy.*
 - (c) *The “iamsterdam” letters were so popular in its previous location it was moved from that space as it could not handle the demand.*
 - (d) *The Table Mountain photo frame in Cape Town, with the mountain seeing 1.7 million visitors in December 2023 and January 2024 alone.*

15. *Looking closer to home, we have a recent case study of the Brisbane letters on the banks of the Brisbane River.*
- (a) *The iconic sign was originally made from plywood by the local Mend's Shed groups for the G20 Leaders Summit. It was replicated with stronger material to withstand Queensland weather. The project cost \$300,000 and was jointly funded by the Queensland State Government and the Brisbane City Council.*
- (b) *The Brisbane Lord Mayor described the Brisbane sign as "the people's sign" and that because it is built for a long asset life, when you factor in cost against the advertising from it, it is proportionately cheap. He said the sign drew tens of thousands of people during the G20 to take the opportunity to take a photograph with the sign, and that both locals and visitors enjoyed it. He said visitors getting out on social media and sending pictures of themselves in front of the sign across the globe was good for Brisbane. It was designed by Brisbane and Queensland organisations. The letters were decorated by community groups. Soft flooring and lighting surround the sign.*
16. *The artwork could be a "South Perth" sign or similar, a photo frame you can stand in, something iconic to the Swan River (such as a black swan) or an animal consistent with the existing zoo animals nearby... or something else. Noting the intent is to seek submissions for the artwork, and then make a determination, it is too early to determine the what the winning submission may look like.*
17. *Done properly, this artwork with the Perth CBD skyline in the background could be as synonymous with WA as taking quokka selfie, Kings Park, Fremantle, and Cottesloe Beach.*

Sculptures by the River

18. *The other opportunity is an art pop-up event along the foreshore, akin to Sculptures by the Sea at Cottesloe and Bondi and Sculptures by the River at Northshore in Brisbane. These pop-up events celebrate artists via a walkthrough along the beach / river.*
19. *The Cottesloe event draws approximately 220,000 visitors across 18 days. This would increase foot traffic to the nearby Mends Street and Angelo Street precincts. It may also incentivize the state government to consider re-activating the Coode Street ferry which previously operated, either on a full time or temporary basis during the pop-up, to go between the jetties of Mends Street, Coode Street, and Elizabeth Quay.*

Fountains on Swan

20. *Art is not limited to the physical form. Examples of renowned international art which uses a combination of water, sound and light includes:*
- (a) *The Spectra light and water show at Marina Bay Sands in Singapore;*
- (b) *The Dubai Fountain light and water show at Dubai; and*
- (c) *The Bellagio Fountains water show at the Bellagio in Las Vegas.*
21. *Those shows are free and run at regular intervals in the evenings, drawing significant crowds year-round to the area and the surrounding precincts.*
22. *A further opportunity for South Perth is to explore something similar with the relevant stakeholders, and so long as this does not impede any ferry network.*

23. *Clearly this particular opportunity (at least at the scale of the examples provided above) would require overwhelming financial support from external stakeholders like the State Government and so the City's role in this regard would be limited to advocacy.*

Conclusion

24. *Art which is culturally relevant, "instagrammable", has the backdrop of the Perth CBD skyline, and does not impede views and noise for apartment residents nearby, presents an opportunity to build community pride, activate the South Perth foreshore and surrounding precincts, improve amenity for residents, and support the local economy.*
25. *Noting the ideas discussed herein invariably promote tourism within and to WA, there are grounds for state grant funding. Similarly, the City of South Perth has a public artwork reserve for such purposes. Alternatively, council can consider during budget discussions for 25/26.*
26. *Please refer to **Annexure A** for examples of iconic art."*

The Annexures are combined within **Attachment (a)**.

Comment

Public Art Masterplan 2022-2025 (PAM)

The Cultural Plan 2019-2023 commits the City to deliver and implement a Public Art Masterplan (PAM).

The PAM provides guidance by establishing the high-level principles and commitments that the City has made to pursuing public art outcomes for the City, whilst also providing more detailed guidance about the translation and application to deliver public art. The principles include:

- Accessible;
- Culturally relevant;
- Coordinator;
- Inspiring and innovative;
- Site specific; and
- Expressive and educational.

In respect to the South Perth Activity Centre Precinct (which Minderup is located), the PAM recommends:

- Facilitating developer commissions and allocate cash-in-lieu to deliver quality public art for main streets, urban parks and key pedestrian routes in the Activity Centre.
- Leveraging policy and other documents, and approval processes, to enhance the quality, diversity and accessibility of public and private commissions in the Activity Centre.
- Commission annual/seasonal temporary public art and/or other arts/cultural attractions within the Activity Centre and South Perth Foreshore.
- Develop and promote guided and self-guided public art walking tours and associated collateral for Minderup and the Activity Centre.

12.2 Notice of Motion - Councillor Nic Coveney - Public Art at the South Perth Foreshore

- Allocate cash-in-lieu, and municipal funds as required, to deliver public art commissions for the South Perth Foreshore in alignment with the South Perth Foreshore Strategy and Management Plan, including:
 - Integrated interpretive artworks that also provide needed pedestrian amenity such as shade, shelter, seating and lighting;
 - Works of temporary and enduring art that add cultural dimensions to experiences already available;
 - Works that foreground First Nations culture and stories in ways that are appropriate to their sites; and
 - Works that link public art and local history to highlight and interpret the rich heritage of the area.

Future public art proposals should align with the recommendations of the PAM.

Public Art Advisory Group

The City's Public Art Advisory Group was established in 2015. Its function is to provide independent and expert advice regarding the arts-focused actions in the Cultural Plan 2019-2023, the City's strategic approach to public art, on City commissions and acquisitions for the City's collection, and to review and make recommendations to the City on developer public art proposals.

It is recommended that public art proposals or concepts be considered by the Public Art Advisory Group. Should Council proceed with the Notice of Motion, the City can seek further advice from the Group.

Consultation

Nil.

Policy and Legislative Implications

Nil.

Financial Implications

There is currently \$403,766 within the Public Art Reserve. The City can also review whether grants are available in accordance with the Notice of Motion.

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>
Risk rating	Low
Mitigation and actions	Provision of Public Art in accordance with the Public Art Masterplan and on the advice of the Public Art Advisory Group.

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

12.2 (a): Annexure A and B

Councillor Hayley Prendiville left the meeting at 8.35pm and returned at 8.37pm during consideration of Item 12.3.

12.3 NOTICE OF MOTION - COUNCILLOR BLAKE D'SOUZA - COMMUNITY CONSULTATION FOR TREE PLANTING/TREE REMOVALS

File Ref: D-24-31254
Author(s): Anita Amprimo, Director Infrastructure Services
Reporting Officer(s): Mike Bradford, Chief Executive Officer

Summary

Councillor Blake D'Souza submitted the following Notice of Motion prior to the Council Agenda Briefing held 16 July 2024.

Foreshadowed Notice of Motion

Moved: Councillor André Brender-A-Brandis
Seconded: Councillor Jennifer Nevard

That Council instructs the Chief Executive Officer:

1. To not proceed with the proposed removal of verge trees; including Olive trees (*Olea europaea*) identified in Karawara under the Urban Greening Grants Programme, apart from trees identified as dead or dying, having epicormic shoots, are stunted, diseased, rotten or have a trunk growth that is not perpendicular;
2. To identify alternative suitable locations within the City, that meet the funding criteria, to plant the trees that will not be planted due to the retention of the verge trees in Karawara as noted in [1] above;
3. To not plant verge trees in Waterford/Cygnia Cove as part of the Urban Greening Grants Programme where an objection has already been received from a resident or owner of the adjacent property to the planting of a tree on the verge. This being subject to review, through the Urban Greening Strategy; and
4. To modify the pruning regime of the Olive trees (*Olea europaea*) in Karawara to provide a greater canopy to be established.

LOST (4/5)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy and Jennifer Nevard.

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

Foreshadowed Notice of Motion

Moved: Councillor Nic Coveney

Seconded: Councillor Blake D'Souza

That Council instructs the CEO to continue with tree plantings under the Urban Greening Grant, but with the following minor modifications:

1. No further trees be removed, including but not limited to, olive trees, but for trees identified as dead, dying, or diseased;
2. If a property owner immediately adjoining the Council verge where new trees are planted provides a written complaint to the City, the City relocate the tree to an alternate suitable location, with relocations to be capped at 10% of the program;
3. Paragraphs 1 and 2 herein be forthwith advertised on the City's website and social media channels in lieu of mass-scale letter consultation and other advertisement; and
4. At the conclusion of the programme, a summary of the outcome of paragraph 2 herein be presented to Council.

Reasons for Change

1. I commend the City for proactively seeking and carrying out the Urban Greening Grant. However, the community feedback as expressed through Manning Ward Councillor D'Souza, is that (a) removing healthy established olive trees in lieu of new unestablished trees is counter-intuitive to the purpose of the grant itself and (b) there should be more community consultation.
2. I commend Councillor D'Souza for his original motion which sought to halt the programme until such time as community consultation could occur. However, as identified at the Agenda briefing, (a) the planting is of a time sensitive nature, and (b) in not carrying out the programme, the City risks prejudicing the Grant itself.
3. There are several practical reasons why some people may not want a verge tree. For example, we are in a housing crisis, adult children are staying at home for longer, and verges provide much needed additional parking. Other reasons include maintenance, utility lines, space constraints, allergies, view obstruction, and root damage.
4. This motion aims to strike a balance between ensuring (a) appropriate planting occurs, (b) the grant itself is not lost, (c) some community consultation occurs, (d) minor amendments are made based on that community consultation (i.e. relocation capped at 10%), and (e) the full programme is rolled out given any unwanted trees are relocated.

During debate on the Item, it was suggested to add the words '*Subject to Paragraph 2*' at the start of recommendation 1, and in paragraph 2 add the words '*within 14 days*' following the words '*provides a written complaint to the City*'.

With the agreement of the mover and seconder, recommendation 1 and 2 of the Foreshadowed Notice of Motion was amended as follows:

COUNCIL DECISION

0724/139

Moved: Councillor Nic Coveney

Seconded: Councillor Blake D'Souza

That Council instructs the CEO to continue with tree plantings under the Urban Greening Grant, but with the following minor modifications:

1. Subject to paragraph 2, no further trees be removed, including but not limited to, olive trees, but for trees identified as dead, dying, or diseased;
2. If a property owner immediately adjoining the Council verge where new trees are planted provides a written complaint to the City within 14 days, the City relocate the tree to an alternate suitable location, with relocations to be capped at 10% of the program;
3. Paragraphs 1 and 2 herein be forthwith advertised on the City's website and social media channels in lieu of mass-scale letter consultation and other advertisement; and
4. At the conclusion of the programme, a summary of the outcome of paragraph 2 herein be presented to Council.

Reasons for Change

5. I commend the City for proactively seeking and carrying out the Urban Greening Grant. However, the community feedback as expressed through Manning Ward Councillor D'Souza, is that (a) removing healthy established olive trees in lieu of new unestablished trees is counter-intuitive to the purpose of the grant itself and (b) there should be more community consultation.
6. I commend Councillor D'Souza for his original motion which sought to halt the programme until such time as community consultation could occur. However, as identified at the Agenda briefing, (a) the planting is of a time sensitive nature, and (b) in not carrying out the programme, the City risks prejudicing the Grant itself.
7. There are several practical reasons why some people may not want a verge tree. For example, we are in a housing crisis, adult children are staying at home for longer, and verges provide much needed additional parking. Other reasons include maintenance, utility lines, space constraints, allergies, view obstruction, and root damage.
8. This motion aims to strike a balance between ensuring (a) appropriate planting occurs, (b) the grant itself is not lost, (c) some community consultation occurs, (d) minor amendments are made based on that community consultation (i.e. relocation capped at 10%), and (e) the full programme is rolled out given any unwanted trees are relocated.

CARRIED (5/4)

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

Against: Mayor Greg Milner, Councillors Mary Choy, Glenn Cridland and Jennifer Nevard.

Notice of Motion Recommendation

That Council instructs the CEO:

1. As a matter of urgency, immediately pause any planned/proposed works across the City of South Perth (removal of old trees or planting of new trees) under the Urban Greening Grants Program - until the City undertakes detailed community consultation.
2. The aforementioned community consultation in [1] is to, at a minimum, include:
 - (a) The City to provide written notice to any residents adjacent to whose verge the City plans to plant new trees (or remove existing trees, whichever may be the case), explicitly inviting the resident to write back to the City with either a positive response or an objection;
 - (b) If an objection is received (or no response is received), the City is not to plant new trees (or remove existing trees, whichever may be the case) in that location.
3. Consultation requirements and the right to object in 2 (a) and (b) are also to apply to properties where new tree plantings are proposed opposite properties/verges where they will interfere in any way with river views. If an objection is received (or no response is received), the City is not to plant new trees in that location.
4. The period for community comment in [2] shall be for 6 weeks from when the City dispatches the correspondence to Australia Post.
5. The findings of [2] be brought before Council, first for a workshop, and then to an Ordinary Council Meeting, prior to the City re-starting works under Urban Greening Grants.

Background

Councillor Blake D'Souza submitted a Notice of Motion regarding trees for the Urban Greening Grants Program. The reasons for the Notice of Motion are as follows:

1. *While planting more trees is a commendable goal, it needs to be with the input of the community. This matter warrants council-level consideration.*
2. *Many residents have already expressed to me their dissatisfaction about the program roll-out, centering around the lack of consultation.*
3. *We should be planting trees, but not in places people don't want them.*

4. *I have received advice from the City that of the new 590 trees in this program, over 300 new trees will be planted on council verges in Waterford alone. This will affect the amenity of a substantial number of properties and may have a multitude of unintended consequences for property owners (solar panel access, gutters, pruning, parking, driveways etc).*
5. *The example of the removal of old (mature) olive trees in Karawara, just to insert new trees – is being interpreted by the community as a counterintuitive approach to enhancing tree canopy.*

Comment

The Urban Greening Grant Program was created to expand tree canopy and vegetation cover in high urban heat risk areas in 33 Local Governments within the Boorloo (Perth) and Bindjareb (Peel) regions. The program is funded by the Department of Water and Environmental Regulation (DWER) and delivered collaboratively with WALGA who manage the grant applications on behalf of DWER. The Urban Greening Grants program is targeted at planting in areas of low canopy (below 10%) and high Urban Heat Index (above five).

The City identified areas of the City that have canopy predominantly below 5% and an Urban Heat Index (UHI) of predominantly above seven. The proposed plantings are primarily focused on reducing the impact of urban heat on families in residential areas.

Installing trees outside homes will help cool the most important parts of our community and that's where people live. In addition, they will improve connectivity from the places people live, to existing public open spaces like parks, ovals or shopping precincts. Planting in these areas will line key pedestrian linkages and cycling corridors with trees which will provide ongoing benefits to the community well into the future.

The three areas subject to the successful grant application were public land vested in the City within Karawara, Cygnia Cove and Waterford. The grant application was for 592 trees across the three locations, consisting of a variety of *banksia*, *corymbia* and *eucalyptus*. The canopy cover and UHI for each site are as follows:

- Location 1) Karawara: Canopy cover < 0 to 5% Urban heat index >7
- Location 2) Cygnia Cove: Canopy cover < 0 to 5% Urban heat index >7
- Location 3) Waterford: Canopy cover 5% - 10% Urban heat index >7

Below are maps of each location with their corresponding current canopy cover and UHI.

Location 1) Karawara



Canopy Cover < 5%



Urban Heat Index > 7



Location 2) Cygnia Cove



Canopy Cover < 5%



Urban Heat Index > 7



Location 3) Waterford



Canopy Cover 5% - 10%



Urban Heat Index > 7



In order to support a resilient urban forest, the City has selected species that are adapted to thrive in a changing climate but also will ensure continuity in streetscape design. Specifically, the flowering native eucalyptus species will provide a source of nectar for birds and bees alike whilst allowing for an attractive streetscape facade. *Melaleuca* species have been selected to be installed in areas where the water table is high and are subject to seasonal inundation. *Banksia* species have also been deliberately selected in order to provide a food source for the endangered Carnaby's Black Cockatoo which is important as the City is home to one of the largest roosting habitats in the Metropolitan Region.

As the majority of the planting locations are within 200m of the Canning River, the trees will perform an important role in slowing the absorption rate of water into the soil. The reduced rate of infiltration will allow the tree's root systems to act like filters, removing pollutants like fertilizers and preventing nutrients from entering the Swan Canning Riverpark. This process will also help to prevent erosion and sedimentation which will in turn reduce the risk of over-saturation and flooding. Together, these actions make trees a vital element of "green infrastructure" in these urban areas.

If the Notice of Motion is endorsed by Council, the City will be required to undertake actions that would extend beyond the period available to complete the planting and as such would consult on something that ultimately would no longer be in a position to deliver on. The Notice of Motion also provides lack of clarity on how to deal with a situation where one adjacent property supports planting and the other does not. Presumably this would be determined by Council when the report, as requested in item 5 of the Notice of Motion Recommendation above, is presented to Council.

Consultation

The City issued a media release on 9 May 2024 relating to the project and also included an update through the Elected Member Bulletin in June 2024. On 23 June 2024 the City sent letters to residents and owners of properties in the three areas with details of the proposed planting and removal of Olive trees in Karawara. Whilst delivery times through Australia Post vary, the City started receiving responses to these letters from 24 June 2024. On reflection the City acknowledges that the wording in these letters could have been approached differently and will take on board feedback from the community on this for future correspondence.

The City's Urban Forest Strategy 2018-2023 promotes improving the City's canopy through the planting of trees in public spaces including the streetscapes. It includes targets for canopy increase and planting numbers which the City has struggled to meet due to funding limitations and suitability of locations. Development of the Urban Forest Strategy underwent public consultation and whilst it has a notional date of 2018-2023 it is still the adopted guiding document for the City until such time as a new strategy is endorsed.

The level of consultation proposed within the Notice of Motion Recommendation is inconsistent with any other consultation the City undertakes for works of this nature and could set a precedent for consultation for the future that is far beyond current resourcing levels. Not being able to proceed with works in publicly administered land without explicit endorsement of adjoining residents is not a practice that the City is aware of in any instance. Furthermore, with respect to tree planting in streetscapes, numerous local governments have moved to a position where they recognise the streetscape as a broad community asset that should be managed for the wider community benefit. As such, they take a high level approach to managing the public space for a whole of community outcome.

Policy and Legislative Implications

The City's current engagement Policy does not specifically address using this level of consultation in these circumstances. If the Policy were to be amended to align with this level of consultation, it would require extensive additional resources and extend delivery times of projects. It is also likely to impact the ability to attract external funding due to the extended timeframes.

Financial Implications

The City would lose the \$77,000 plus grant funding that has been awarded and would also have to incur the ongoing cost of maintaining the trees, proposed to be planted under the Urban Greening Grants Program, in the nursery until next planting season.

Key Risks and Considerations

Risk Event Outcome	<p>Financial Loss</p> <p>An adverse monetary impact on the City as a consequence of a risk event occurring. A grading is assigned to different levels of potential loss relative to the significance of the impact on the City's ongoing operations and its ability to deliver expected services</p> <p>Reputational Damage</p> <p>Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.</p>
Risk rating	Medium
Mitigation and actions	The City has discussed potential time delays with WALGA who have verbally confirmed that the extension could not be granted and the City would forfeit the grant funding. The City would seek to minimise costs of maintaining the trees in the nursery and if possible find another local government who may purchase them (noting that most will have already confirmed their planting programs and have limited capacity to plant more).

Strategic Implications

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

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

Councillor André Brender-A-Brandis' Foreshadowed Notice of Motion

That Council instructs the Chief Executive Officer:

1. To not proceed with the proposed removal of verge trees; including Olive trees (*Olea europaea*) identified in Karawara under the Urban Greening Grants Programme, apart from trees identified as dead or dying, having epicormic shoots, are stunted, diseased, rotten or have a trunk growth that is not perpendicular;
2. To identify alternative suitable locations within the City, that meet the funding criteria, to plant the trees that will not be planted due to the retention of the verge trees in Karawara as noted in [1] above;
3. To not plant verge trees in Waterford/Cygnia Cove as part of the Urban Greening Grants Programme where an objection has already been received from a resident or owner of the adjacent property to the planting of a tree on the verge. This being subject to review, through the Urban Greening Strategy; and
4. To modify the pruning regime of the Olive trees (*Olea europaea*) in Karawara to provide a greater canopy to be established.

Reason for Foreshadowed Notice of Motion as presented by Councillor André Brender-A-Brandis

- i. *Overwhelming feedback and support have been received from the residents of Wonil Way, Lowan Loop and Barang Circuit and the greater Karawara to retain the Olive and other species of trees. The amenity obtained from these mature trees is valued by the Community. The trees are resilient and thrive following a severe summer and should be retained.*
- ii. *The Street Tree Management Plan requires the removal of street trees to occur where trees are dead, diseased or hazardous. The trees identified for removal as part of the Urban Greening Programme are healthy thriving specimens that provide a canopy that should be retained and continue to grow with increased canopy covers.*
- iii. *Enhancing the tree canopy cover will assist in cooling street and homes by providing shade, increasing biodiversity by creating habitat and nature corridors, and enhance natural places that benefit our social, psychological and recreational requirements.*
- iv. *State Government funding received for the Urban Greening Grants Programme should be pursued to support plant trees in Karawara and Waterford, as these have been identified with low tree canopy. This project provides an opportunity to commence reducing the urban heat impact in localities identified that are most affected. The Urban Greening planting should be undertaken immediately to ensure plants have the greatest success in surviving.*

Officer Comment

Councillor André Brender-A-Brandis submitted the Foreshadowed Notice of Motion above which will be considered in the event Councillor Blake D'Souza's isn't carried.

The City broadly supports the Foreshadowed Notice of Motion and is working to identify alternative locations for tree planting within the approved grant locations. Officers are optimistic that this can be achieved.

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

Nil.

Councillor Blake D'Souza left the meeting at 9.41pm and returned at 9.43pm during consideration of Item 13.2.

13.2 QUESTIONS FROM MEMBERS

- Councillor Mary Choy
- Councillor Glenn Cridland

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

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

Nil.

15. MEETING CLOSED TO THE PUBLIC

Nil.

16. CLOSURE

The Presiding Member thanked everyone for their attendance and closed the meeting at 9.44pm.

APPENDIX

6.2 PUBLIC QUESTION TIME: 23 JULY 2024

<p>1 Mr Michael Morrissey, Como Received: 22 July 2024</p>	<p>Response to question 1 provided by: Garry Adams – Director Corporate Services Responses to questions 2 and 3 provided by: Donna Shaw – Director Development and Community Services</p>
<p><i>[Preamble]</i></p> <p><i>According to the 2021 Census, the population within a 2 km radius of Collier Reserve is 8,618 people, comprising 2,198 families. This number has since increased due to urban infill, while the area of open space will remain static. Granting the lease to WASPs for Collier Reserve will adversely impact current and future users. What is currently a community amenity – a significant portion of this public open space – would no longer be accessible to other sports clubs and the general community. Additionally, granting the club priority access to the remaining space on the reserve would restrict public access to what’s left of the green space that everybody currently has fair access to.</i></p>	
<p>1. The original motion submitted by Councillor Waugh in February (Agenda Item 12.5) suggests that the leased area would encompass the footprint of the future synthetic turf and club room, while the licensed area would be the remaining space designated for the club's use as grass turf, as indicated in their feasibility study. Can the City please provide an approximate measurement in square meters of the proposed leased and licensed areas?</p>	<p>No, we are currently awaiting that information from WASPS and it will be provided as part of the decision-making process for Council when the option comes before Council for a decision. So that will happen, hopefully at the next Council Meeting.</p>

<p>2. The feasibility study has recommended constructing 100 car bays in a separate car park adjacent to the synthetic turf facility, thereby converting what is currently public open green space into a car park. Can you please advise on the approximate measurement in square meters of the loss of public greenspace this would result in?</p>	<p>The proposed car parking area has not been designed and as such, the City cannot confirm the square meterage at this point in time. A standard car parking bay is 2.4m x 5.5m and as such, at least 1,320m², excluding accessways and vehicle access manoeuvrability for 100 car parking bays.</p>
<p>3. The February Council report states that further discussions between Wesley College and Hockey WA are necessary to determine if their needs can be accommodated at the Centre. The outcome of these negotiations could affect Wesley College's 50% contribution toward the WASPS synthetic turf and associated infrastructure. While WASPS' position is understood to remain unchanged, has Wesley College's position also remained unchanged?</p>	<p>Wesley College and the Club had entered into a Memorandum of Understanding such that approximately 50% of the capital cost of the project would be met by Wesley College. This is a matter between Wesley College and WASPS. Should Council proceed with the Option to Lease, WASPS must demonstrate to the City's satisfaction that it has secured funding for the development.</p>

<p>2 Ms K Poh, Como Received: 22 July 2024</p>	<p>Responses provided by: Garry Adams – Director Corporate Services</p>
<p><i>[Preamble]</i></p> <p><i>The City's Administration has previously informed me that the WASP lease option agreement that will be presented to Council for a decision would be consistent with the conditions outlined in the Notice of Motion submitted by Councillor Waugh and endorsed by Council during the February Ordinary Council Meeting. As such, no new information or conditions would be added to this lease agreement. However, Director Adams stated in last week's meeting that the draft lease option is currently with the club's lawyers, and the City is awaiting their 'mark ups' and requested changes. Until these are received, the City won't know what negotiations would be required. This suggests that the finalised lease option agreement may deviate from what Council agreed upon in February.</i></p>	
<p>1. Could the City please clarify what is meant by 'mark ups' and provide details on the types of changes the Club may be permitted to request and that the City would be required to include?</p>	<p>The City provided the club with a draft option document and a draft lease document that reflected the key terms as provided for in the Council Resolution. The full legal document contains many other clauses and definitions that are standard for City leases for Crown Land and require agreement from the lessee prior to putting the documents forward to Council for endorsement. Some of these clauses are able to be varied to some extent to suit the needs of the lessee and some are not.</p> <p>For an example, the lease document contains approximately eight pages of definitions, and some 30 odd pages of other clauses. Those clauses are things to do with indemnities, warranties, insurances, make good Clauses, Clauses to do with legal licenses - all of those sort of things. There's a whole lot of things that go into the leases on Crown Land, they're the types of things that there may be some negotiations.</p>

<p>2. I was informed that the boundaries of the leased area would only be approximate at this stage, and that precise surveying would be conducted later if the motion is moved. Could you please clarify whether it is standard practice to include approximate boundaries in such agreements, and whether the lease agreement becomes legally binding based on these approximate boundaries or if it requires finalisation through precise surveying and therefore another Council decision, before becoming binding?</p>	<p>The approximate lease boundaries will be included in the lease option agreement, however, the final boundaries will need to be known before the final lease document can be signed. These will only be known once the design has been done and the area properly surveyed.</p> <p>It is not necessary to have the exact area for the option agreement but it will be necessary to have the exact area for the exercise of the option in order to activate the lease agreement. Noting that once the option is going to be exercised the area will not be able to be varied by more than an agreed amount. There will be a Clause in there that says that if it does vary then it can't be by more than an agreed amount.</p>
<p>3. Can the City please advise when the finalised lease option agreement will be available for public viewing and confirm if it will be released as part of the Agenda notes?</p>	<p>The option agreement will form part of the Item that goes before Council for a decision. The Council decision is one part of the decision making process. It should be noted that Council is not the final decision maker as we are dealing with Crown Land and any option to lease or lease agreement will require the approval of the Minister for Lands under section 18 of the <i>Land Administration Act 1997</i>.</p>

3 Mr Murray Rosenberg, Como

Received: 22 July 2024

Responses provided by: Garry Adams – Director Corporate Services

[Preamble]

I refer to the Council office’s report at Agenda Item 10.1.1 concerning the possible use by Wesley South Perth Hockey Club (WASPS) of the Australian High-Performance Hockey Centre. The quote in my questions is taken from this report.

1. Why is the City of South Perth Council continuing to investigate the use of Collier Reserve as hockey facilities for the Wesley South Perth Hockey Club when the proposed High-Performance Hockey Centre, which will only be 1km from Collier Reserve, is ‘extremely likely to have four turfs and expanded range of facilities to accommodate local clubs (including WASPs and Xavier Hockey Club)’?

Council’s reasons were made clear at the Council Meeting at which the Resolution was made. Following on from that, City officers are bound to follow Council Resolutions and in February 2024, Council resolved for the CEO to negotiate with WASPS to prepare a three-year call option to lease over a portion of Collier Reserve, subject to a number of conditions. City officers have simply been carrying out the work required to fulfil this Resolution.

2. Is it likely that if WASPS Hockey Club were to utilise the facilities at the proposed High-Performance Hockey Centre that this would be a much less expensive option to both the WASPS Hockey Club and the ratepayers of the City of South Perth as compared to developing hockey facilities at Collier Reserve?

That is the view of City officers, however, it has been made clear on more than one occasion that WASPS preference is to have their own single home ground facility, which would not be provided at the new stadium.

3. If WASPS Hockey Club facilities were to be built at Collier Reserve what benefits will there be to other sporting groups such as soccer and cricket clubs?

At this stage, we are unsure as to what the benefits would be to other sporting groups such as soccer and cricket. There is part of the Resolution where WASPS are required to look at other users of the facilities there. We expect that they'll do that and there may be some other benefits that come out of that but at this stage it's unclear.

4 Professor Preis Max Sully, Como

Received: 22 July 2024

Responses provided by: Garry Adams – Director Corporate Services

[Preamble]

In reviewing the Council officer's report on Agenda Item 10.1.1, I note the statement, and I quote, 'It is highly likely that the High-Performance Hockey Centre will now feature four turfs and an expanded range of facilities to accommodate local clubs, including WASPS and Xavier Hockey Club.' The report confirms that the venue would meet the clubs' needs, including ongoing access to synthetic turf without overlapping demand, on-site income-generating opportunities, and the ability to maintain their sense of identity through the display of club memorabilia. Additionally, various meeting and activity spaces will be available for the clubs to use for meetings and social events. This addresses WASPS' desire for a space where their entire club can come together and socialise. Despite assurances that all needs can be met, WASPS maintains its position unchanged due to the absence of grass turfs at the venue.

1. My understanding is that WASPS already has a lease at Richardson Reserve, which is approximately 3km away from the High-Performance Centre, and they have access to grass turfs and their own clubhouse. Can the City please confirm if this is correct and specify the number of hockey grass turfs available at the reserve?

Richardson Park provides WASPS with a clubhouse and six grass hockey pitches, it does not provide a synthetic turf, which is what the higher grades of hockey require for their home games at the moment.

2. Can the City please provide details regarding the type of lease WASPS currently holds at Richardson Reserve and the expiry date of this lease?

The WASP Hockey Club is a joint lessee of the WCG Thomas Pavilion at Richardson Park together with South Perth Cricket Club for a period of 21 years expiring in 2044. It does not hold an exclusive lease over the sporting fields but books them for the required playing and training times as other clubs are required to do throughout the district. The lease was approved by the Minister for Lands and is registered with Landgate.

3. The club is also seeking to lease Collier Reserve, and I understand that the drafted lease agreement is currently under review and amendment by the club's lawyers. How can the City assure the public that it will prioritise the interests and needs of the entire community, rather than solely accommodating WASPS' desires?

If a lease is granted, it will provide for exclusive use by WASPS of the synthetic turf and clubhouse areas, with other areas being licensed for non-exclusive use as per the Council Resolution. Any lease will require the approval of the Minister for Lands and will therefore be assessed in accordance with State Government DC Policy 5.3 Use of Crown Land Reserved for Parks and Recreation and Regional Open Space. It'll have to meet the requirements of that is our understanding.

5 Ms Cristy Lowe, Como

Received: 22 July 2024

Responses to question 1 and 2 provided by: Garry Adams – Director Corporate Services

Response to question 3 provided by: Mayor Greg Milner

[Preamble]

In reviewing the Local Government Operational Guidelines – Disclosures of Interest, my understanding is that if a Council Member has an Impartiality Interest in a matter as a Council Member, they must declare that interest. However, they may remain in the meeting and vote on the item. Prior to the June 2023 Ordinary Council Meeting, community members emailed the Mayor, who at the time was the co-patron of WASPS, to express their concerns and opposition to the WASPS development at Collier Reserve. The Mayor advised these members that although he was not required to, he would recuse himself from the Agenda because it was, in his words, 'best practice'.

1. Am I correct to say that if a Council Member declares an Impartiality Interest in a matter, the person can either remain in the meeting and vote on the item, or choose to leave the meeting and abstain from voting? In other words, it is not mandatory for that person to vote on the Item.

It is only mandatory for someone to vote on an item if they are in the room.

2. In the case of the resurrected WASPS development item presented at the Feb Ordinary Council Meeting, five Council Members declared Impartiality Interests. Among them is Councillor Hayley Prendiville, who previously served as the president of WASPS and remains heavily involved with the club, holding numerous committee positions and currently Minkey Co-ordinator. Could Councillor Prendiville, if she chose to, abstain from voting on the upcoming WASPS lease agreement Agenda Item to address community fairness concerns?

A Councillor can choose not to be in the room when the vote is taken, but if a Councillor is in the room when a vote is taken then they must vote.

<p>3. Following the June Ordinary Council Meeting, the Mayor resigned from his role as co-patron of WASPS to publicly support the club by submitting a Notice of Motion for the July 2023 Ordinary Council Meeting. Additionally, he endorsed three other candidates (who are currently on the Council) during last year's local election and collectively advocated for co-located facilities for the club. Can the Mayor please explain why he didn't consider it in the community's 'best interest' to recuse himself from the February Ordinary Council Meeting?</p>	<p>If I'd had a Financial or Proximity Interest in the relevant Item at the February 2024 Ordinary Council Meeting, I wouldn't have been able to vote on that.</p> <p>I didn't have a Financial or a Proximity Interest. I had an impartiality interest, which of course I declared.</p> <p>Prior to the February 2024 Ordinary Council Meeting, I contacted and sought advice from both the City administration and also from the Department of Local Government.</p> <p>The advice I received was that I should declare an Impartiality Interest and vote on the Item. That's exactly what I did.</p>
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6 Dr Sue Gillieatt, Salter Point

Received: 22 July 2024

Responses provided by: Donna Shaw – Director Development and Community Services

[Preamble]

With great leadership from the Council, especially Councillor Prendiville and Councillor Coveney in March and April this year, together with strong support from the rest of Council. We now know that the community substantially is in support of the draft Tree Retention Policy. At the request of Council, the City has expended significant resources on the Policy's development, subsequent consultation, and documentation. Tonight is the final step in decisions around its adoption.

1. Could the administration please advise, the cost in the equivalent number of days of time incurred, the number of officers involved and estimated total cost of direct expenditure in getting the draft Tree Retention Policy to Council tonight? Please include time incurred for workshops, community engagement and consultation and previous Council Meetings.

Tasks associated with the draft Policy include research, preparation of the draft Policy, preparing and publishing reports to Council, preparing and undertaking advertising and review of submissions received. This involves staff from environmental services, planning, stakeholder engagement, communications and marketing, governance and the executive. The City has not tracked actual costs incurred given the tasks can be undertaken through the existing adopted operational budget, however, these tasks have occurred at various times over many months.

2. At the request of Council, the City has worked assiduously on the draft Tree Retention Policy for several years but especially this year - and with a Council level of interest in this matter. Indeed expectations have now been raised broadly throughout the community that it will be approved. Having listened to the Agenda Briefing last week, I heard the focus slip into multiple worries about implementation, costs, penalties, risk of neighbour disputes over pruning of trees, Policy enforcement, and so on. I also understand that these are important issues which need to be canvassed. Given tree protection is the responsibility of local government in Western Australia, unlike other states, and if perchance that this is not adopted tonight, what is the economic and social cost to the City of South Perth of not approving this Policy?

The City disagrees that tree retention is the sole responsibility of local government, and instead considers it is a matter between State and local government, as well as private landowners.

It is difficult to measure the economic impacts of tree retention on private property given property prices are speculative, and the City has not compared energy consumption on private properties for those with trees.

The social benefits of trees have been outlined within the report at Item 10.3.1, including the environmental benefits and creating a sense of place.

3. We have all seen the data on heat index, and urban greening including canopy, biodiversity, amenity and we know street trees alone cannot do the trick. The risk rating for this Policy has been deemed medium by Director Donna Shaw. I presume this risk rating relates to the risk of an approved Policy, rather than a risk rating for not having the Policy in place. Can the administration please explain the meaning of medium risk in the context of tree protection - how it is arrived at and what measures the City would need to undertake to reduce the medium classification risk rating?

Risk was considered in relation to the type of event, likelihood of the event occurring and any mitigation strategies.

The medium risk was based on the events that could occur if Council adopts or not adopts the draft Policy. Should Council not adopt the draft Policy, there is a risk the City would not be adequately maintaining or enhancing the natural environment.

Should Council adopt the Policy, the City may be unable to uphold its statutory obligation to uphold the requirements of the Policy given the resourcing implications to enforce the Policy.

7 Ms Katherine Brady, Kensington

Received: 22 July 2024

Responses provided by: Donna Shaw – Director Development and Community Services

[Preamble]

As a Ratepayer I would hope that it is reasonable to presume that the City only chooses to prosecute someone when there is a high chance of a successful outcome in favour of the City.

1. When choosing whether or not to prosecute someone for illegal development works would the City consider whether or not the illegal works conflicted with the intent of the relevant planning provisions?

Yes, the City would need to commence an investigation to determine whether there was a breach of the requirements of the Local Planning Policy.

2. Is the City likely to choose to prosecute someone who pruned a branch that was 150mm without development approval, rather than the 100mm prescribed in the draft Policy if the pruning had not adversely affected the health of the tree?

The City has a responsibility to uphold the requirements of its local planning framework. In determining whether to commence enforcement proceedings, the City needs to consider whether it is in the public interest to do so, the impact of the contravention on the amenity locality and the environment, the time lapsed since the works occurred and the factual circumstances in which the contravention took place.

3. If the illegal pruning was more than 10% but was otherwise insignificant and had a little adverse impact on the health of the tree, would the City prosecute?

In addition to the previous response, in prosecution proceedings, the onus is on the City to prove all elements of an offence beyond reasonable doubt. Therefore, an additional factor that should be considered when determining whether to initiate prosecution proceedings is the strength of the evidence available, being the prospect of the prosecution succeeding. We would need to ensure that we had appropriate evidence before we sought to commence prosecution proceedings.

8 Mr Warwick Boardman, Salter Point

Received: 22 July 2024

Response provided by: Donna Shaw – Director Development and Community Services

[Preamble]

It would be reassuring if the City chose to be moderate and sensible in its approach to enforcing the draft Tree Retention Policy.

1. Can the City please describe the approach it will take to enforcing the Policy around minor tree maintenance in the context of no threat to the life of a tree and/or when tree owners have informed the City of their intention to trim branches?

Should the landowner provide the City with details of the proposed pruning, which could include photos of the tree to be maintained, the City can compare the proposal to the requirements of the Policy to determine whether the works are exempt from requiring development approval.

If the City becomes aware that works have allegedly occurred that are inconsistent with the requirements of the Policy, the City may commence an investigation to determine if a breach has occurred, and whether or not it is appropriate to commence enforcement action.

9 Ms Kathy Lees, South Perth

Received: 22 July 2024

Response provided by: Donna Shaw – Director Development and Community Services

[Preamble]

My questions are in relation to the Draft Local Planning Policy on tree retention. Thank you again, Councillors, for persisting with your mission to protect our large healthy trees which are under more pressure than ever. I urge you now to finish the job and adopt the Policy without delay. With this in mind I have the following questions.

1. The City has a lot of laws and Policies that are required to be complied with but from my experience in local government, there are generally limited resources allocated to compliance largely for budgetary reasons. A case in point being the illegal artificial turf on numerous verges in the City - that the City has been notified of but it's taken no action on those. So if the Policy is approved, does the City believe that there is value in pursuing minor pruning breaches, such as inspecting green waste put out on verges as part of the Green Waste Collection to ensure that branches don't exceed 100mm in diameter? Is this something that the City is likely to commit resources to?

The City has limited capacity to pro-actively monitor any breaches to the Policy, if adopted. The City would therefore typically only commence an investigation where it became aware of the alleged offence, which is often on a complaints basis.

2. At the Agenda Briefing last week there were concerns raised about the costs to the City of prosecutions if the Policy is adopted. I think that this concern is unwarranted as Policies and laws are generally a deterrent in themselves for the majority of the population who are law abiding citizens, but also because in my experience local government administrations and their Councils generally err against prosecuting wherever possible, but can the City please advise how many times it has prosecuted someone that has undertaken development that is illegal under the *Planning and Development Act 2005* in the last 2 years and in the last 5 years?

Whilst the City agrees that policy positions and laws can act as a deterrent, the City has a statutory obligation to uphold the requirements of its local planning framework, which includes undertaking an investigation where it becomes aware of an alleged breach. The City takes an education first approach to planning compliance, seeking to work with landowners and developers to bring a proposal into compliance in the first instance, including obtaining any necessary approvals. The City has commenced one planning related prosecution action in the last 5 years for illegal development, which is currently before the courts.

3. The City has aerial surveys of tree canopy undertaken periodically which provide the mapping of individual trees, their location, height and canopy width, including one done in April just gone. The cost of this survey has already been incurred as part of the review of the Urban Forest Strategy (so there's no additional cost there), and my understanding is it can provide the tree height and width information needed to enforce the Tree Retention Local Planning Policy. It is also likely that there are other aerial survey sources such as Intramaps available that could assist in providing the information in terms of canopy width. So can the City please advise if it is likely that, regardless of whether or not this Policy is adopted, these aerial surveys and collection of canopy data will continue to take place from time to time to monitor the success of the Urban Forest Strategy when it is reviewed and finalised?

Whilst ArborCarbon acquired airborne data over South Perth in April 2024, this data differs to the data required to enforce the Policy in that the height for the user interface is not pre-set to the heights for a defined regulated tree in the Policy, and there is no data available for diameter. The 8m strata would need to be acquired and embedded into the user interface, and diameter information obtained.

Intramaps does not have the specificity required to enforce the Policy.

The City's preference is also to rely on data obtained from the State Government due to consistency between local governments and the dataset being the intellectual property of the State for ongoing reference and cost implications.

Yes we would.

10 Ms Bronwyn David, South Perth

Received: 22 July 2024

Response provided by: Donna Shaw – Director Development and Community Services

[Preamble]

The majority of mature trees in the area are lost when a property is purchased for development. This Policy aims to address this loss by requiring a Development Application before trees are removed. The majority of developments in the area are undertaken by development companies or developers. As such, the Policy impacts on developers' "business as usual" model (and hopefully saving the tree from removal) it may be that this Policy will restrict the activities of developers in the area.

1. Given that this Motion will impact developers and development companies, does the City consider that a Councillor may have a conflict of interest in relation to the motion, if a Councillor has received donations from development companies or developers, such that they should recuse themselves from voting on the motion?

It is the responsibility of the individual Elected Member to declare an interest. A person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or Committee of the local government or member of the Council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for that person.

2. As the largest tree owner in the City, the City must from time to time be met with the plans where it is proposed that a verge tree or street tree will need to be removed to accommodate a crossover for a new development. Can you confirm that the City's Planners already have experience negotiating with applicants and looking at alternative options to avoid tree removal?

The deemed-to-comply criteria of the Residential Design Codes provides that driveways should be located as to avoid street trees, or where unavoidable, replaced at the applicant's expense. This criteria provides the City the ability to determine whether a design should be modified, which can be used in negotiation with the landowner. The City therefore has experience in these negotiations.

11 Mr Thomas Leek, South Perth

Received: 22 July 2024

Responses provided by: Donna Shaw – Director Development and Community Services

[Preamble]

The impacts of climate change and increasing urban heat will have a significant negative impact on the health and wellbeing of our community - especially younger people, who have to live with the consequences of these decisions for longer - and on our environment. Our existing canopy cover on private land helps to mitigate these risks.

1. Have the impacts of climate change and increasing urban heat been addressed on the City's Strategic Risk Register?

The potential impacts of climate change and the City's ability to respond have been identified in the City's Operational Risk Register.

2. Does the City recognise that there will be an increased risk and associated cost to the community and to future generations if the Tree Retention Local Planning Policy is not adopted?

The City has determined the risk associated with the draft Policy as medium, which includes impacts on the ability for the City to maintain and enhance the natural environment.

12 Dr Natasha Hurley-Walker, Como

Received: 23 July 2024

Responses provided by: Donna Shaw – Director Development and Community Services

[Preamble]

Large healthy trees have a significant dollar value in terms of benefits to the community and in the warming climate. The policy aims to prevent the loss of mature trees by requiring a Development Application before trees are removed and currently it seems the majority of mature trees are lost when a property is purchased for development. For example, near me there is a large development block on the north east corner of Ley Street and Manning Road that was cleared of all vegetation including large trees a few years ago.

1. Does the City agree that most tree removals that would require approval if the policy as adopted would be included as part of an application for proposed development and not a separate application? Would they normally be included anyway?

No. The Policy seeks to affirm that tree retention constitutes works for which development approval would be required under the *Planning and Development Act 2005*. There is no separate application, that would otherwise be required. It would be an application for development approval if the Policy is adopted.

2. I just wanted to ask about the cost between if we continue to remove these trees, versus the cost of implementing the Policy, since the dollar value is so high? Would the City agree that if we implement the Policy, the cost would be recouped even if just a handful of large mature trees were saved?

No, given the City does not pay for the removal of trees on private property and we seek to retain trees on public land where possible.

3. Regarding the cleared lot, would that have been avoided if this Policy had been in place when that lot was cleared?

Not necessarily, as the landowner may have chosen to still remove the trees and risk enforcement action being undertaken by the City. The Policy would make it an offence to remove regulated trees, but it does not prevent a landowner removing a tree.

13.2 QUESTIONS FROM MEMBERS OCM 23 July 2024

<p>Councillor Mary Choy</p>	<p>Response to question 1 provided by: Donna Shaw – Director Development and Community Services</p> <p>Response to question 2 provided by: Mike Bradford – Chief Executive Officer</p>
<p>1. What is the current ability of non-hospitality traders to apply for a trading licence to trade in off street parking bays or other public thoroughfare spaces?</p>	<p>The City’s <i>Public Places and Local Government Property Local Law 2011</i> already provides for the use of the thoroughfare for trading (subject to approval).</p> <p>An application for the use of a car parking bay for trading or displaying wares without any constructed element is unlikely to be supported by the City as it would not otherwise include the necessary safety features to the carriageway itself.</p> <p>Should traders seek to include a constructed element, the City could consider such an application in the same way it assessed the proposed parklet</p>
<p>2. I just wanted to know what was happening with the May Gibbs play space area down at Windsor Park because as I understand there is some sort of gumnut cubby house, but it may not have been completed. I was just wondering was there any other elements going into that? Or was that it?</p>	<p>Taken on notice.</p>

Councillor Glenn Cridland

Responses provided by: Anita Amprimo – Director Infrastructure Services

[Preamble]

We have got the Bill Grayden Oval and general area down there and I've noticed there have been some trees removed and some clearly dead trees which may be removed.

1. Are they dead as a result of the quite attractive landscaping that has occurred down there or are they dead because they are about to be removed because they have been infected by the polyphagous shot-hole borer (PSHB)?

In relation to that, is there a safe way of removing the dead trees by our contractors that won't actually just spread that polyphagous shot-hole borer somewhere else?

No, it's not polyphagous shot-hole borer.

We have got a number of trees across the City that have died due to the summer conditions, and they will be removed as and when we are able to get contractors in to do that.

2. There are some spaces for new trees and there is a decline in the number of the tall pine trees in that area and around Penrhos and so on. Which although not indigenous, they are a part of the history of that Como area going back to World War II and a part of the food source for those big black cockatoos. Are we considering (as a City) replacing some of the spaces with some of those same species of pine tree?

Replacing pine trees with pine trees is a little bit of a tricky proposition. Because whilst we recognise the value that they provide for the cockatoo food, their water demand is such that we have to be very careful about what locations that we put them in so that they are sustainable going forward.

We have planted a small number within the golf course. We have to be pretty selective about the location because they are not really suitable for the climate moving forward.

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These Minutes were confirmed at the Ordinary Council Meeting held: Tuesday 27 August 2024

Signed _____

Presiding Member at the meeting at which the Minutes were confirmed