

MINUTES

Ordinary Council Meeting

25 June 2024

Mayor and Councillors

Here within are the Minutes of the Ordinary Council Meeting of the City of South Perth Council held Tuesday 25 June 2024 in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth.



MIKE BRADFORD
CHIEF EXECUTIVE OFFICER

28 June 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.

Contents

- 1. **DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS** 5
- 2. **DISCLAIMER** 5
- 3. **ANNOUNCEMENTS FROM THE PRESIDING MEMBER** 5
- 4. **ATTENDANCE** 5
 - 4.1 **APOLOGIES** 6
 - 4.2 **APPROVED LEAVE OF ABSENCE** 6
- 5. **DECLARATIONS OF INTEREST** 6
- 6. **PUBLIC QUESTION TIME** 6
 - 6.1 **RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE** 6
 - 6.2 **PUBLIC QUESTION TIME: 25 JUNE 2024** 6
- 7. **CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS** 6
 - 7.1 **MINUTES** 6
 - 7.1.1 **Ordinary Council Meeting Held: 28 May 2024** 6
 - 7.2 **CONCEPT BRIEFINGS** 7
 - 7.2.1 **Concept Briefings and Workshops** 7
 - 7.2.2 **Council Agenda Briefing - 18 June 2024** 7
- 8. **PRESENTATIONS** 8
 - 8.1 **PETITIONS** 8
 - 8.2 **PRESENTATIONS** 8
 - 8.3 **DEPUTATIONS** 8
- 9. **METHOD OF DEALING WITH AGENDA BUSINESS** 9
- 10. **REPORTS** 10
 - 10.3 **STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)** 10
 - 10.3.1 **Proposed Scheme Amendment No. 1 to Local Planning Scheme No. 7 - Additional Use (Office) - Lot 3, No.151 Angelo Street, South Perth** 10
 - 10.4 **STRATEGIC DIRECTION 4: LEADERSHIP** 16
 - 10.4.1 **Adoption of the Annual Budget 2024/25 and Long Term Financial Plan** 16
 - 10.4.2 **City of South Perth Cats Local Law 2024** 32
 - 10.4.3 **City of South Perth Fencing Local Law 2024** 45
 - 10.4.4 **Corporate Business Plan 2024/25 to 2027/28** 51
 - 10.4.5 **Listing of Payments May 2024** 56
 - 10.4.6 **Monthly Financial Statements May 2024** 59



10.5 MATTERS REFERRED FROM COMMITTEE MEETINGS	63
10.5.1 CEO Performance Review Process and KPI Setting	63
10.5.2 Internal Audit Report - Asset Management Maturity Review	67
10.5.3 Quarterly Activity Report	70
10.5.4 Audit Register Progress Report - 3rd Quarter Update	76
10.5.5 Policy Review	79
10.5.6 Annual Review of Council Delegations	83
11. APPLICATIONS FOR LEAVE OF ABSENCE	93
12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	94
12.1 NOTICE OF MOTION - COUNCILLOR BRONWYN WAUGH - ADVERTISING OF SHORT TERM ACCOMMODATION LOCAL PLANNING POLICY	94
12.2 NOTICE OF MOTION - COUNCILLOR MARY CHOY - PUBLIC ELECTRIC VEHICLE (EV) CHARGING STATIONS	118
13. QUESTIONS FROM MEMBERS	122
13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE	122
13.2 QUESTIONS FROM MEMBERS	122
14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	122
15. MEETING CLOSED TO THE PUBLIC	122
16. CLOSURE	122
APPENDIX	123
DISCLAIMER	129

Ordinary Council Meeting - Minutes

Minutes of the Ordinary Council Meeting held in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth at 6.00pm on Tuesday 25 June 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
Como Ward
Manning Ward
Manning Ward
Moresby Ward
Moresby Ward
Mill Point Ward
Mill Point Ward

Councillor Glenn Cridland (Arrived at 6.03pm)
Councillor Bronwyn Waugh
Councillor Blake D’Souza
Councillor André Brender-A-Brandis
Councillor Jennifer Nevard
Councillor Hayley Prendiville
Councillor Mary Choy
Councillor Nic Coveney

Officers

Chief Executive Officer
Director Corporate Services
Director Development and Community Services
Director Infrastructure Services
Manager Development Services
Manager Finance
Manager People and Performance
Communications and Marketing Coordinator
Governance Coordinator
Senior Governance Officer
Governance Officer

Mr Mike Bradford
Mr Garry Adams
Ms Donna Shaw
Ms Anita Amprimo
Ms Fiona Mullen
Mr Abrie Lacock
Ms Pele McDonald (Retired at 8.08pm)
Ms Karys Nella
Mr Morgan Hindle
Ms Christine Lovett
Ms Jane Robinson

Gallery

There were approximately 6 members of the public present.

4.1 APOLOGIES

Nil.

4.2 APPROVED LEAVE OF ABSENCE

Nil.

5. DECLARATIONS OF INTEREST

- CEO Mike Bradford – Financial Interest in Item 10.5.1 as ‘this Item relates to my contract of employment.’

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

Councillor Glenn Cridland arrived at 6.03pm during consideration of Item 6.2.

6.2 PUBLIC QUESTION TIME: 25 JUNE 2024

The Presiding Member opened Public Question Time at 6.02pm.

Written questions were received prior to the meeting from:

- Ms Joanne Ord of Como.

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 6.06pm.

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 28 May 2024

Officer Recommendation AND COUNCIL DECISION

0624/097

Moved: Councillor Nic Coveney

Seconded: Councillor Blake D'Souza

That the Minutes of the Ordinary Council Meeting held 28 May 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
29 May 2024	Managing Workplace Issues Effectively Workshop	Councillors André Brender-A-Brandis, Mary Choy, Jennifer Nevard, Hayley Prendiville.
4 June 2024	Budget Workshop 4	Mayor Greg Milner and Councillors André Brender-A-Brandis, Mary Choy, Glenn Cridland, Blake D'Souza, Jennifer Nevard, Hayley Prendiville, Bronwyn Waugh.
12 June 2024	Long Term Financial Plan Workshop	Mayor Greg Milner and Councillors André Brender-A-Brandis, Mary Choy, Glenn Cridland, Blake D'Souza, Jennifer Nevard, Hayley Prendiville.
12 June 2024	Cats and Fencing Local Law Workshop	Mayor Greg Milner and Councillors André Brender-A-Brandis, Mary Choy, Glenn Cridland, Blake D'Souza, Jennifer Nevard, Hayley Prendiville.

Attachments

Nil.

7.2.2 Council Agenda Briefing - 18 June 2024

Officers of the City presented background information and answered questions on Items to be considered at the June Ordinary Council Meeting at the Council Agenda Briefing held 18 June 2024

Attachments

7.2.2 (a): Briefing Notes

Officer Recommendation AND COUNCIL DECISION

0624/098

Moved: Councillor Nic Coveney

Seconded: Councillor Jennifer Nevard

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

- 7.2.1 Concept Briefings and Workshops
- 7.2.2 Council Agenda Briefing - 18 June 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

A Deputation was heard at the Council Agenda Briefing held 18 June 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 18 June 2024.

ITEMS WITHDRAWN FOR DISCUSSION

- 10.3.1 Proposed Scheme Amendment No. 1 to Local Planning Scheme No. 7 - Additional Use (Office) - Lot 3, No.151 Angelo Street, South Perth
- 10.4.1 Adoption of the Annual Budget 2024/25 and Long Term Financial Plan
- 10.4.3 City of South Perth Fencing Local Law 2024
- 10.4.4 Corporate Business Plan 2024/25 to 2027/28
- 10.4.6 Monthly Financial Statements May 2024
- 10.5.1 CEO Performance Review Process and KPI Setting
- 10.5.6 Annual Review of Council Delegations

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

Officer Recommendation AND COUNCIL DECISION

0624/099

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

- 10.4.2 City of South Perth Cats Local Law 2024
- 10.4.5 Listing of Payments May 2024
- 10.5.2 Internal Audit Report - Asset Management Maturity Review
- 10.5.3 Quarterly Activity Report
- 10.5.4 Audit Register Progress Report - 3rd Quarter Update
- 10.5.5 Policy Review

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

10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

10.3.1 Proposed Scheme Amendment No. 1 to Local Planning Scheme No. 7 - Additional Use (Office) - Lot 3, No.151 Angelo Street, South Perth

File Ref: D-24-27637
Author(s): Jeremy Versaico, Urban Planner
Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

This report outlines the details of a proposed amendment to Local Planning Scheme No. 7 relating to Lot 3, No. 151 Angelo Street, South Perth to apply an additional use to the site for an 'Office' use.

Moved: Councillor Bronwyn Waugh
Seconded: Councillor Glenn Cridland

That Council, in accordance with Clause 11.6 of the City of South Perth Standing Orders Local Law 2007, adjourn debate on Item 10.3.1 Proposed Scheme Amendment No. 1 to Local Planning Scheme No. 7 - Additional Use (Office) - Lot 3, No.151 Angelo Street, South Perth to the Ordinary Council Meeting to be held 23 July 2024.

Reasons

I understand at the Agenda Briefing last week that there was a Deputation on behalf of the applicant, and as part of that Deputation there was a request for a deferral to enable the applicant to submit additional information. Now I do not know if the additional information will have any impact or bearing on the Officer Recommendation, but I do know that people always like to be heard and I do not consider prejudice to the Council in deferring to provide the applicant the opportunity to state their case and to be heard.

LOST (4/5)

For: Councillors Glenn Cridland, Jennifer Nevard, Hayley Prendiville and Bronwyn Waugh.

Against: Mayor Greg Milner, Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney and Blake D'Souza.

Officer Recommendation AND COUNCIL DECISION**0624/100****Moved:** Mayor Greg Milner**Seconded:** Councillor Blake D'Souza

That Council:

1. Considers the proposed scheme amendment a Complex Amendment in accordance with Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015 as the proposed amendment is not consistent with a local planning strategy for the scheme that has been endorsed by the Western Australian Planning Commission.
2. Pursuant to Regulation 37(1)(c) of the Planning and Development (Local Planning Schemes) Regulations 2015 resolves not to proceed with the proposed amendment.

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.

Applicant	Urbanista Town Planning
Landowner	Mr Steven Mcleish and Ms Natasha Seddon

Background

The subject site is zoned 'Residential' under Local Planning Scheme No. 7 (LPS 7), with a density of R25 and comprises a single storey dwelling. Two of the rooms in the existing dwelling are currently used as a 'Home occupation' by the occupants, which operates as an administrative office.

A scheme amendment to LPS 7 has been submitted on behalf of the landowner to enable the entire dwelling to be used for an 'Office' use.

CommentProposed Scheme Amendment No. 1

The 'Office' land use is an 'X' use (i.e. not permitted) in the Residential Zone under Table 4 of LPS 7. A scheme amendment has been submitted which proposes to apply an 'Additional use' to the site to provide for 'Office' as a 'D' (i.e. discretionary) use as follows:

No.	Description of land	Additional Use	Conditions
A5	Lot 3 (DP7976) Angelo Street, South Perth	Office	Office is a 'D' use.

Central Sub-Regional Planning Framework

In considering a scheme amendment, assessment is made against both local, regional and State level strategic planning documents.

The State Government's 'Perth and Peel@3.5million' land use planning and infrastructure frameworks (the Framework) seek to accommodate 3.5 million people by 2050 and establish a long-term and integrated framework for land use and infrastructure provision. The Frameworks have been prepared to guide the strategic planning for the Perth and Peel regions, and make the case for a more considered, connected, consolidated urban form. The City is located under the Central Sub-Region, which contains 10 urban consolidation principles to consider future planning for housing and employment.

The Framework describes 'activity centres' as playing a crucial role in the provision of employment where people live and have access to good quality public transport. The urban consolidation principle relating to activity centres states: *'Support urban and economic development of the activity centre network as places that attract people to live and work by optimising land use and transport linkages between centres; protecting identified employment land from residential encroachment and avoiding contiguous linear or ribbon development of commercial activities beyond activity centres'*.

The Framework does not identify the subject site as being located within an activity centre, and whilst located within proximity to an 'urban corridor', the Framework notes that urban corridors are the focus for higher-density residential development, but generally do not have an employment function.

The scheme amendment proposes an office use outside of a designated activity centre. This is considered to be inconsistent with the intent of the Framework.

State Planning Policy 4.2 – Activity Centres

State Planning Policy 4.2 – Activity Centres (SPP 4.2) is a State Planning Policy for the planning and development of activity centres throughout Western Australia and seeks to ensure planning, development and decision making adequately consider the distribution, function, broad land use, access and urban form considerations for activity centres.

A key policy outcome of SPP 4.2 is to ensure that the primacy of activity centres is reinforced, and out-of-centre development does not undermine the hierarchy of activity centres. Out-of-centre development is defined as *"any new planning instrument or amendment to a planning instrument that will result in new land being capable of accommodating Category A or B activity centre uses outside of activity centres (regardless of land size)"*.

Office is included as a 'Category B activity centre use'. As the Office use is not contemplated by LPS 7 within the Residential zone, the proposal represents out-of-centre development.

There is a general presumption against the approval of activity centre uses outside of activity centres as they are likely to impact nearby activity centres and the overall activity centre hierarchy. SPP 4.2 states out-of-centre development may only be appropriate where it is:

- Sufficiently separated from nearby activity centres to minimise negative impacts to those activity centres (as demonstrated through a Net Benefit Test – used to ensure that development applications and planning instruments align with the objectives of SPP 4.2);
- In proximity to existing housing at an average dwelling density of at least 25 dwellings per gross Urban Zone (Region Schemes) hectare within a 400m walkable catchment of the development; and
- Accessible to its catchment community by walking and cycling, minimising the need for additional private vehicle trips.

The applicant has provided no justification to demonstrate that the proposal meets the criteria outlined above. The subject site is in close proximity to the Angelo Street Neighbourhood Centre and based on the forecasted growth of office floorspace in the Centre, has potential to detract from the function of the centre as an employment node. Whilst the lot area of the site the scale of the proposal is relatively small, support for the scheme amendment is inconsistent with the requirements of SPP 4.2.

Local Planning Strategy

The City of South Perth Local Planning Strategy (the Strategy) was adopted in 2021 and sets the strategic direction for planning and development in the City over the next 10 to 15 years. The Strategy provides the strategic basis for the preparation, implementation, and amendments to LPS 7, informed the preparation of LPS 7 and is a key tool in the assessment of any proposed scheme amendments.

The Strategic Plan map contained within the strategy identifies the subject site within the 'Canning Highway Places 3, 4 & 5' growth area with a proposed zoning of 'up to R25'. The Strategy does not identify the site for commercial purposes or within a Neighbourhood Centre or Local Centre. The closest activity centre to the site is the Angelo Street Neighbourhood Centre located to the west of Sandgate Street.

The Strategy plans for future non-residential development to be located and concentrated within activity centres and the Canning Highway urban corridor, consistent with SPP 4.2. The Strategy forecasts that the Angelo Street neighbourhood centre is likely to experience demand for (approximately) 1,768m² of retail floor space and 1,838m² of office floor space by 2031.

The amendment is inconsistent with the Strategy which plans for economic and employment growth, and specifically office development, to be accommodated within existing and planned activity centres.

It is noted that the neighbouring sites at No. 153 Angelo Street and No. 155 Angelo Street have a Local Centre zoning, with a residential coding of R40 under LPS 7. This is to reflect the historic use of the sites for retail purposes, while providing scope for future residential development. The Strategy has not designated the location as a Local Centre to which future office land uses would be accommodated.

Conclusion

The proposed amendment is considered inconsistent with State and local planning frameworks as it does not support the ongoing function and viability of existing activity centres in the City and it does not meet the criteria under SPP 4.2 to be considered an appropriate out-of-centre development.

The City therefore recommends that Council does not proceed with the proposed scheme amendment.

Consultation

Nil.

Policy and Legislative Implications

Planning and Development (Local Planning Schemes) Regulations 2015

Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) provides the definition for a complex amendment. The City is of the opinion that the proposed amendment is a complex amendment, based on the assessment above, as:

“(a) an amendment that is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission”.

Regulation 37 of the Regulations sets out:

“(1) After completing the preparation of a proposed complex amendment to a local planning scheme or the consideration of a proposed complex amendment to a local planning scheme proposed by an owner of land in the scheme area, the local government must resolve —

- (a) to proceed to seek approval to advertise the proposed amendment, without modification, under section 83A of the Act; or*
- (b) to proceed to modify the proposed amendment and to seek approval to advertise the modified proposed amendment under section 83A of the Act; or*
- (c) not to proceed with the proposed amendment.”*

If the local government resolves not to proceed with the proposed amendment, in accordance with Regulation 37(5), the local government must within 21 days, or such longer period as the Western Australian Planning Commission allows, provide a copy of the resolution to the Western Australian Planning Commission.

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	Legislative Breach Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation.
Risk rating	Low
Mitigation and actions	If Council resolves not to proceed with the amendment, the local government must forward a copy of the resolution to the Western Australian Planning Commission within 21 days, in accordance with Regulation 37(5) of the Regulations.

Strategic Implications

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

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

Attachments

10.3.1 (a): Scheme Amendment Report - 151 Angelo Street, South Perth

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 Adoption of the Annual Budget 2024/25 and Long Term Financial Plan

File Ref: D-24-27640
Author(s): Abrie Lacock, Manager Finance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report presents the Draft Annual Budget 2024/25, as attached, for adoption by Council. It also requests Council to adopt a 10 year long-term financial plan, which will be updated on an annual basis in line with each budget cycle.

The lingering impacts of a high inflationary environment, uncertainty around interest rates and global issues impacting supply chains such as the war in Ukraine and tensions in the Middle East have continued to create economic uncertainty. Despite these challenges, the City is continuing to prudently manage its finances through these challenging times whilst remaining conscious of the need to provide quality services to its community and keep cost increases to a minimum.

This year, in order to fund the services provided to the community, the City is recommending a Rate increase of 3.4%, which is in line with the Perth CPI for March. Last year Council adopted a rates revenue increase of 5% which was below the March CPI figure of 5.8%. This is the sixth consecutive year, where the City has kept rate rises at or below the Perth CPI figure without impacting significantly on the level of service being provided to its ratepayers.

Over the past four months, Council has had four budget workshops with City officers to discuss and understand the financial position of the City and develop a budget that works towards achieving a net operating surplus. This budget has been aligned to the principles developed and maintained in the past two budgets aimed at enabling the City to return to a surplus position over the course of three years. This budget achieves an operating surplus of \$0.56m, the first original budgeted surplus in many years.

Returning the City to a net operating surplus position is essential for the long-term financial sustainability of the City. It enables funds to be directed into renewing ageing community infrastructure such as drainage, roads, playgrounds, other infrastructure and facilities that allow for the provision of services and amenities to residents. Continued operating deficits would have seen the City unable to undertake all the required asset renewals and upgrades into the future, which in turn inhibits the City's ability to deliver services to its community.

This year's budget has total operating revenue at \$73.66m with total operating expenditure of \$73.10m thus forecasting a net operating surplus of \$0.56m. The City has also prepared a significant capital works plan with expenditure of \$26.60m being earmarked for projects. The majority, 81% of these funds are

directed towards renewal and replacement of ageing assets, however some new assets are also planned.

Although this budget proposes to increase the City's waste charge by \$20 to \$395 to cover the increased fuel and labour costs, it remains one of the lowest waste charges in the metropolitan area.

Officer Recommendation

Moved: Mayor Greg Milner

Seconded: Councillor Blake D'Souza

1. That Council adopts the Annual Budget 2024/25 for the City of South Perth which includes the following:
 - a. a General Rate in the Dollar of .075551 cents applied to the Gross Rental Value (GRV) of all rateable property within the City for the year ending 30 June 2025;
 - b. a Minimum Rate of \$1,210 be set for the year ending 30 June 2025 notwithstanding the General Rate set out in part (a) above;
 - c. the following Waste Service Charges be applied for the year ending 30 June 2025:
 - i. a standard Waste Service Charge of \$395;
 - ii. a non-rateable property Waste Service Charge of \$545;
 - d. The Swimming Pool Inspection Fee for the year ending 30 June 2025 of \$78.00;
 - e. Dates be set for payment of rates by instalments:

Two instalments	
First instalment	16 August 2024
Second instalment	6 November 2024
Four instalments	
First instalment	16 August 2024
Second instalment	16 October 2024
Third instalment	16 December 2024
Fourth instalment	17 February 2025
 - f. An Administration Charge of \$12.00 per instalment for payment of rates and charges by instalments be applied to the second, third and fourth instalment in accordance with Section 6.45(3) and (4) of the *Local Government Act 1995* and Regulation 67 of the Local Government (Financial Management) Regulations 1996;
 - g. An Interest Rate of 5.5% be imposed on payment by instalments, to apply to the second, third and fourth instalment in accordance with Section 6.45(3) of the *Local Government Act 1995* and Regulation 68 of the Local Government (Financial Management) Regulations 1996;

- h. An Interest Rate of 11% be imposed on overdue rates in accordance with Section 6.51(1) of the *Local Government Act 1995* and Regulation 70 of the Local Government (Financial Management) Regulations 1996;
- i. An Interest Rate of 11% be imposed on unpaid UGP Service Charges in accordance with Section 6.51(1) of the *Local Government Act 1995* and Regulation 70 of the Local Government (Financial Management) Regulations 1996;
- j. An Interest Rate of 11% may be imposed on outstanding debtors in accordance with Section 6.13(1) of the *Local Government Act 1995*.
- k. The Statutory Annual Budget for the year ending 30 June 2025 comprising Section 2 of the 2024/25 Annual Budget as distributed with this Agenda and tabled at this meeting, be adopted;
- m. The Management Budget Schedules for the financial year ending 30 June 2025 as set out in Section 3 of the Annual Budget be endorsed;
- n. The Capital Expenditure Budget for the financial year ending 30 June 2025 as set out in Section 2, Note 4 of the Annual Budget be adopted;
- o. The Reserve Fund transfers for the financial year ending 30 June 2025 as set out in Section 2, Note 7 of the Annual Budget be approved;
- p. The New Borrowing facility, being a short-term facility utilisation of which is subject to the approval of Collier Park Golf Course Business plan, for the financial year ending 30 June 2025 as set out in Section 2, Note 6(d) of the Annual Budget be approved;
- q. The Schedule of Fees and Charges as set out in the Fees and Charges Schedule for the year ending 30 June 2025 be adopted, including State Government Statutory Fees which are still to be determined at a later date than this Report;
- r. The effective date for all items detailed in the 2024/25 Schedule of Fees and Charges is 1 July 2024;
- s. Council adopt a definition of 'significant (material) variances' of \$10,000 or 10% (whichever is the greater) for each capital project and business unit operating revenue and expenditure line item;
- t. Levy instalment four out of five of the UGP service charges on the owners of properties within the Collier area bounded by Canning Highway, Ryrie Avenue, Blamey Place and South Terrace, as imposed by the 2021/22 Budget;
- u. Levy instalment four out of five of the UGP service charges on the owners of properties within the Manning area bounded by Manning Road, Kwinana Freeway, Hope Avenue and Challenger Avenue, as imposed by the 2021/22 Budget;
- v. Levy instalment three out of five, of the UGP service charges on the owners of properties within the South Perth/Hurlingham area bounded by Canning Highway, Douglas Avenue, Ellam Street and the Swan River Foreshore, as imposed by the 2022/23 Budget;

2. That Council adopts the increase to Elected Member fees and allowances of 4% as recommended by the Salaries and Allowances Tribunal “Local Government Chief Executive Officers and Elected Members Determination No 1 of 2024” and authorises the Chief Executive Officer to update Schedule 1 of Policy P667 Elected Members Entitlements accordingly.
3. That Council adopts the City of South Perth Long Term Financial Plan 2024 to 2034 as shown at **Attachment (b)**.

Absolute Majority Required

Amendment

0624/101

Moved: Councillor Nic Coveney

Seconded: Councillor Hayley Prendiville

That an additional part w. is added to recommendation 1 as follows: *‘That the schedule of fees and charges be amended to vary the fee charged by the City for the granting of s39 Certificates under the Liquor Control Act 1998 to \$0.00.’*

Reasons for Change

1. The overwhelming majority of residents want to activate our precincts. In particular, they want small wine bars and restaurants.
2. The budget already provides for the waiver of alfresco and dining fees to send this signal to the market.
3. This amendment to waive liquor certificate fees is another signal to the market.
4. There were only a handful of liquor certificates issued last financial year. It is anticipated waiving these fees for the next financial year will only cost about \$1,000.

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

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.

Amendment**Moved:** Councillor Mary Choy**Seconded:** Councillor Jennifer Nevard

That Council adopts the Annual Budget 2024/25 with the addition of part x being:

- x. An additional allocation of \$500,000 is to be added to the Capital Works program for the replacement of the second Lake Douglas bridge being the North Eastern bridge, with the funding being allocated from any surplus funds generated from the 2023/24 financial year, with any shortfall made up from funds in the City's 'Community Facilities Reserve'.

Reasons for Change

1. On reviewing the City's Consultant Engineers "Bridge Inspection" Report, it is noted, that only the superstructures, being the upper portion of the bridges where pedestrians walk, need replacement, with the substructures, which support the entire structure on the surrounding soil, only requiring repairs and strengthening. Therefore, it is the view that, the project risk and risk of cost variations is low and rather than the City expending funds on decommissioning an intact bridge, that essentially only needs its decking replaced and not the underlying piles, that both bridges superstructures be replaced and their substructures repaired.
2. The Consultant Engineers have also provided their own cost estimates to replace the bridge superstructures and repair the substructures and on a separate job costing basis. Hence, there is duplication in equipment, services and consultancy fee charges, as the estimates have been provided as stand-alone projects. This can be viewed as an inefficient allocation of resources, with the requisite construction teams and equipment needing to be mobilised and demobilised multiple times for the same or similar work in the same area on the foreshore. If the bridges are replaced and repaired together by the same builder and crew, under a phased approach, it is envisaged that the total cost should be less than the works expended on fixing one bridge at a time at separate distant intervals, where costs could escalate.
3. The cost estimates provided today but received in October 2023 are also likely to increase if the works are delayed for yet another financial year.
4. There will also be duplication in tendering costs, in treating the bridges as separate stand-alone projects in different financial years, leading to higher overall expenses.
5. The cost estimates are also inclusive of a generous 20% project contingency (the City historically have only allocated 5% to 8% for design and construction, including for the RAF project in March 2023). Hence, the actual cost to replace and repair the bridges could end up being much lower.

6. A foreseeable risk with the City contracting out the necessary works on the bridges at different periods, is that different builders and/or construction crew may end up working on the second bridge and hence any learnings that may have been envisaged during replacement and repair of the first bridge will be lost. Whereas the same builder and crew can employ immediate learnings as they go if repairing both bridges one after the other or simultaneously. Furthermore, consistency in construction quality and standards between the two bridges could pose an issue. Performance of both bridge projects together would likely mitigate these risks.
7. Undertaking the bridge replacement and repair works at separate intervals will also only serve to extend the duration of disruption to both the community and the native wildlife that inhabit the Lakes, with crane and excavator equipment required as set out in the cost estimates. Repeated environmental disturbances could prove harmful to the local ecosystem.
8. If the City's infrastructure project team has capacity to oversee one bridge replacement and repair in the upcoming financial year, it is feasible, given the similar nature of the work required for both bridges and their close proximity on the South Perth Foreshore, that both bridges could be replaced at the same time, at a reduced overall cost. It would also perceptibly reduce the administrative burden on needing to manage two separate projects and timelines.
9. There are available funds in the City's *'Community Facilities Reserve Fund'*, which in part exists to fund *"discretionary community facility projects"*. Given the bridges location in prime recreation and tourist public open space, their conservation role and placement within the South Perth Foreshore Management Plan, the bridges are viewed as a strategic community investment, as well as a well utilised and much-loved community facility. Any anticipated capital surplus from the current 2023/24 financial year, as reported in the May financial reports (with almost \$155K being underspent in the 'Foreshore and Natural Areas' budget alone, with an original budget allocation of \$900K), could replenish the funds from that reserve. Albeit, City Officers have recommended the funding for the bridges pursuant to this motion can come directly from any anticipated surplus, if for whatever reason there is a shortfall, the funding source is also available in the relevant reserve and does not impact on rates, operating surplus, other projects or playground equipment expenditure.
10. The South Perth Foreshore has an annual maintenance budget to maintain the "status quo" of infrastructure assets. Two out of two foreshore bridges being closed until the foreseeable future on the South Perth Foreshore is not maintaining the status quo. The community have a rightful reliance on their current infrastructure assets being maintained and renewed as required, and in a timely manner, especially when those assets are only no longer operational out of safety concerns for the community.

COUNCIL DECISION**0624/102**

Moved: Councillor Glenn Cridland
Seconded: Councillor Bronwyn Waugh

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.

Amendment

Moved: Councillor Mary Choy
Seconded: Councillor Jennifer Nevard

That an additional part x. is added to recommendation 1 as follows:

'An additional allocation of \$500,000 is to be added to the Capital Works program for the replacement of the second Lake Douglas bridge being the North Eastern bridge, with the funding being allocated from any surplus funds generated from the 2023/24 financial year, with any shortfall made up from funds in the City's 'Community Facilities Reserve.'

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

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

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

Amended Substantive Motion and COUNCIL DECISION**0624/103**

Moved: Mayor Greg Milner
Seconded: Councillor Blake D'Souza

1. That Council adopts the Annual Budget 2024/25 for the City of South Perth which includes the following:
 - a. a General Rate in the Dollar of .075551 cents applied to the Gross Rental Value (GRV) of all rateable property within the City for the year ending 30 June 2025;
 - b. a Minimum Rate of \$1,210 be set for the year ending 30 June 2025 notwithstanding the General Rate set out in part (a) above;
 - c. the following Waste Service Charges be applied for the year ending 30 June 2025:
 - i. a standard Waste Service Charge of \$395;

- ii. a non-rateable property Waste Service Charge of \$545;
- d. The Swimming Pool Inspection Fee for the year ending 30 June 2025 of \$78.00;
- e. Dates be set for payment of rates by instalments:
 - Two instalments
 - First instalment 16 August 2024
 - Second instalment 6 November 2024
 - Four instalments
 - First instalment 16 August 2024
 - Second instalment 16 October 2024
 - Third instalment 16 December 2024
 - Fourth instalment 17 February 2025
- f. An Administration Charge of \$12.00 per instalment for payment of rates and charges by instalments be applied to the second, third and fourth instalment in accordance with Section 6.45(3) and (4) of the *Local Government Act 1995* and Regulation 67 of the Local Government (Financial Management) Regulations 1996;
- g. An Interest Rate of 5.5% be imposed on payment by instalments, to apply to the second, third and fourth instalment in accordance with Section 6.45(3) of the *Local Government Act 1995* and Regulation 68 of the Local Government (Financial Management) Regulations 1996;
- h. An Interest Rate of 11% be imposed on overdue rates in accordance with Section 6.51(1) of the *Local Government Act 1995* and Regulation 70 of the Local Government (Financial Management) Regulations 1996;
- i. An Interest Rate of 11% be imposed on unpaid UGP Service Charges in accordance with Section 6.51(1) of the *Local Government Act 1995* and Regulation 70 of the Local Government (Financial Management) Regulations 1996;
- j. An Interest Rate of 11% may be imposed on outstanding debtors in accordance with Section 6.13(1) of the *Local Government Act 1995*.
- k. The Statutory Annual Budget for the year ending 30 June 2025 comprising Section 2 of the 2024/25 Annual Budget as distributed with this Agenda and tabled at this meeting, be adopted;
- m. The Management Budget Schedules for the financial year ending 30 June 2025 as set out in Section 3 of the Annual Budget be endorsed;
- n. The Capital Expenditure Budget for the financial year ending 30 June 2025 as set out in Section 2, Note 4 of the Annual Budget be adopted;
- o. The Reserve Fund transfers for the financial year ending 30 June 2025 as set out in Section 2, Note 7 of the Annual Budget be approved;

- p. The New Borrowing facility, being a short-term facility utilisation of which is subject to the approval of Collier Park Golf Course Business plan, for the financial year ending 30 June 2025 as set out in Section 2, Note 6(d) of the Annual Budget be approved;
- q. The Schedule of Fees and Charges as set out in the Fees and Charges Schedule for the year ending 30 June 2025 be adopted, including State Government Statutory Fees which are still to be determined at a later date than this Report;
- r. The effective date for all items detailed in the 2024/25 Schedule of Fees and Charges is 1 July 2024;
- s. Council adopt a definition of 'significant (material) variances' of \$10,000 or 10% (whichever is the greater) for each capital project and business unit operating revenue and expenditure line item;
- t. Levy instalment four out of five of the UGP service charges on the owners of properties within the Collier area bounded by Canning Highway, Ryrie Avenue, Blamey Place and South Terrace, as imposed by the 2021/22 Budget;
- u. Levy instalment four out of five of the UGP service charges on the owners of properties within the Manning area bounded by Manning Road, Kwinana Freeway, Hope Avenue and Challenger Avenue, as imposed by the 2021/22 Budget;
- v. Levy instalment three out of five, of the UGP service charges on the owners of properties within the South Perth/Hurlingham area bounded by Canning Highway, Douglas Avenue, Ellam Street and the Swan River Foreshore, as imposed by the 2022/23 Budget;
- w. That the schedule of fees and charges be amended to vary the fee charged by the City for the granting of s39 Certificates under the *Liquor Control Act 1998* to \$0.00.
- 2. That Council adopts the increase to Elected Member fees and allowances of 4% as recommended by the Salaries and Allowances Tribunal "Local Government Chief Executive Officers and Elected Members Determination No 1 of 2024" and authorises the Chief Executive Officer to update Schedule 1 of Policy P667 Elected Members Entitlements accordingly.
- 3. That Council adopts the City of South Perth Long Term Financial Plan 2024 to 2034 as shown at **Attachment (b)**.

CARRIED BY ABSOLUTE MAJORITY (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

The preparation of the Annual Budget is both a statutory requirement of the *Local Government Act 1995* and an essential financial management practice. The Annual Budget is guided by the 10-year Strategic Community Plan (SCP), which involves significant community consultation every four years when undertaking a major review. The revised City of South Perth SCP 2021-2031 was adopted by Council in December 2021. A minor review of the plan was adopted by Council in March 2024. The SCP guides the development of a Corporate Business Plan (CBP) that describes the services, projects and measures for the next four years working to achieve the strategic vision. The long term financial plan, asset management plans and workforce plan inform the SCP, CBP and Annual Budget, with outcomes contained in the Annual Report. The Annual Budget has been prepared in accordance with the requirements of Part 3 of the Local Government (Financial Management) Regulations 1996.

Including this year, Council will have adopted budgets with rate rises totalling 13.9% over the past six years, well below the Perth March CPI of 21% for the same period. Council has worked with administration to limit expenditure growth and thus work towards achieving a net operating surplus, which is an important factor in developing a sustainable financial future for the City of South Perth. Whilst this has been achievable primarily through identifying operational efficiencies, there has also been some minor reduction in service levels.

Comment

The City of South Perth recognised some years ago that its financial position needed to improve in order for it to remain financially sustainable into the future. Whilst a plan was put in place to improve the financial position at each budget and each half yearly budget review from 2017/18. The impact of the COVID pandemic, the lingering impacts of a high inflationary environment, uncertainty around interest rates and global issues impacting supply chains such as the war in Ukraine and tensions in the Middle East have continued to create economic uncertainty presenting significant hurdles in achieving these improvements.

Rates revenue is the City's main avenue for funding its operations and whilst strategies have been implemented to increase alternate revenue streams, these will take some years to achieve the desired level of income to reduce reliance on rates. However the City is now deriving greater revenue from paid parking which predominantly comes from non-residents of the City and net revenue from golf course operations has significantly increased. These revenue sources need to continue to improve into the future in order to ensure a viable long term future without significant increases in rates (beyond CPI).

In order for Council to fully understand the complexity of the City's finances, the City has undertaken a series of four budget workshops with Council, together with additional workshops specific to the golf course and the long term financial plan. Independent financial analysis and modelling of the City's forecast financial position was used to complement the work already done by the City's finance officers.

The financial management principles and strategies that were developed and applied in the previous years have been applied to this budget and the long term financial plan. If adhered to, these financial management principles and strategies will see the City's financial position continue to improve over time with its reliance on rate revenue reduced and its ability to fund asset renewals into the future greatly improve.

10.4.1 Adoption of the Annual Budget 2024/25 and Long Term Financial Plan

The work done with Council highlights that restoring the City's financial position is achievable, however it not only requires controls over expenditure (as has been the focus for a number of years) but also requires increases in income. Achieving this requires cooperation from officers, a commitment from Council and understanding by the community.

Overall the 2024/25 Annual Budget includes the following:

- Operating Revenue of \$73.66m.
- Operating Expenditure of \$73.10m.
- Capital Grants (Revenue) of \$7.49m.
- Capital Expenditure of \$26.60m.

Rates

Rates are calculated by using the Gross Rental Value (GRV), provided by Landgate (a State Government agency), multiplied by the rate in the dollar adopted by Council. GRV is an estimation of the likely annual rental return on a property; for example a property with a \$26,000 GRV is equivalent to earning \$500 per week (\$500 x 52 weeks). Therefore, the Rates calculation (GRV x Rate in \$ = Rates) in this scenario is:

\$26,000 (GRV) x \$0.075551 (rate in the dollar) = \$1,964.

Every three years, the State Government (Landgate) provides a GRV for every property and the City is required to use these valuations. This year is a not a revaluation year and therefore the GRV for each property within the City has remained unchanged.

As per the City's long term financial management principles, the Minimum Rate (the lowest rate paid by any one ratepayer) is recommended to increase in line with the Perth March CPI by 3.4% to **\$1,210** (\$1,170 in 2023/24). The Minimum Rate applies to approximately 2,859 properties.

As with all budgets, there are a range of expenses that increase each year. In order to deliver a 3.4% rate increase, the City had to tightly manage City operating expenditure budgets.

In benchmarking against other metropolitan Local Government Authorities (LGA), the City continues to be competitive with its peers in relation to the rate in the dollar. Those LGAs with a lower rate in the dollar tend to have a large industrial and/or commercial rate base. In comparison, the City of South Perth commercial properties rate revenue represent only 11.29% of the total Rates.

Waste Service Charge

The standard waste service charge for domestic rubbish for the Annual Budget 2024/25 will increase to \$395, \$545 for non-rateable properties, the third modest increase in six years. Whilst this charge still remains one of the lowest in the metropolitan area, the increases, below the CPI over the six-year period, is required to cover the additional costs that will be incurred due to the higher waste contract price including the significant increases in labour, fuel and recycling costs driven by inflationary pressures.

10.4.1 Adoption of the Annual Budget 2024/25 and Long Term Financial Plan

This service includes weekly rubbish pick-up, fortnightly recycling collection and three verge-side rubbish collections per year. The single 660 litre bin standard waste service charge increase to \$1,185 for a rateable property, non-rateable property single 660 litre bin standard waste service charge increase to \$1,635. The 1100 litre waste service for rateable commercial properties will increase to \$1,975. Non-rateable properties will pay \$2,725 for 1100 litre bin services (pre-existing services only).

Residential ratepayers will continue to receive two green waste and one general waste pass to the Recycling Centre. As in previous years, two green waste and one general waste bulk verge-side rubbish collection will also be provided.

The collection of waste and in particular verge-side rubbish collections will be further reviewed over the coming year to identify alternative solutions that result in overall efficiencies and potential cost savings.

Emergency Services Levy (ESL)

The State Government ESL charge will again appear on all local government rate notices in 2024/25. This charge will be calculated based on the GRVs supplied to the City by the Valuer General and using a rate in the dollar determined by the Fire & Emergency Services Authority.

In its May budget, the State Government imposed a 4.3% increase in the ESL.

Underground Power (UGP)

The City will levy the fourth instalment (out of five) for the Collier and Manning Underground Power service charge adopted in 2021/22 Budget on the rates notice for the 2024/25 financial year. For South Perth/Hurlingham, the City will levy the third instalment out of five for Underground Power service charge adopted in the 2022/23 Budget on the rates notice for the 2024/25 financial year.

The remaining underground power project, Kensington (East and West), is being progressed by Western Power and it is envisaged that it will form part of the Annual Budget 2025/26. Should Kensington proceed, the ambition to provide underground power to the whole of City, established by Council in 1996 will have been achieved.

Whilst UGP is a State Government asset, Council recognises the benefits to the community, being more than just securing supply during severe weather events. UGP has enabled an improved amenity through greater number and size of street trees, significantly reducing summer heat and positively contributing to the vision, “A City of active places and beautiful places.”

Employee Information

Employee costs constitute approximately 39% of the City’s annual expenditure. This is a cost that has been managed closely over the past few years with the number of full time equivalent (FTE) positions held reasonably stable.

Staffing in the budget reflects an appropriate mix of resources across the organisation to deliver services in accordance with the City’s Strategic Community Plan.

The total payroll budget has mainly increased to make allowances for a 2.75% pay increase (below the March CPI figure of 3.4%) as per the City’s Enterprise Agreement (EA), negotiated in 2022, and the legislated 0.5% increase in Superannuation Guarantee from 11% to 11.5%. Employee costs also include the allocation of workers compensation insurance approximating \$410,000.

Fees and Charges Schedule

The attached Fees and Charges Schedule reflects an assessment of the costs of providing services to our community whilst recognising community service obligations. As appropriate, the fee schedule recognises fees determined on a variety of fee bases:

- Full cost recovery;
- Benchmarked / reference pricing;
- Statutory fees; and
- Partial recovery, based on community service obligations.

The majority of fees and charges are proposed to rise by a percentage approximating the March CPI figure of 3.4%, however, many of them are statutory fees whereby the amount the City is able to charge does not always align with the cost of providing the service. In these instances, whilst the City is charging the maximum fee allowable, it is still not recouping the full cost of service. Other fees and charges have been increased incrementally in order to get closer to full cost recovery.

Collier Park Retirement Village

In October 2023, after an extensive evaluation of potential operators for Collier Park Retirement Village, Council endorsed the City progressing negotiations with Amana Living Incorporated. At its meeting held 28 May 2024, Council further endorsed the execution of a contract to transfer the ownership and operations of Collier Park Retirement Village to Amana Living Incorporated. This transaction is scheduled to take place prior to 30 June 2024 and therefore a minor operating budget relating to the finalisation arrangements and no capital budget for this facility is included in the 2024/25 budget. It should be noted that the impact on the overall operating budget is a saving of approximately \$500,000.

Collier Park Golf Course

The City owns Collier Park Golf Course (CPGC), which is operated under management by Clublinks Management. CPGC is one of the best public golf courses in Australia and as such there is a high demand for tee times particularly at peak times. Approximately 80% of golf course patronage comes from outside of the City of South Perth. In the 2023/24 financial year, the City implemented a new flexible charging regime, whereby the operator will determine the charges between the range of \$10 and \$50 depending on the demand for tee times, this range will remain unchanged for the 2024/25 financial year. This initiative resulted in an increased yield per player and an increased revenue return (in excess of \$200k) for the City. It is proposed that a similar charging regime be applied to the mini golf course for the 2024/25 financial year.

Pricing levels will continue to be transparent through the booking process so that customers know the exact price charged for different tee times and the operator will publish the seasonal pricing range on the Collier Park website as a guide.

During the 2023/24 financial year Clublinks was the successful tenderer for the right to operate the Collier Park Golf Course for 21 years. This involves a Course Controller Agreement, a Lease Agreement and a Development Agreement which will see them contribute up to \$8m in capital to the redevelopment of the golf course facilities which are focussed on the buildings and driving range. The proposed development does not alter any of the nine hole playing courses.

These agreements are still being developed and will be subject to a Major Land Transaction Business Plan that will be advertised for public comment in the near future. The development requires a capital contribution from the City and will ensure the long term financial future of the golf course and provide a long term revenue stream for the City. This budget includes the provision to borrow the required funds from WA Treasury Corporation subject to the Business Plan being approved by Council at a later date.

The amounts included in the current budget relate primarily to the design works for the proposed buildings and the netting for the driving range which would enable the driving range revenue stream to continue whilst construction works take place. The works are all subject to the Business Plan being approved by Council.

Capital Program – Highlights for 2024/25

This year, the City has a planned capital budget of \$26.60m that is well in excess of what is usually delivered. The majority of this expenditure (81%) is again focussed on renewal of existing assets. Infrastructure assets such roads, drainage, parks and reserves account for 65% whilst buildings account for 28%.

With the decision not to proceed with the proposed recreation and aquatic facility (RAF) made last year, the City successfully advocated the federal government to retain the funds already received for this project (\$5.5m). As agreed with the federal government, the funds will be utilised to improve facilities with the aim of increasing female participation in sports. These funds have been allocated to changeroom and sports lighting projects at Richardson Park, Challenger Reserve, Morris Mundy Reserve, Bill Grayden Reserve, George Burnett Reserve and Collier Reserve.

New projects included within the budget include funding of \$600,000 for the Manning Bike Track and \$210,000 for an enclosed dog park at Olives Reserve and a small dog only park adjacent to Comer Reserve.

After independent structural assessments, the bridges at Lake Douglas were closed during the year due to identified safety concerns. \$350,000 has been included for the replacement of the South Western bridge with further consideration to be given to the future of the North Eastern bridge in future budgets, noting that it will not be removed as it currently provides a shelter for turtles and resting place for the many bird species that visit the area.

\$950,000 has been allocated to improvements at the City's Recycling Centre, aimed at improving the ability of the City to increase recycling rates throughout the community whilst also improving safety at the facility.

A number of playgrounds, pathways, roads and public toilets are also set to undergo major renovations and renewals during the year. This includes the accessible changing places public toilet facility on the foreshore at Coode Street.

Long Term Financial Plan and Sustainability Implications

Ongoing net operating surplus results are essential for the long- term financial sustainability of the City. They enable funds to be directed into renewing ageing community infrastructure such as roads, pathways, drainage, parks, playgrounds, other infrastructure and facilities that allow for the provision of services and amenities to residents. Continued operating deficits would have seen the City unable to undertake all the required asset renewals and upgrades into the future, which in turn would inhibit the City's future ability to deliver services to our community, thus creating generational inequity.

10.4.1 Adoption of the Annual Budget 2024/25 and Long Term Financial Plan

The draft Long Term Financial Plan (LTFP) is based on Council Policy P601 Strategic Financial Management Preparation of a Long Term Financial Plan. It links the organisational and financial capacity with strategic direction informed by the Strategic Community Plan. The LTFP has been developed and balanced as a baseline for future budgets. It ensures the City's long term financial sustainability, which is conditional and based on adherence to the principles below:

- Rate rises are in line with CPI but not greater than 5% and not less than 2% in any one year.
- Materials and contracts expenditure increases by no more than CPI minus 1% in any one year (this includes cost optimisation initiatives).
- Additional revenue streams are developed to reduce rates as a proportion of income.
- Fees and charges increase by at least CPI annually.

Overall, the draft LTFP confirms the City's commitment to long term financial sustainability, a positive net operating result, funded asset renewals, a funded Strategic Community Plan and Corporate Business Plan and a Financial Health Indicator (FHI) score above the benchmark of 70. It should be noted that the ratios from which the FHI score are derived have been removed from legislation and have not been replaced. However using those same ratios, the 2024/25 Budget (FHI score 87) and draft LTFP forecast years to 2033/34 provides for a FHI score exceeding the now obsolete benchmark of 70. This score is still considered to be indicative of ongoing financial health.

Consultation

In order for Council to fully understand the complexity of the City's finances, the City has undertaken a series of four budget workshops with Council, together with additional workshops specific to Collier Park Golf Course and the LTFP.

Independent financial analysis and modelling of the City's forecast financial position was used to complement the work already done by the City's finance officers. The independent financial analyst with significant experience in local government finances, presented an analysis of the City's financial position and assisted with financial modelling over the next ten years that informs the draft LTFP.

Policy and Legislative Implications

Local Government Act 1995

Financial Management Regulations 1996

Financial Implications

The financial implications of adopting the 2024/25 Budget are as disclosed in **Attachment (a)** of this report.

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>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	High
Mitigation and actions	<p>Four budget workshops held with Council to ensure the City's financial position and all aspects of the budget are fully understood.</p> <p>Additional workshops with independent financial analysis of the City's forecast financial position over the next ten years leading the formulation of the LTFP containing guiding financial principals and strategies.</p> <p>Implementation of cost saving measures and future revenue generating measures to improve the City's financial position.</p> <p>Budget ready to be adopted prior to statutory deadline.</p>

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):	Draft Annual Budget 2024/25
10.4.1 (b):	Draft Long Term Financial Plan 2024/25 to 2033/34

10.4.2 City of South Perth Cats Local Law 2024

File Ref: D-24-27641
Author(s): Toni Fry, Manager Governance
Christine Lovett, Senior Governance Officer
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report considers the current provisions of the City of South Perth Cats Local Law 2016, which compliments the provisions of the *Cat Act 2011*, Cat (Uniform Local Provisions) Regulations 2013 and Cat Regulations 2012.

Following review, significant changes are proposed. It is considered appropriate that the existing Cats Local Law 2016 be repealed and a new Cats Local Law be created.

The **purpose** of the proposed local law is to control the keeping of cats, set a number of cats a person can keep, provide controls for nuisance cats and to prohibit cats in specified areas.

The **effect** of the proposed local law is to encourage responsible cat ownership, that a person must not keep more than the prescribed number of cats provided for by the local law and to create cat prohibited areas.

Officer Recommendation AND COUNCIL DECISION

0624/104

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

That Council:

1. In accordance with s3.12(3)(a)(b) of the *Local Government Act 1995*, give local public notice stating that:
 - a) it proposes to make a Cats Local Law 2024, and a summary of its purpose and effect;
 - b) copies of the proposed local law may be inspected at the City offices; and
 - c) submissions about the proposed local law may be made to the City within a period of not less than six weeks after the statutory public notice is given.
2. Provide a copy to the Minister for Local Government; Youth; Minister Assisting the Minister for Training and Workforce Development.
3. Note that the results of the public submission will be presented to Council for consideration.

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

The City of South Perth (the City) is required under Section 3.16 of the *Local Government Act 1995* to review its local laws every eight years. The City of South Perth Cats Local Law 2016 was Gazetted on 4 November 2016. This local law complimented the provisions of the *Cat Act 2011* (Cat Act) and subsidiary regulations of the time, and was developed with the primary objective of establishing the number of cats that can be kept without obtaining approval from the City.

Following gazettal in 2016 this local law was amended as Gazetted on 8 December 2017 to correct a typographical error in clause 3.2 of the Local Law, referring to the Cat Regulations 2012.

The City has recently reviewed the local law with the objectives to ensure that it complies with legislation and provides the City with the ability to adequately manage cats in accordance with the expectations of the community and the power available to the City.

Comment

Section 79 of the *Cat Act 2011* (Cat Act) provides local governments with the power to make local laws on all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be prescribed, for it to perform any of its functions under the Cat Act. This includes but is not restricted to limiting the number of cats that may be kept at a premises, cats creating a nuisance, specifying places where cats are prohibited and the fees and charges payable in respect of any matter under the Cat Act.

When it comes to the regulation and control of cats each local government has different needs and preferences. In 2016 it was considered by the City that a local law was required to set a standard number of cats that may be kept at a premises. This provided the ability for the City to effectively deal with cases where numerous cats may be kept at a premises to the extent that they may present a nuisance to the community.

In recent years, the management of cats within the community has been a topic of interest, particularly the impact of cats on native wildlife. It is therefore considered appropriate for the City's Local Law to be expanded in order to provide the City with additional powers as available.

The proposed Local Law is at **Attachment (a)**. A description of the key inclusions are set out below:

a) Standard Number of Cats

Under Clause 2.3 of the proposed Local Law, the 'standard number' of cats that may be kept at a premises remains at three. This limit does not apply to a veterinary clinic, a cat management facility operated by the City, or to a cat management facility operated by a body prescribed as a cat management facility operator under the Cat Regulations 2012. The process for a person to keep more than the standard number of cats is set out in the Cat (Uniform Local Provisions) Regulations 2013.

b) Licensing of Cat Management Facilities

Part 3 of the proposed Cat Local Law 2024 sets out provisions that relate to the operation of a cat management facility (cattery), including application for a licence, conditions of a licence, application fees, transfer, variation and cancellation of a licence and inspection of cat management facilities. Given the City's Local Planning Scheme No. 7 includes the provision for animal establishment, licensing provisions will aid in the regulation of safe and hygienic cat management facilities.

c) Cat Control

Part 4 of the proposed Local Law sets out provisions that relate to cat control measures including that a cat is not to be a nuisance and cat prohibited areas.

(i) Cat Not To be a Nuisance

The City's Cat Local Law 2016 contained a definition of 'nuisance' consistent with the definition recommended by WALGA and accepted by the Committee.

This definition remains the same in the proposed Local Law. The inclusion of Cat Control requirements has previously been accepted by the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation and will enhance our proposed Local Law, by enabling Authorised Officers to issue a written notice as detailed below:

- An owner shall not allow a cat to be or create a nuisance.
- Where a cat is creating a nuisance, the City may give written notice to the owner of the cat requiring that person to abate the nuisance.
- When a nuisance has occurred and a notice to abate the nuisance is given, the notice remains in force for the period specified by the City in the notice which shall not exceed 28 days.
- A person given a notice to abate the nuisance shall comply with the notice within the period specified in the notice.

(ii) Cat Prohibited Areas

Multiple local governments including the Cities of Canning, Kalamunda, Fremantle and Town of Bassendean have successfully included 'Cat Prohibited Areas' in their local laws. The inclusion of Cat Prohibited areas provides the City with the ability to seize and remove or direct the seizure and removal of a cat from identified prohibited areas.

The following areas of bushland, foreshore, parkland and lakes have been identified as sensitive areas for local wildlife within the City and are to be considered as Cat Prohibited areas. They can be identified by reference to the below schedule and aerial maps which are contained within the proposed Local Law as shown at **Attachment (a)**.

Common Name	Physical Lot Boundaries	Description	As Identified on Map Number
Andrew Thomson Conservation Reserve	<ul style="list-style-type: none"> • Whole of Lot 4000 on Deposited Plan 44883 • Part of Lot 5000 on Deposited Plan 70746 – Manning Road • Whole of Lot 389 on Plan 15472- Waterford Avenue • Part of Lot 3318 on Plan 13650 – Elderfield Road 	All bushland and foreshore within the boundaries of the listed lots	1
Bodkin Park	<ul style="list-style-type: none"> • Whole of Lot 3305 on Plan 13650 – Kilkenny Circle • Whole of Lot 3306 on Plan 13650 – Galway Grove • Whole of Lot 3977 on Plan 14787 - Artane Court • Whole of Lot 3675 on Plan 14285 – Thurles Court 	All bushland, wetlands and parkland within the boundaries of the listed lots	1
Challenger Reserve	<ul style="list-style-type: none"> • Part of Lot 300 on Deposited Plan 45674 – Challenger Avenue 	All bushland within the boundaries of the lot	2
Collier Park Golf Course	<ul style="list-style-type: none"> • Whole of Lot 3858 on Deposited Plan 218457 – Hayman Road • Part of Lot 500 On Deposited Plan 416118 – Thelma Street 	All parkland within the boundaries of the listed lots which are within the boundary of Collier Park Golf Course	3
Como Beach Foreshore	<ul style="list-style-type: none"> • Part of Lot 12510 on Deposited Plan 243198 	All foreshore within the boundaries of the lot	4

Curtin Primary School Bushland	<ul style="list-style-type: none"> Part of Lot 2006 on Diagram 24985 - Goss Avenue 	All bushland within the boundaries of the lot	5
Cygnia Cove Wetlands	<ul style="list-style-type: none"> Part of Lot 4001 on Deposited Plan 70746 - Cygnus Parade 	All bushland, embankment and wetlands within the listed lot	1
Davilak Bushland, 1301 Davilak Crescent	<ul style="list-style-type: none"> Whole of Lot 1301 on Plan 6385 - Davilak Crescent 	All bushland within the boundaries of the lot	6
Gentilli Boat Foreshore to Mt Henry Foreshore	<ul style="list-style-type: none"> Whole of Lots 3942 & 3946 on Deposited Plan 219097 Whole of Lot 4130 of Plan 12385 Whole of Lot 3941 on Deposited Plan 219097 Whole of Lot 3940 on Deposited Plan 219096 	All bushland and foreshore within the boundaries of the listed lots associated with Gentilli Boat Ramp to Mt Henry Foreshore	7
Goss Avenue Reserve	<ul style="list-style-type: none"> Part of Lot 4690 on Deposited Plan 27529 - Manning Road 	All bushland within the boundaries of the listed lots which are within the boundary of Goss Avenue Reserve	8
Hogg Avenue Reserve	<ul style="list-style-type: none"> Whole of Lot 4550 on Plan 23956 - Hogg Avenue 	All bushland with the boundaries of the listed lot	9
Hurlingham Living Stream	<ul style="list-style-type: none"> Part Lot 100 on Plan 5947 - Hurlingham Road Part Lot 51 on Diagram 9634 	Hurlingham Living Stream, Sir James Mitchell Park	12
Jet Ski carpark north	<ul style="list-style-type: none"> Whole of Lot 500 on Deposited Plan 424378 - Mill Point Road 	All foreshore and parkland within the listed lot	10

Lake Doneraile	<ul style="list-style-type: none"> • Whole Lot 3834 on Plan 18896– Doneraile Court 	All parkland, embankment and wetlands associated with Lake Doneraile	11
Lake Douglas, Sir James Mitchell Park	<ul style="list-style-type: none"> • Part of Lots 198 & 199 on Plan 1620 – Douglas Avenue • Part of Lots 101, 102, 103 & 104 on Plan 5947 – Ranelagh Crescent • Part of Lot 11835 on Plan 240379 – Coode Street 	Lake Douglas, Sir James Mitchell Park	12
Lake Gillon	<ul style="list-style-type: none"> • Part of Lot 4690 on Deposited Plan 27529 – Manning Road 	All parkland, embankment and wetlands associated with Lake Gillon	8
Lake Hurlingham, Sir James Mitchell Park	<ul style="list-style-type: none"> • Part of Lot 100 on Plan 5947 – Hurlingham Road • Part of Lot 11835 on Plan 240379 – Coode Street • Part of Lot 101 on Plan 5947 – Ranelagh Crescent 	Lake Hurlingham, Sir James Mitchell Park	12
Lake Tondut, Clydesdale Reserve	<ul style="list-style-type: none"> • Part of Lot 16 on Plan 3285 - Douglas Avenue 	All parkland, embankment and wetlands associated with Lake Tondut	12
Manning Bushland	<ul style="list-style-type: none"> • Part of Lot 1769 on Plan 214206 - Ley Street 	All bushland within the boundaries of the lot	13
Melaleuca Grove (next to scented gardens), Sir James Mitchell Park	<ul style="list-style-type: none"> • Part of Lots 207, 208, 209 on Plan 5950 – Coode Street • Part of Lot 210 on Plan 5950 – Coode Street 	All bushland, parkland and wetlands associated with Melaleuca located within Sir James Mitchell Park.	12

Millers Pool	<ul style="list-style-type: none"> Part of Lot 501 on Deposited Plan 424378 – Mill Point Road 	All foreshore, parkland, embankment and wetlands associated with Millers Pool	10
Mount Henry Dental Health Service	<ul style="list-style-type: none"> Part of Lot 4096 on Deposited Plan 219340 – Mount Henry Road 	All bushland with the boundaries of the listed lot	9
Mount Henry Road Reserve	<ul style="list-style-type: none"> Whole of Lot 3651 on Deposited Plan 189047 - Mount Henry Road 	All bushland with the boundaries of the listed lot	9
Neil McDougall Park	<ul style="list-style-type: none"> Part of Lot 100 on Diagram 71837 – Clydesdale Street 	All parkland, embankment and wetlands within the boundary of the lot	14
Redmond Foreshore	<ul style="list-style-type: none"> Part of Lot 300 on Deposited Plan 44440 – Salter Point Parade Part of Lot 2080 on Plan 8515 – River Way 	All foreshore and bushland within the boundaries of the lot	2
Salter Point Lagoon	<ul style="list-style-type: none"> Part of Lot 300 on Deposited Plan 44440 – Salter Point Parade Part of lot 310 on Deposited Plan 47439 	All embankment and wetlands associated with Salter Point Lagoon	2

Sandon Park and Foreshore	<ul style="list-style-type: none"> • Whole of Lot 3976 on Plan 16038 – Elderfield Road • Part of Lot 300 on Deposited Plan 44440 – Salter Point Parade • Whole of lot 1943 on Deposited Plan 170093 – Salter Point Parade • Part of lot 310 on Deposited Plan 47439 • Part of lot 301 on Deposited Plan 44440 – Salter Point Parade 	All foreshore, bushland, embankment and wetlands associated with Sandon Park	2
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d) Enforcement

Part 5 of the proposed Local Law sets out the provisions that relate to measures including that a cat is not to be a nuisance and cat prohibited areas.

(i) Schedule 2 - Prescribed Offences and Modified Penalties

Prescribed Offences and Modified Penalties have been included in the proposed Local Law providing the City with the ability to issue infringements for offences that have a modified penalty of 15 penalty units. Penalty Units are prescribed in the City's Local Law. On 1 June 2024 one penalty unit is \$13.00. In accordance with the *Local Government Act 1995*, unless otherwise prescribed by regulation, the modified penalty that a local law may prescribe for an offence is not to exceed 10% of the maximum fine (\$5,000) that could be imposed for that offence by a court.

(ii) Infringement Notices

Infringement Notices have been incorporated into the proposed Local Law where the modified penalty adequately reflects the seriousness of the offence. Infringement notices are an important part of the City's enforcement and compliance regime, in that they enable the City to address minor compliance issues without causing the expense and delay of formal court proceedings.

Considerations

State legislation currently provides for the registration, microchipping and sterilisation of domestic cats and gives the City the power to administer and enforce the legislation. The proposed Local Law provides the City with the ability to further control the management of cats within the district, as permitted within the limits of legislation.

As subsidiary legislation all local laws are subject to scrutiny by the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation (the Committee) whose role is to ensure that the local law does not contradict state or federal legislation and is not exceeding the powers of the local government.

As subsidiary legislation, local laws are capable of disallowance by either House of Parliament and the scrutiny of the Committee acts as an accountability mechanism to guard against the making of local laws that are either unlawful by going beyond the power that is delegated or contravening on the Committee's terms of reference.

When developing the City's proposed Local Law it is imperative that full consideration is given to the needs of the City, its community and the legislative limits of the City's powers. To assist in this assessment existing cat local laws, which have been accepted by the Committee were reviewed focusing on the local laws of other local governments where similar issues are faced.

Local laws are not presented to the Committee until the local government has completed the process prescribed in Section 3.12 of the *Local Government Act 1995*. The committee may disallow a local law or where appropriate the local government is requested to give an 'undertaking' to the Committee to amend the local law as required. 'Undertakings' represent commitments made by local governments to the Committee that certain actions will be completed within a certain period of time. All undertakings are publicly available on the Committee's [website](#).

Multiple local governments have attempted to implement cat local laws which restrict the movement of cats in their district such as expanding the definition of nuisance, requiring cats to be retained within a premises and restricting cats from all public areas. Following review of these undertakings by the City, it has been established that multiple relate to proposed cat local laws which attempt to include provisions that are beyond the power of the head of power which enables the local law to be created.

An excerpt from 'undertakings' by other local governments which relate to clauses within proposed Cats Local Laws is provided below. They are not the full undertakings made by the local government, but highlight examples related to a Cats Local Law where amendments are required in order to remove clauses within a local law which were not accepted by the Committee:

Instrument Title	Undertaken Given to Committee	Clause that was <u>not</u> accepted by the Committee
Town of Bassendean Cats Local Law 2021	<p>The Town of Bassendean undertook as follows:</p> <p>1. Within six months, delete clause 2.2.</p> <p><u>Date of undertaking 22/12/2021</u></p>	<p>2.2 Cats in places that are not public</p> <p>(1) A cat shall not be in any place that is not a public place unless consent to it being there has been given by the owner or occupier of the premises, or a person who has been authorised to consent on behalf of the owner or occupier.</p> <p>(2) If a cat is at any time in a place in contravention of subclause 2.2(1)—</p> <p>(a) the owner of the cat commits an offence; and</p> <p>(b) an authorised person may seize and impound the cat in accordance with the Act.</p>

<p>City of Bayswater Keeping and Control of Cats Local Law</p>	<p>The City of Bayswater undertook:</p> <p>1. delete clause 2.2 and item 2 of Schedule 2 penalty for offending clause 2.2).</p> <p><u>Date of undertaking 12/12/2022</u></p>	<p>2.2 Cats in Other Places</p> <p>(1) A cat shall not be in a public place unless the cat is, in the opinion of an Authorised Person, under effective control.</p> <p>(2) If a cat is at any time, in contravention of clause 2.2 (1)</p> <p>(a) The keeper of the cat commits an offence; and</p> <p>(b) An authorised person may seize and impound the cat and deal with the cat pursuant to the Act.</p>
<p>Shire of Kondinin Public Places and Local Government Property Local Law 2022</p>	<p>The Shire of Kondinin undertook:</p> <ul style="list-style-type: none"> • exclude cats from the operation of clauses 4.8(b) and 7.2(2)(a) <p><u>Date of undertaking 15/03/2023</u></p>	<p>4.8 Animals</p> <p>Unless otherwise approved by the CEO, an authorised person or authorised by other written law, a person shall not on any local government property –</p> <p>(b) permit any animal other than a dog, to enter unless authorised by a licence.</p> <p>7.2 Prohibitions relating to animals</p> <p>(2) An owner of an animal shall not –</p> <p>(a) allow the animal to enter or remain for any time on any public place except for the use of the public place as a thoroughfare and unless it is let, ridden or driven.</p>
<p>City of Kalamunda Keeping and Control of Cats Local Law 2023</p>	<p>The City of Kalamunda undertook:</p> <p>1. Within 6 months, delete clause 3.9(1)(b).</p> <p><u>Date of undertaking 22/08/2023</u></p>	<p>3.9 Conditions</p> <p>(1) Every permit is issued subject to the following conditions—</p> <p>(b) Each cat shall be contained on the premises unless under the effective control of a person;</p>

<p>Shire of Kojonup Cat Local Law 2022</p>	<p>The Shire of Kojonup undertook:</p> <ol style="list-style-type: none"> 1. Within 6 months, repeal the local law and make a new local law, complying with all requirements in section 3.12 of the Local Government Act 1995: <ul style="list-style-type: none"> • does not contain a provision equivalent to 4.1(1)(b) • inserts the following definition of nuisance in clause 1.4: <ol style="list-style-type: none"> (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law; (b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or (c) interference which causes material damage to land or other property on the land affected by the interference; <p><u>Date of undertaking 24/03/2023</u></p>	<p>In addition to the exclusion of an approved definition of nuisance, the clauses which caused concern to the Committee related to :</p> <p>3.8 Cats creating a nuisance</p> <p>The words:</p> <p><i>Where, in the opinion of an authorised officer,</i></p> <p>4.1 Conditions applicable to all permits</p> <ol style="list-style-type: none"> (b) each cat shall be contained on the premises unless under the effective control of a person
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As stated, the restriction in movement of cats within a district and the definition of nuisance are known to be areas of concern for the Committee. Of note, the attempt to have the definition of nuisance expanded to a degree that it exceeded the power of the *Cat Act 2011* or the *Local Government Act 1995* was identified in the 2020 Annual Report to Parliament of the Committee.

The Committee has previously allowed a definition of nuisance in some cat and other local laws, which is consistent with the definition provided by the WALGA local law template and the definition of nuisance as it appears in the City's Cats Local Law 2016. For this reason, the definition of nuisance in the proposed Local Law remains consistent with the definition which appears in the City's Cats Local Law 2016.

While it may be the desire of Council and the community to restrict cats in ways that are considered appropriate to protect wildlife, the City is limited in its local law, to powers which are available within legislation. The proposed Local Law has been developed within the statutory power available to the City and referring to cats local laws from other local governments which have previously been accepted by the Committee.

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

The **purpose** of the proposed local law is to control the keeping of cats, set a number of cats a person can keep, provide controls for nuisance cats and to prohibit cats in specified areas.

The **effect** of the proposed local law is to encourage responsible cat ownership, that a person must not keep more than the prescribed number of cats provided for by the local law and to create cat prohibited areas.

In making a local law the City must follow the steps which are set out below and in Section 3.12 of the *Local Government Act 1995* which sets out the process to make a local law.

In accordance with s3.12(3)(a)(b) of the *Local Government Act 1995*, give local public notice stating that:

- it proposes to make a Cats Local Law 2024, and a summary of its purpose and effect;
- copies of the proposed local law may be inspected at the City offices;
- submissions about the proposed local law may be made to the City within a period of not less than six weeks after the statutory public notice is given;
- provide a copy to the Minister for Local Government; Youth; Minister Assisting the Minister for Training and Workforce Development; and
- note that the results of the public submission will be presented to Council for consideration.

Consultation

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

Policy and Legislative Implications

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

Section 79 of the *Cat Act 2011* provides local governments with the power to make local laws on all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be prescribed, for it to perform any of its functions under the Act.

Financial Implications

The costs associated with the statutory advertising of the proposed Local Law is contained within the adopted 2023/24 Annual Budget.

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	Following the requirements of S3.12 of the <i>Local Government Act 1995</i>

Strategic Implications

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

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

Attachments

10.4.2 (a): Draft City of South Perth Cat Local Law 2024

Councillor Blake D'Souza left the meeting at 7.23pm and returned at 7.25pm during consideration of Item 10.4.3.

10.4.3 City of South Perth Fencing Local Law 2024

File Ref: D-24-27643
Author(s): Morgan Hindle, Governance Coordinator
Christine Lovett, Senior Governance Officer
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report considers the proposed City of South Perth Fencing Local Law 2024 which is proposed to establish the minimum requirements for fences within the district.

The **purpose** of this local law is to prescribe a sufficient fence and the standard for the construction of fences throughout the district.

The **effect** of the proposed local law is to establish the minimum requirements for fencing within the district.

Officer Recommendation

Moved: Mayor Greg Milner
Seconded: Councillor Nic Coveney

That Council:

1. In accordance with s3.12(3)(a)(b) of the *Local Government Act 1995*, give local public notice stating that:
 - a) it proposes to make a Fencing Local Law 2024, and a summary of its purpose and effect;
 - b) copies of the proposed local law may be inspected at the City offices; and
 - c) submissions about the proposed local law may be made to the City within a period of not less than six weeks after the statutory public notice is given.
2. Provide a copy to the Minister for Local Government; Youth; Minister Assisting the Minister for Training and Workforce Development; and Minister for Finance; Commerce; Women's Interests and Leader of the Government in the Legislative Council.
3. Note that the results of the public submission will be presented to Council for consideration.

Amendment**0624/105****Moved:** Councillor Glenn Cridland**Seconded:** Councillor Bronwyn Waugh

That a recommendation 4 be added as follows:

‘For the purposes of this motion, Division 4 of the proposed local law be replaced with the following text:

Division 4 – Home recreational sports fencing

2.13 (1) A person shall not erect a fence higher than 1800 millimetres in height around or partially around a home tennis court, basketball court, netball court, cricket practice area or similar home sporting area on a lot within 900 millimetres of a lot boundary with a residential use lot unless –

- (a) the person has given at least 60 days prior notice to the owner of any residential use lot immediately adjoining that part of the fence that is higher than 1800 millimetres of the person’s intention to erect such fence and the design thereof and proposed fencing materials to be used, and*
- (b) fence is not more than 3000 millimetres in height, and*
- (c) the fence above 1800 millimetres in height is either constructed of

 - (i) chain link mesh and is poly vinyl coated or galvanised and installed in accordance with manufacturer’s specifications, or*
 - (ii) flexible retractable nylon or similar mesh,*
 or*
- (d) the fence is otherwise approved by the local government.*

(2) In determining any application for approval under (1) (d), the local government shall invite submissions on the proposal from the owner of any residential use lot immediately adjoining that part of the fence that is proposed to be higher than 1800 millimetres and shall consider any such submission in making its decision under clause 3.2.

Reasons for Change

The amendment provides certainty for the relatively infrequent cases of new home recreational sporting facilities that require fencing to maintain amenity of neighbours.

Specifically the amendment provides that in the absence of a local government approval of a proposed fence that there is:

- (a) a height restriction of 3.0m for home sporting area fencing within 90 cm of a boundary of neighbouring residential lot,
- (b) the person constructing the fence must give 60 days prior notice to affected neighbours,
- (c) the area at least above an ordinary fence maximum height is to be visually permeable and made from specified materials.

Fencing proposals outside those parameters will require local government approval taking into account the submissions of affected adjoining residential neighbours.

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

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.

Amended Substantive Motion and COUNCIL DECISION

0624/106

Moved: Mayor Greg Milner

Seconded: Councillor Nic Coveney

That Council:

1. In accordance with s3.12(3)(a)(b) of the *Local Government Act 1995*, give local public notice stating that:
 - a) it proposes to make a Fencing Local Law 2024, and a summary of its purpose and effect;
 - b) copies of the proposed local law may be inspected at the City offices; and
 - c) submissions about the proposed local law may be made to the City within a period of not less than six weeks after the statutory public notice is given.
2. Provide a copy to the Minister for Local Government; Youth; Minister Assisting the Minister for Training and Workforce Development; and Minister for Finance; Commerce; Women's Interests and Leader of the Government in the Legislative Council.
3. Note that the results of the public submission will be presented to Council for consideration.
4. For the purposes of this motion, Division 4 of the proposed local law be replaced with the following text:

Division 4 – Home recreational sports fencing

- 2.13 (1) A person shall not erect a fence higher than 1800 millimetres in height around or partially around a home tennis court, basketball court, netball court, cricket practice area or similar home sporting area on a lot within 900 millimetres of a lot boundary with a residential use lot unless –
- (a) the person has given at least 60 days prior notice to the owner of any residential use lot immediately adjoining that part of the fence that is higher than 1800 millimetres of the person's intention to erect such fence and the design thereof and proposed fencing materials to be used, and
 - (b) fence is not more than 3000 millimetres in height, and

- (c) the fence above 1800 millimetres in height is either constructed of
- (i) chain link mesh and is poly vinyl coated or galvanised and installed in accordance with manufacturer's specifications, or
- (ii) flexible retractable nylon or similar mesh,
- or
- (d) the fence is otherwise approved by the local government.
- (2) In determining any application for approval under (1) (d), the local government shall invite submissions on the proposal from the owner of any residential use lot immediately adjoining that part of the fence that is proposed to be higher than 1800 millimetres and shall consider any such submission in making its decision under clause 3.2.

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

The City's Local Planning Scheme No. 7 (LPS 7) came into effect on 27 March 2024 and replaces the City's previous Town Planning Scheme 6 (TPS 6). TPS 6 contained provisions for the regulation of fences within the district however LPS 7 does not contain these provisions. Whilst the *Dividing Fences Act 1961* largely deals with fences, it does not define what constitutes a sufficient fence.

It is therefore considered appropriate to develop a Fencing Local Law to assist the City in the management and control of fences within the district.

Comment

The proposed City of South Perth Fencing Local Law 2024 is at **Attachment (a)**. A description of the key provisions are:

- A list of terms and corresponding definitions used within the proposed local law;
- Clarification of the relationship with other laws specifically the Local Planning Scheme, *Building Act 2011* and Building Regulations 2012;
- Defining a sufficient fence including the minimum requirements for a dividing fence or boundary fence for both a residential lot and commercial lot, including the height, materials used within the district;
- Approval requirements for fencing across rights-of-way, public accessways or thoroughfares;
- Fencing requirements around tennis and basketball courts;
- Requirements addressing gates within fences;
- Clarification of who has the ultimate responsibility for the maintenance of a fence and provides the City with the power to take action where in the opinion of the City a fence is in a state of disrepair or is dangerous;

10.4.3 City of South Perth Fencing Local Law 2024

- Approval requirements where required;
- Compliance requirements and the duration of approval;
- Information related to objection and review rights of the applicant; and
- Prescribed Offences and Modified Penalties have been included in the proposed Local Law providing the City with the ability to issue infringements for offences of the local law. The penalties are represented by a multiple of a 'penalty unit as prescribed in the City of South Perth Penalty Units Local Law which sets the value of a penalty unit. On 1 June 2024 one penalty unit is \$13.00. In accordance with the *Local Government Act 1995*, unless otherwise prescribed by regulation, the modified penalty that a local law may prescribe for an offence is not to exceed 10% of the maximum fine that could be imposed for that offence by a court.

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

The **purpose** of this local law is to prescribe a sufficient fence and the standard for the construction of fences throughout the district.

The **effect** of this local law is to establish the minimum requirements for fencing within the district.

In making a local law the City must follow the steps which are set out below and in Section 3.12 of the *Local Government Act 1995* which sets out the process to make a local law.

In accordance with s3.12(3)(a)(b) of the *Local Government Act 1995*, give local public notice stating that:

- it proposes to make a Fencing Local Law 2024, and a summary of its purpose and effect;
- copies of the proposed local law may be inspected at the City offices;
- submissions about the proposed local law may be made to the City within a period of not less than six weeks after the statutory public notice is given;
- provide a copy to the Minister for Local Government; Youth; Minister Assisting the Minister for Training and Workforce Development and Minister for Finance; Commerce; Women's Interests and Leader of the Government in the Legislative Council; and
- note that the results of the public submission will be presented to Council for consideration.

Consultation

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

Policy and Legislative Implications

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

Dividing Fences Act 1961

Financial Implications

The costs associated with the statutory advertising of the proposed Local Law is contained within the adopted 2023/24 Annual Budget.

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	Folling the requirements of S3.12 of the <i>Local Government Act 1995</i> .

Strategic Implications

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

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

Attachments

10.4.3 (a): Proposed City of South Perth Fencing Local Law 2024

10.4.4 Corporate Business Plan 2024/25 to 2027/28

File Ref: D-24-27644
Author(s): Pele McDonald, Manager People and Performance
Fleur Wilkinson, Coordinator Organisational Planning & Performance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report presents the draft Corporate Business Plan 2024/25 – 2027/28 for consideration by Council.

Officer Recommendation

Moved: Mayor Greg Milner
Seconded: Councillor Nic Coveney

That Council adopts the Corporate Business Plan 2024/25 – 2027/28 as contained within **Attachment (a)**.

Absolute Majority Required

Amendment

Moved: Councillor Mary Choy
Seconded: Councillor Jennifer Nevard

That Council adopts the Corporate Business Plan 2024/25 – 2027/28 as contained within **Attachment (a)** with the following amendment:

- Page 25 of the Plan be amended to remove the project titled “South Perth Foreshore Strategy and Management Plan 2015” from section 2.1 of the Plan.
- Page 31 of the Plan be amended to add the project titled “South Perth Foreshore Strategy and Management Plan 2015” to section 3.3 of the Plan.

Reasons for Change

1. The ‘South Perth Foreshore Strategy and Management Plan’ (SPFSMP) is listed as a “Strategic Environmental Management Plan” on the City’s website, along with all the other Foreshore Management Plans, including the ‘Clontarf Waterford Salter Point Foreshore Masterplan’ and ‘Kwinana Freeway Foreshore Management Plan’. Hence, it belongs in the ‘Environment (Built and Natural)’ strategic direction classification of the Corporate Business Plan (CBP).

2. The primary focus of the SPFSMP, as detailed in the plan, is ecology, biodiversity, conservation, culture and heritage, with economy and other priorities being a secondary consideration and only where such economic development is identified as being appropriate to the surrounding environment. For instance, the SPFSMP's overarching project, listed on page 25 of the draft CBP, is environmental in nature, being the "Development and management of regional reserve to enhance a functional healthy river and foreshore environment". Similarly, the 'South Perth Foreshore River Wall' project, outlined on page 38 of the draft CBP, addresses a primarily environmental issue and climate-related need, with any economic aspect being secondary. The responsible business unit listed in the CBP for services and projects pursuant to the SPFSMP is the 'Parks & Environment' team. Hence, again it is appropriate to classify the SPFSMP under the corresponding strategic direction 'Environment (Built and Natural)'.
3. The SPFSMP primarily aligns with the 'Environment (Built and Natural)' priorities, outcomes and strategies 3.1 to 3.4.1 of the Strategic Community Plan (SCP) at page 21, which includes, to 'Maintain and improve biodiversity...', "Improve the amenity value and sustainable uses of... public open spaces and foreshores", and the "Enhancement of the environment, maintaining open space and effective management of the Swan and Canning River foreshores". Hence, it is inconsistent for the SPFSMP to remain under a different strategic direction classification in the CBP.
4. The City's main projects on the South Perth Foreshore in recent years have been centred around environmental and wildlife conservation, including but not limited to 'Foreshore Restoration Works', the 'Millers' Pool Project', the 'Black Swan Habitat', the 'Swan Canning Riverpark Urban Forest Program - Hurlingham Living Stream Project', the Sir James Mitchell Park Lakes Sedge Planting Project', 'Saving our Snake Necked Turtle Project' and the 'Lake Douglas Bridges'. The City, with its environmental team, has also partnered with various environmental and conservation agencies, community and reference groups in respect to the South Perth Foreshore, including but not limited to the former Aboriginal Reference Group, the DBCA, River Guardians, Friends of the South Perth Wetlands and most recently Murdoch University.
5. The City administration have advised that they are not aware of any significant implications of including the SPFSMP under the Environmental rather than the Economic strategic direction in the CBP.
6. By reason of the foregoing, for consistency, accountability, good governance and transparency purposes, the SPFSMP should be classified under the 'Environment (Built and Natural)' strategic direction in the CBP.

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

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

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

Officer Recommendation AND COUNCIL DECISION**0624/107****Moved:** Mayor Greg Milner**Seconded:** Councillor Nic Coveney

That Council adopts the Corporate Business Plan 2024/25 – 2027/28 as contained within **Attachment (a)**.

CARRIED BY ABSOLUTE MAJORITY (8/1)

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

Against: Councillor Mary Choy.

Background

In accordance with the *Local Government Act 1995* (the Act) and the Local Government (Administration) Regulations 1996 (the Regulations), the City of South Perth (the City) has developed an Integrated Planning and Reporting Framework (IPRF). The objective of this framework is to guide the City's planning and reporting processes to ensure alignment to, and delivery of the community's expectations.

Section 5.56(1) of the Act states that a local government is to "*plan for the future of the district*", and s5.56(2) states that the plans are to be made "*in accordance with any regulations made about planning for the future.*" Division 3, 19C and 19DA of the regulations require a local government to prepare two documents to address s5.56(1):

- a. A 10-year strategic community plan that identifies the vision, aspirations and objectives of the community in the district (reg 19C).
- b. A four-year corporate business plan that sets out how the local government will respond to the vision, aspirations and objectives identified in the strategic community.

A major review of the City of South Perth's Strategic Community Plan (SCP), which included extensive community engagement was undertaken in 2021/22 and adopted by Council at its meeting held 14 December 2021. A minor review of the SCP was undertaken in early 2024 and a revised SCP was adopted by Council at its meeting held 23 April 2024.

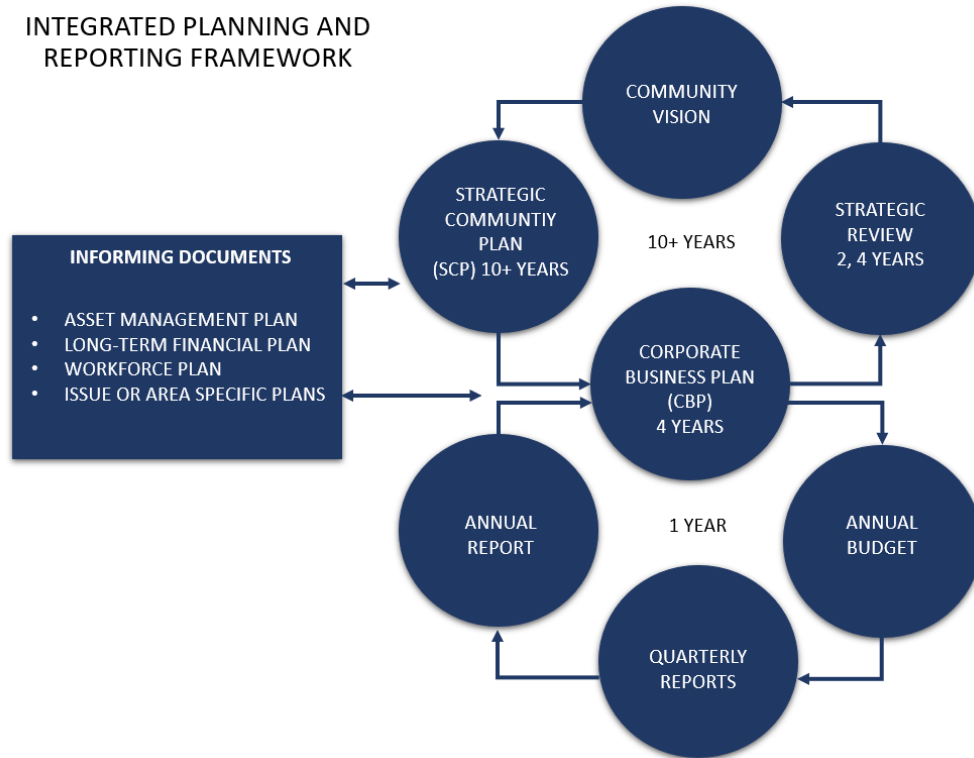
The Corporate Business Plan (CBP) 2023/24 – 2026/27 was adopted by Council at its meeting held 27 June 2023. In accordance with Regulation 19DA(4), the CBP is required to be reviewed annually.

Comment

The IPRF is the overarching framework that encompasses both the SCP and CBP and the informing documents such as the Long Term Financial Plan (LTFP), Asset Management Plan and Workforce Plan.

The CBP is the internal business planning tool that translates the SCP into operational requirements for the next four working years. The CBP provides key integration with the other elements of the IPRF including the Annual Budget and the various informing / resourcing plans.

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



Annual Review

The annual review and reset of the CBP drives the annual budgeting process and ensures alignment of operational requirements with the SCP and other informing plans. As such it is planned for endorsement in June each year.

The revised CBP as provided in **Attachment (a)**, depicts the services, projects and measures of success for the next four years (2024/25 to 2027/28) which have been guided by a comprehensive Business Unit planning process. This Business Unit planning process, whilst not a statutory requirement, is important in supporting the implementation of the CBP and enables prioritisation of workforce, asset, and financial resources for the year.

This year’s review focused on improving the visibility of commitments and priorities, consideration of resource capacity, enhancing the links between service delivery and strategic outcomes and reducing duplication. This has resulted in a significant reduction in the number of projects and performance measures proposed for inclusion in the CBP and an improved alignment with the City’s services and other plans and strategies.

A key change in the reduced number of projects is the removal of operational projects from the CBP. The monitoring and oversight of these projects will continue to be undertaken by each Director. A focus on reducing duplication has resulted in a number of measures of success being removed. This has in the most part occurred where a measure of success was also represented as a project e.g. implementation of plans and strategies.

A review of the City’s service catalogue was carried out as part of the CBP review, resulting in a change to the naming and grouping of services and a reduction in the number of services from 63 to 40. Additional service information is provided in expanded sub service detail and revised service descriptions.

Quarterly Reporting

Upon approval of the CBP, the City will commence the quarterly reporting process providing a quarterly update of the actions and KPIs identified in the CBP for delivery in 2024/25 at Quarter 1, which will be presented to the ARGC meeting in November 2024.

Consultation

This year’s review of the CBP was conducted between February and June 2024 and included consultation with Elected Members and the City’s Leadership Team.

Policy and Legislative Implications

Local Government Act 1995

Local Government (Administration) Regulations 1996

Financial Implications

The CBP 2024/25 – 2027/28 will help guide the City’s financial planning for the next four years and integrates with the City’s Long Term Financial Plan and 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.
Risk rating	Medium
Mitigation and actions	Undertake a yearly review of the Corporate Business Plan

Strategic Implications

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

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

Attachments

- 10.4.4 (a): Draft Corporate Business Plan 2024/25 to 2027/28

10.4.5 Listing of Payments May 2024

File Ref: D-24-27645
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 May 2024 to 31 May 2024 for information. It also includes purchase card transactions between 1 April 2024 to 30 April 2024 in line with new legislative requirements. The City made the following payments:

EFT Payments to Creditors	(496)	\$5,539,171.73
Cheque Payment to Creditors	(2)	\$10,351.87
Total Monthly Payments to Creditors	(498)	\$5,549,523.60
EFT Payments to Non-Creditors	(107)	\$1,124,422.87
Cheque Payments to Non-Creditors	(31)	\$51,797.76
Total EFT & Cheque Payments	(636)	\$6,725,744.23
Credit Card Payments	(46)	\$9,516.01
Fleet Card Payments	(39)	\$2,899.03
Total Payments	(721)	\$6,738,159.27

Officer Recommendation AND COUNCIL DECISION

0624/108

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

That Council receives the Listing of Payments for the month of May 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 May 2024 is included in **Attachment (a)**.

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

The report records payments are classified as:

- Creditor Payments

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

- Non-Creditor Payments

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

- Purchase Cards

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

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

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

The payment of authorised amounts is within existing budget provisions.

Key Risks and Considerations

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

Strategic Implications

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

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

Attachments

10.4.5 (a):	Listing of Payments May 2024
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10.4.6 Monthly Financial Statements May 2024

File Ref: D-24-27646
Author(s): Abrie Lacock, Manager Finance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

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

Officer Recommendation AND COUNCIL DECISION

0624/109

Moved: Councillor Hayley Prendiville

Seconded: Councillor Nic Coveney

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

Background

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

Comment

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

Despite monetary policy measures taken by central banks across the globe inflation worldwide including Australia remains stubbornly high. The 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 April 2023 to April 2024 of 3.6% is regarded as too high and higher than the 3.4% and 3.5% respectively for the 12 months ended February 2024 and March 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 May meeting the RBA decided to leave the cash rate target unchanged, stating that the decision to hold the cash rate supports inflation returning to target.

The RBA made the following statement at its Board meeting of 7 May 2024: “Recent information indicates that inflation continues to moderate, but is declining more slowly than expected. The CPI grew by 3.6 per cent over the year to the March quarter, down from 4.1 per cent over the year to December. Underlying inflation was higher than headline inflation and declined by less. This was due in large part to services inflation, which remains high and is moderating only gradually.”

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). The year-to-date budget versus actual expenditure have been updated to reflect the revised budget. Budget phasing has also been revised as part of the review this is demonstrated by the lower year-to-date (YTD) variances between revised budget and actual results. The City continues to prudently manage its finances whilst remaining conscious of the need to provide quality services to our community.

Actual income from operating activities for May year-to-date (YTD) is \$69.65m in comparison to budget of \$68.74m, favourable to revised budget by \$0.91m or 1.34%. Actual expenditure from operating activities for May is \$61.38m in comparison to the budget of \$62.07m, favourable to budget by \$0.69m or 1.11%. The May Net Operating Position of \$8.28m is \$1.61m favourable in comparison to budget.

Capital Revenue is lower than budget by \$0.12m, \$1.38m compared to budget of \$1.50m, revenue recognition is dependent on capital project completion. Actual Capital Expenditure YTD is \$9.23m in comparison to budget the budget of \$10.43m lower than the revised budget by \$1.20m or 11.49%. A variance analysis is provided within **Attachment (e)** titled Significant Variance Analysis.

Cash and Cash Equivalents which amounted \$68.46m, \$5.26m more than the prior year comparative. Consistent with previous monthly reports, the Cash and Cash Equivalents balance is contained within the Statement of Financial Position. In addition, further detail is included in a non-statutory report (All Council Funds).

Interest rates appears to have stabilised, with banks offering average interest rates of 4.74% 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 34.45% 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

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

10.5 MATTERS REFERRED FROM COMMITTEE MEETINGS

CEO Mike Bradford declared a Financial Interest in Item 10.5.1 and accordingly left the meeting at 8.04pm.

Councillor Mary Choy left the meeting at 8.04pm during consideration of Item 10.5.1.

10.5.1 CEO Performance Review Process and KPI Setting

File Ref: D-24-27647
Author(s): Pele McDonald, Manager People and Performance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report seeks the CEO Evaluation Committee's consideration of the Chief Executive Officer's performance for the period 1 July 2023 to 30 June 2024, a remuneration review, and the proposed Chief Executive Officer performance review process for the period 1 July 2024 to 30 June 2025.

Committee Recommendation and COUNCIL DECISION

0624/110

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

That the CEO Evaluation Committee recommends to Council that it:

1. Endorses the independent consultant's Evaluation Summary Report from Elected Members, 1 July 2023 to 30 June 2024 as contained in **Confidential Attachment (a)**.
2. Endorses the independent consultant's Workshop Report as contained in **Confidential Attachment (b)**.
3. Endorses the CEO Evaluation Report Annual Performance Review as contained in **Confidential Attachment (c)**.
4. Adopts the Key Performance Indicators for the period 1 July 2024 to 30 June 2025 as contained in **Confidential Attachment (e)**.
5. Adopts the Evaluation Instrument for the Annual Performance Review period 1 July 2024 to 30 June 2025 as contained in **Confidential Attachment (f)**.
6. Endorses the Annual Performance Evaluation Process for the period 1 July 2024 to 30 June 2025 and that Council be presented with at least two suitably qualified external facilitators to choose from as per the criteria listed in **Confidential Attachment (c)**.
7. Applies a remuneration increase to the Chief Executive Officers' total remuneration package, effective 1 July 2024 as contained in **Confidential Attachment (d)**.
8. Endorses the Terms of Reference as contained in **Attachment (g)**.

CARRIED BY ABSOLUTE MAJORITY FOR 3 (8/0)

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

Against: Nil.

Officer Recommendation

That the CEO Evaluation Committee recommends to Council that it:

1. Endorses the independent consultant's Evaluation Summary Report from Elected Members, 1 July 2023 to 30 June 2024 as contained in **Confidential Attachment (a)**.
 2. Endorses the independent consultant's Workshop Report as contained in **Confidential Attachment (b)**.
 3. Endorses the CEO Evaluation Report Annual Performance Review as contained in **Confidential Attachment (c)**.
- Absolute Majority Required for 3.**
4. Adopts the Key Performance Indicators for the period 1 July 2024 to 30 June 2025 as contained in **Confidential Attachment (e)**.
 5. Adopts the Evaluation Instrument for the Annual Performance Review period 1 July 2024 to 30 June 2025 as contained in **Confidential Attachment (f)**.
 6. Endorses the Annual Performance Evaluation Process for the period 1 July 2024 to 30 June 2025 and endorses the Manager People & Performance to procure and select a suitably qualified external facilitator as per the criteria listed in **Confidential Attachment (c)**.
 7. Applies a remuneration increase to the Chief Executive Officers' total remuneration package, effective 1 July 2024 as contained in **Confidential Attachment (d)**.
 8. Endorses the Terms of Reference as contained in **Attachment (g)**.

Background

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

Comment

The CEO presented his self-assessment report of his performance for the period 1 July 2023 to 30 June 2024 on 15 April 2024.

Council appointed an independent consultant to assist the CEO Evaluation Committee with the review process, and a workshop was held with Elected Members and the independent consultant on 13 May 2024 to review the CEO's performance and form proposed performance indicators for the period 1 July 2024 to 30 June 2025. The CEO is required to agree to any amendments to contractual KPI's and/or performance indicators.

10.5.1 CEO Performance Review Process and KPI Setting

At the CEO Evaluation Committee meeting scheduled for 5 June 2024, it is recommended that the Committee discuss and agree on:

- Amendments to the Terms of Reference
- Performance feedback for the period 1 July 2023 to 30 June 2024
- Remuneration Review
- Performance Review process for the period 1 July 2024 to 30 June 2025
- CEO KPI's for the period 1 July 2024 to 30 June 2025
- Evaluation Instrument for the period 1 July 2024 to 30 June 2025

All recommendations for these items are contained within **Confidential Attachment (c)**.

Consultation

Nil.

Policy and Legislative Implications

Nil.

Financial Implications

Nil.

Key Risks and Considerations

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

Strategic Implications

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

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

Attachments

- 10.5.1 (a): Evaluation Summary Report (*Confidential*)
- 10.5.1 (b): Workshop Report (*Confidential*)
- 10.5.1 (c): CEO Evaluation Report Annual Performance Review
(*Confidential*)
- 10.5.1 (d): CEO Remuneration Calculator (*Confidential*)
- 10.5.1 (e): CEO Key Performance Indicators 1 July 2024 to 30 June 2025
(*Confidential*)
- 10.5.1 (f): CEO Evaluation Instrument 1 July 2024 to 30 June 2025
(*Confidential*)
- 10.5.1 (g): Terms of Reference

10.5.2 Internal Audit Report - Asset Management Maturity Review

File Ref: D-24-27648
Author(s): Garry Adams, Director Corporate Services
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report tables the Internal Audit Report – Asset Management Maturity Review in accordance with the City’s Strategic Internal Audit Plan 2022/2023 to 2026/2027.

The report contains one detailed audit finding, with a number of notations and observations. The audit includes strengths, weaknesses, rating, issues, risk ratings, recommendations and management comments.

Officer, Committee Recommendation AND COUNCIL DECISION

0624/111

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

That the Audit, Risk and Governance Committee recommends to Council that it:

1. Notes the Internal Audit Report – Asset Management Maturity Review contained in **Confidential Attachment (a)**; and
2. Accepts the one Audit Finding contained in Section 5 of the Internal Audit – Asset Management Maturity Review report be added to the Audit Register.

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

For each Internal Audit completed, the reports are presented to the Audit, Risk and Governance Committee (ARGC) and then Council for acceptance of the recommendations. Paxon attend the relevant ARGC meeting to respond to questions relating to the report. Management responds to Paxon’s recommendations, in relation to their findings, and these are listed in the Audit Register.

Comment

The Internal Audit Report – Asset Management Maturity Review is a confidential report to be used for internal purposes to assist in improving business processes and systems. The report includes the strengths, weaknesses, rating, issues, risk ratings, recommendations and management comments.

Internal Audit is an essential component of the City’s continuous improvement process and findings are welcome. As many areas have never been audited before, it is likely that each Internal Audit may contain many findings. The Asset Management Maturity Review report resulted in one finding to be included in the Audit Register.

Consultation

Nil.

Policy and Legislative Implications

The Internal Audit function is considered a business improvement process that will assist in compliance with the Local Government (Financial Management) Regulations 5 (CEO’s duties as to financial management) and the Local Government (Audit) Regulations 17 (CEO to review certain systems and procedures).

Financial Implications

The Internal Audit function (Paxon) has a budget of \$40,000 for the 2023/24 financial year, and it is anticipated that a budget of a similar amount is to be adopted for future years. Officers’ effort to undertake the improvements and report on progress has not been estimated.

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	Medium
Mitigation and actions	Quarterly reporting of progress on the Audit Register to the ARGC and Council. In the report, Officer comments on action taken and progressive completion of Actions are noted. Actions which are 100% complete are closed out and reported back to the ARGC. There is no future reporting on closed out actions.

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:	4.3.4 Maintain a culture of continuous improvement

Attachments

10.5.2 (a): Asset Management Maturity Review (*Confidential*)

10.5.3 Quarterly Activity Report

File Ref: D-24-27649
Author(s): Christine Lovett, Senior Governance Officer
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report outlines the activities undertaken or proposed by the City of South Perth relating to Risk Management, Business Continuity and Workplace, Health, and Safety during fourth quarter of the 2023/24 financial year and an overview of the activities planned for the first quarter of the 2024/25 financial year.

Officer, Committee Recommendation AND COUNCIL DECISION

0624/112

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

That the Audit, Risk and Governance Committee recommends to Council that it:

1. Notes the details of the Quarterly Activity Report as contained in the body of the report;
2. Notes the two Corporate Operational Risks being escalated as contained within the report;
3. Endorses the Strategic Risk Register as contained in **Confidential Attachment (a)**; and
4. Endorses of the Risk Management Framework 2024 as detailed in the body of this report and at **Attachment (b)**.

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

The Council is responsible for the strategic direction of the City. The City's Audit, Risk and Governance Committee (ARGC) is a Committee of Council in accordance with the *Local Government Act 1995* (the Act) and is responsible for providing guidance, assistance and oversight to the Council, in relation to matters which include the City's compliance with Regulation 17 of the Local Government (Audit) Regulations 1996.

10.5.3 Quarterly Activity Report

The responsibility of the Chief Executive Officer (CEO) in relation to Regulation 17 of the Local Government (Audit) Regulations 1996 (the audit regulations) includes reviewing the appropriateness and effectiveness of the City's systems and procedures in relation to:

- a) risk management;
- b) internal control; and
- c) legislative compliance.

This activity report will provide an update on the City's Risk Management, Business Continuity and Workplace Health and Safety activities undertaken for the previous quarter and identifies proposed activities for the upcoming quarter.

Information contained in this report will assist the Audit, Risk and Governance Committee in fulfilling their responsibilities as they relate to Regulation 17 of the audit regulations.

Comment

1) Strategic Risk Register

The Strategic Risk Register (register) has been developed in consultation with the City's Elected Members and external members of the Audit, Risk and Governance Committee (the Committee). The register was last endorsed by the Audit, Risk and Governance Committee at its meeting held 12 March 2024.

The Strategic Risk Register, as contained in **Confidential Attachment (a)**, has been reviewed with no updates proposed.

This register is presented to ARGC for review and recommendation to Council for endorsement.

2) Operational Risk Register

The Internal Risk Management Committee (IRMC) met on 6 February 2024 at which time the Operational Risk Register was presented for review.

The following two risks having been reviewed and remain at a high risk rating. In accordance with the requirements of the Risk Management Framework 2021 these risks are presented to the Audit, Risk and Governance Committee for review.

i. Corp Risk 1.2 Physical security of City Officers and Assets

Outcome: Health/Injury

Due to hostile incidents which have occurred at City facilities, the residual likelihood of this risk event occurring remains as Possible, with the risk rating remaining as High.

Controls

Established Corporate policies, management practices, procedures and strategies including:

- Communications on 'increased alert level' provided via email. External provider engaged for building security.
- Swipe card access to staff areas. Additional security cameras installed at Animal Care Facility, George Burnett Leisure Centre and Civic Centre Customer Service.

- Audio communication on CCTV at Waste Kiosk and thermographic camera to be installed at Recycling Centre 'battery storage area'. Personal duress alarm for Animal Care Facility Officers working alone.
- Training and awareness sessions provided. Cashless operations at the Civic Centre.
- Additional exit door installed in Development Services meeting room. Security gate and fencing installed at the Civic Centre staff carpark.

Further actions/comments

- Develop and review policies and management practices to address security access.
- Further rollout/renew/upgrade of CCTV at all City buildings.
- Physical review of security at the Animal Care Facility, Rangers Office and Operations Centre reception area to be carried out.

ii. **Corp Risk 5.0 Dependency on contractors to deliver key project/services.**

Outcome: Service Interruption

Due to the current labour market the residual likelihood of this event occurring remains as Possible, with the risk rating remaining as High.

Controls

- Robust supplier selection.
- Use of WALGA preferred suppliers.
- Procurement Management provided by the Finance Services Business Unit.
- Relationship management.

Further Actions/Comments

- Review contracts.
- Review public liability insurance levels (required by contractors).
- Consider the establishment of panel of contractors.
- While the residual rating of this risk is high, it is considered that all available mitigation strategies are in place to reduce the outcome of this risk impacting the City's community. Where necessary, key communication methods are utilised to inform our community of any delays/interruption to the expected delivery of a project or service.

2. Risk Management Framework 2024

The Risk Management Framework (the framework) was initially endorsed by Council at the Ordinary Council meeting held 21 September 2021. City officers have conducted a full review of the framework to ensure it meets the current needs of the City.

The following major amendments are proposed:

Proposed Change	Comment
New definitions included.	To provide support and clarification to users of the framework.
Principles amended to provide context of how they are implemented at the City.	To provide support and clarification to users of the framework.
Removal of Project Time and Project Costs as specific risk outcomes.	These outcomes were removed from the policy at the Ordinary Council Meeting held on 13 June 2023, therefore are removed from the framework.
Risk escalation reporting process updated to reflect escalation of project risks.	Extreme or High project risks to be reported to the line Manager and Executive Manager Team where appropriate.

3. Business Continuity

A Business Continuity Management Framework (BCMF) has been developed and was presented and noted at the 12 September 2023 Audit, Risk and Governance Committee Meeting. City Officers continue to progress the implementation of this framework.

4. ISO 45001 Work Health and Safety

The gap analysis for the George Burnett Leisure Centre is being conducted to determine if this facility can be included in the ISO 45001 Accreditation scope for the next financial year.

5. Compliance development sessions

Two training sessions were held for the Leadership Team:

- Management of Workplace Behaviours in line with the new WHS legislation/regulations/EEO Laws.
- Psychosocial Hazards at Work.

6. Planned Activities

The following activities are planned (subject to the availability of organisational officers) for the first quarter of the 2024/25 financial year:

System/Procedure	Activity	Expected Outcome
Risk Management	Operational risks to be reviewed on a quarterly basis	The City's Corporate Operational Risk register to be as current as reasonably practicable.
Risk Management	Development of further fraud and corruption training	Increased knowledge within the City's business units in order to further protect resources and information and safeguard the integrity and reputation of the City.
Business Continuity	Business Continuity Plans to be reviewed in accordance with the requirements of the Business Continuity Management Framework	The City's Business Continuity Plans to be as current as reasonably practicable.
Risk Management	Updated Management Practice M695 Risk Management to be rolled out across all Business Units	Sound risk management practices and procedures to be further integrated into the City's strategic and operational planning process and day to day business practices.
Risk Management	Implement training program for identified officers	Provide support and guidance to officers ensuring they have familiarity with the City's risk management practices.
Workplace, Health and Safety	Continue to implement the annual Targets & Objectives	Targets are on track to be achieved by end of 2023/24.

Consultation

Nil.

Policy and Legislative Implications

- Reg 17 (1) (a) (b) and (c) of the Local Government (Audit) Regulations 1996
 17. CEO to review certain systems and procedures
 - (1) The CEO is to review the appropriateness and effectiveness of a local government’s systems and procedures in relation to –
 - (a) risk management;
 - (b) internal control; and
 - (c) Legislative compliance
- *Work Health and Safety Act 2020*

Financial Implications

Nil.

Key Risks and Considerations

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

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: 4.3.4 Maintain a culture of continuous improvement

Attachments

- 10.5.3 (a): Strategic Risk Register (*Confidential*)
- 10.5.3 (b): 2024 Risk Management Framework

10.5.4 Audit Register Progress Report - 3rd Quarter Update

File Ref: D-24-27652
Author(s): Christine Lovett, Senior Governance Officer
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report provides an update on the progress of actions included in the Audit Register. The Audit Register includes all open audit findings that have previously been accepted by the Audit, Risk and Governance Committee and Council.

Officer, Committee Recommendation AND COUNCIL DECISION

0624/113

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

That the Audit, Risk and Governance Committee recommends to Council that it:

1. Notes the progress recorded against each item within the Audit Register in **Confidential Attachment (a)**; and
2. Approves the findings marked as Complete (100%) in the Audit Register, to be registered as closed and no longer reported to the Committee.

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

The confidential Audit Register lists internal and external audit findings and describes the progress of implementing improvements and the percentage completion. This report is prepared for noting the progress and completion of findings since the last meeting.

Comment

The Audit Register contained in **Confidential Attachment (a)** presents audit outcomes by 'Finding' numbers. Any given Finding may have more than one 'Recommendation' and associated 'Agreed Management Action.'

Only when all Agreed Management Actions related to a Finding are marked as 100% complete, will the report be presented to the Audit, Risk and Governance Committee (ARGC), with a recommendation that the Finding be closed.

The Audit Register has been formatted to ensure clarity as detailed below:

1. Where a Finding has more than one Agreed Management Action, it is represented with double lines around that entire Finding. There are currently no open findings with more than one Agreed Management Action;
2. Updates in relation to each Finding are displayed in chronological order i.e. latest update appears at the bottom of each Finding;
3. Each Finding that is to be closed (i.e. 100% complete for all Agreed Management Actions) is represented by a purple 'Closed Tally' column on the right and numbered; and
4. All Findings that are being recommended for closure by the ARGC are filtered to the end of the register.

The ARGC is requested to recommend that Council note the progress and officer comments. In addition, it is recommended all Findings marked as complete (100%) in the Audit Register be registered as closed. All closed items will not form part of the Audit Register report for future meetings.

It is requested to note the Audit Register in **Confidential Attachment (a)**.

Strategic Internal Audit Plan

Work has been progressing with scheduled audits which were identified in the Strategic Internal Audit Plan which was presented to the 13 March 2023 ARGC meeting.

Reports with associated findings, recommendations and actions in relation to Asset Management Maturity Review were presented to the 12 March 2024 ARGC meeting.

Work has commenced on the internal audit for Asset Management, Project & Program Management and Internal Audit Log with reports to be presented following receipt by the City.

Consultation

Nil.

Policy and Legislative Implications

The Internal Audit function is considered a business improvement process that will assist in compliance with Regulation 5 of the Local Government (Financial Management) Regulation 1996 (CEO's duties as to financial management) and Regulation 17 of the Local Government (Audit) Regulations 1996 (CEO to review certain systems and procedures).

Financial Implications

The Internal Audit function (Paxon) has a budget of \$40,000 for the 2023/24 financial year, and it is anticipated that a budget of a similar amount is to be adopted for future years. Officers' effort to undertake the improvements and report on progress has not been estimated.

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	Medium
Mitigation and actions	<p>Quarterly reporting of progress on the Audit Register to the Audit, Risk and Governance Committee and Council. In the report, Officer comments on actions taken and progressive completion of Actions are noted. Actions which are 100% complete are closed out and reported to the Audit, Risk and Governance Committee. There is no future reported on closed out actions.</p>

Strategic Implications

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

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

Attachments

10.5.4 (a): Audit Register (*Confidential*)

10.5.5 Policy Review

File Ref: D-24-27654
Author(s): Toni Fry, Manager Governance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

The Terms of Reference of the Audit, Risk and Governance Committee include responsibility for reviewing the City's policies. A number of policies are now presented for the consideration of the Committee and referral to Council for adoption.

Officer, Committee Recommendation AND COUNCIL DECISION

0624/114

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

That the Audit, Risk and Governance Committee recommends to Council that it:

1. Adopts the following new policy as shown in **Attachment (a)**:
P703 Live Streaming and Recording of Council Meetings
2. Adopts the following revised policies with amendments as shown in **Attachment (b)**:
P103 Stakeholder Engagement
P112 Community Advisory Groups
P607 Tenders and Expression of Interest
P611 Pre-Qualified Supplier Panels
P613 Capitalisation and Valuation of Fixed Assets
P624 Media Communications
3. Revokes the following policies as shown in **Attachment (c)**:
P610 Collier Park Village – Financial Arrangements
P673 Audio Recording of Council Meetings

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

In line with contemporary organisational models, the policy framework aligns policies to the City's Strategic Directions as contained in the Community Strategic Plan 2021-2031.

City Officers having been reviewing policies on a progressive basis during the 2024 calendar year. Each policy has been considered by the custodian business unit having the relevant technical expertise in relation to the policy content and subsequently by the Executive Management Team (EMT) representing each of the City's Directorates.

The review centres on the continuing relevance of the policy and the need to update it in light of any change in the legislative or operating environment. The review may identify a need to revise the policy, revoke the policy or that no change is needed.

Any new policy or policies recommended for revocation or amendment are presented.

Comment

New Policy

The policy identified below and at **Attachment (a)** is a new policy which is recommended for endorsement. A small summary explaining the new policy has been provided below:

P703 Live Streaming and Recording of Council Meetings

This policy has been developed in accordance with the amendments to the *Local Government Act 1995* that mandate the livestreaming and recording of Council Meetings for Class 1 and 2 local governments from 1 January 2025.

The new policy identifies the requirement to live stream and record Ordinary and Special Meetings of Council, Agenda Briefing Forums and meetings of electors. It includes provisions for access, privacy, storage of content, signage, public notice, defamation, committee meetings and licence.

Amended Policies

The policies listed below and at **Attachment (b)** are recommended with amendments as shown by track changes in each document.

A small summary explaining the amendments has been provided in the table below:

P103 Stakeholder Engagement

This policy has been amended to reflect changes from the International Association of Public Participation (IAP2) that influence the City's Stakeholder Engagement Policy. The City's stakeholder engagement principles and core values are derived from the IAP2 framework.

P112 Community Advisory Groups

This policy has been amended as detailed below:

- Rather than submitting reports to Council regarding the advice provided by a Community Advisory Group, administration will upload the meeting agendas and minutes from the Community Advisory Groups to the HUB. A report will only be presented when the recommendation requires a Council decision.
- A report detailing the Terms of Reference, activities and achievements for each Community Advisory Group will be included in the City's Annual Report.

P607 Tenders and Expression of Interest

The current policy focuses primarily on the tender process and only briefly touches on the expression of interest aspect of the policy. It is proposed that this policy is to be updated to encompass a balanced approach to the tenders and expression of interest process in accordance with the Regulations.

P611 Pre-Qualified Supplier Panels

This policy has been amended as detailed below:

- Under the section relating to the distribution of work amongst panel members, the removal of the clause restricting the panel to a period of 12 months has been removed as this is a duplication of information already addressed in the policy.
- The invitation to apply to be considered to join a panel of pre-qualified suppliers has been removed as it is already covered by the Local Government (Functions and General) Regulations 1996.

P613 Capitalisation and Valuation of Fixed Assets

The section relating to valuation and revaluation of City assets has been updated to include the following:

- A consideration for assets that are considered investment properties in line with the Australian Accounting Standards (AAS).
- The City may revalue assets subject to revaluation in accordance with the Local Government (Financial Management) Regulations 1996.
- The City is not required to comply with the AAS to determine recoverable amounts of its assets subject to revaluation for an impairment indicator of a general decrease in asset values.

P624 Media Communications

This policy has been amended to reduce duplicated wording and provide concise, open, and transparent media interactions.

Policies to be revoked

The policies listed below and at **Attachment (c)** are recommended to be revoked for the reasons detailed below:

P610 Collier Park – Financial Arrangements

It is proposed that the City revoke this policy following Council endorsement of the major land transaction for Collier Park Village to Amana Living on 28 May 2024. The policy is no longer required.

P673 Audio Recording of Council Meetings

It is proposed that the City revoke this policy as a new policy relating to the live streaming and recording of Council Meetings has been developed to meet the new requirements of the *Local Government Act 1995*.

The content of within this policy that is still considered relevant is covered within the new proposed policy.

Consultation

Nil.

Policy and Legislative Implications

The reviewed and new policies are consistent with the *Local Government Act 1995*, relevant legislation and guidelines and other City documents.

Financial Implications

Nil.

Key Risks and Considerations

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

Strategic Implications

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

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

Attachments

- 10.5.5 (a): New Policy
- 10.5.5 (b): Amended Policies
- 10.5.5 (c): Revoked Policies

CEO Mike Bradford returned to the meeting at 8.07pm prior to consideration of Item 10.5.6.

Councillor Mary Choy returned to the meeting at 8.08pm during consideration of Item 10.5.6.

10.5.6 Annual Review of Council Delegations

File Ref: D-24-27657
Author(s): Morgan Hindle, Governance Coordinator
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

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

A review of the Council Delegations has been completed and is now presented to the Audit, Risk and Governance Committee for consideration and referral to Council for adoption.

Officer, Committee Recommendation AND COUNCIL DECISION

0624/115

Moved: Councillor Nic Coveney
Seconded: Councillor Jennifer Nevard

That the Audit, Risk and Governance Committee recommends to Council that it:

- Notes that in accordance with Section 5.46(2) of the *Local Government Act 1995*, the following Delegations to the Chief Executive Officer and/or City Officers as shown at **Attachment (a)** have been reviewed with 'no changes' being proposed:

DC401	Graffiti Vandalism Act – Local Government Functions
DC664	Dogs – Local Government Functions
DC665	Cats – Local Government Functions
DC678	Appointment of Authorised Officers
DC684	Sealed Documents
DC692	Enforcement and Legal Proceedings – Illegal Development
- Notes that in accordance with Section 5.46(2) of the *Local Government Act 1995*, the following Delegations to the Chief Executive Officer and/or City Officers as shown at **Attachment (b)** have been reviewed with 'minor changes' being proposed:

DC511	Partial Closure of a Thoroughfare for Repair or Maintenance
DC603	Investment of Surplus Funds
DC679	Administer the City's Local Law
DC690	Local Planning Scheme No.7
DC703	Minor Amendments to Delegations Register and Policies

3. Notes that in accordance with Section 5.46(2) of the *Local Government Act 1995*, the following Delegations to the Chief Executive Officer and/or City Officers as shown at **Attachment (c)** have been reviewed with ‘**major changes**’ being proposed:
- DC370 Approve or Refuse Granting of a Building Permit
 - DC371 Approve or Refuse Granting of A Demolition Permit
 - DC372 Grant, or Refuse to Grant Occupancy Permits or Building Approval Certificates
 - DC373 Approve or Refuse an Extension of the Duration for Occupancy Permits or Building Approval Certificates
 - DC374 Appoint Authorised Officers for the purposes of the *Building Act 2011*
 - DC375 Issue or Revoke Building Orders
 - DC376 Infringement Notices under the Building Regulations 2012
 - DC602 Authority to Make Payments from the Municipal and Trust Funds
 - DC607 Tenders/E-Quotes/Common Use Agreements
 - DC609 Leases
 - DC612 Disposal of Surplus Property
 - DC642 Appointment of Acting CEO
 - DC677 *Bush Fires Act 1954*- Local Government Functions
 - DC685 Inviting Expressions of Interest
4. Notes that in accordance with Section 5.46(2) of the *Local Government Act 1995* the following Delegations to the Chief Executive Officer and/or City Officers as shown at **Attachment (d)** have been reviewed and that they be **revoked**:
- DC102 Community Funding Program
 - DC115 Granting Fee Waiver – City Reserves and Facilities
 - DC601 Preparation of Long-Term Financial Plan, Annual Budget and Annual Financial Report
 - DC607B Non Acceptance of Tenders
 - DC608 Acceptance of Contract Variations Relating to Tenders Approved by Council
 - DC616 Write Off Debts
 - DC686 Granting Fee Concessions – Development Applications
 - DC702 Granting Fee Waiver – Collier Park Golf Course
5. Adopts the following ‘**new**’ Delegations to the Chief Executive Officer and/or City Officers as shown at **Attachment (e)** in accordance with Section 5.46(2) of the *Local Government Act 1995*:
- DC377 Referrals and Issuing Certificates
 - DC379 Private Pool Barrier – Alternative and Performance Solutions
 - DC378 Inspection and Copies of Building Records
 - DC617 Granting Discounts, Concessions, Fee Waiver and Debt Write Off
 - DC618 Commence a Prosecution for an Offence

CARRIED BY ABSOLUTE MAJORITY (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

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

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

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

Comment

There are a range of powers and duties delegated to the CEO in accordance with the powers provided by Sections 5.42(1)(a) and (b) of the Act. The Delegations were forwarded to the relevant officers from each business unit who reviewed the appropriateness of the existing Delegations and if there was a need for any additional delegations.

All delegations have been reviewed and revised where relevant to reference the specific legislation that enables them.

Following the review, the City's Delegation template has been reformatted into a table to clearly highlight the following:

- Head of Power;
- Express Power to Delegate;
- Delegation Number;
- Delegation Title;
- Legislative Reference of Power;
- Power or Duty being Delegated;
- Conditions of Delegation; and
- Delegated to.

No Changes

As a result of this review, the delegations listed below and at **Attachment (a)** have no changes, therefore no explanatory notes have been provided.

DC401	Graffiti Vandalism Act – Local Government Functions
DC664	Dogs – Local Government Functions
DC665	Cats – Local Government Functions
DC678	Appointment of Authorised Officers
DC684	Sealed Documents
DC692	Enforcement and Legal Proceedings – Illegal Development

Minor Changes

As a result of this review, the delegations listed below and at **Attachment (b)** are considered to have minor changes which are highlighted by tracked changes. As these changes are considered to be minor administrative changes, no explanatory notes have been provided.

DC511	Partial Closure of a Thoroughfare for Repair or Maintenance
DC603	Investment of Surplus Funds
DC679	Administer the City's Local Law
DC690	Local Planning Scheme No.7
DC703	Minor Amendments to Delegations Register and Policies

Major Changes

As a result of this review, the delegations listed below and at **Attachment (c)** have major changes to the content, therefore explanatory notes have been provided:

DC370 Approve or refuse Granting of a Building Permit

The legislative references have been updated to contain the specific clauses in relation to the approval or refusal of a building permit. The delegation conditions have been updated in accordance with the Act and the *Building Act 2011*, to specify who the power can be delegated to.

The words 'and provide to the interested person a copy of the building record' have been deleted from the conditions as it is the intellectual property of the owner. Copies of plans will be made available for inspection to the public, however copies of plans will only be made available in accordance with new Delegation DC378 Inspection and Copies of Building Records.

The delegated authority has been removed from the position of Manager Governance as this role does not utilise the delegation. The title 'Principal Building Surveyor' has been amended to 'Senior Building Surveyor' to align with the City's organisational structure.

DC371 Approve or Refuse Granting of a Demolition Permit

The legislative references have been updated to contain the specific clauses in relation to the approval or refusal of a demolition permit. The delegation conditions have been updated in accordance with the Act and the *Building Act 2011*, to specify who the power can be delegated to.

The delegated authority has been removed from the position of Manager Governance as this position does not utilise the delegation. The title 'Principal Building Surveyor' has been amended to 'Senior Building Surveyor' to align with the City's organisational structure.

DC372 Grant, or Refuse to Grant Occupancy Permits or Building Approval Certificates

The legislative references have been updated to contain the specific clauses in relation to the granting or refusal to grant occupancy permits or building approval certificates. The delegation conditions have been updated in accordance with the Act and the *Building Act 2011*, to specify who the power can be delegated to.

The words 'and provide to the interested person a copy of the building record' have been deleted from the conditions as it is the intellectual property of the owner. As noted above, copies of plans will be made available for inspection to the public in accordance with new Delegation DC378 Inspection and Copies of Building Records.

The delegated authority has been removed from the position of Manager Governance as this position does not utilise the delegation. The title 'Principal Building Surveyor' has been amended to 'Senior Building Surveyor' to align with the City's organisational structure.

DC373 Approve or refuse an Extension of the Duration for Occupancy Permits or Building Approval Certificates

The legislative references have been updated to contain the specific clauses in relation to the approval or refusal of an extension of the duration for occupancy permits or building approval certificates. The Delegation conditions have been updated in accordance with the Act and the *Building Act 2011*, to specify who the power can be delegated to.

The words 'and provide to the interested person a copy of the building record' have been deleted from the conditions as it is the intellectual property of the owner. As noted above, copies of plans will be made available for inspection to the public in accordance with new Delegation DC378 Inspection and Copies of Building Records.

The delegated authority has been extended to the CEO in accordance with section 5.42 of the Act. The title 'Principal Building Surveyor' has been amended to 'Senior Building Surveyor' to align with the City's organisational structure.

DC374 Appoint Authorised Officers for the purposes of the *Building Act 2011*

The legislative references have been updated to contain the specific clauses in relation to the appointment of authorised officers for the purposes of the *Building Act 2011*.

Two conditions have been added to ensure each authorised officer has an identity card to carry out their duties and that a record be kept of when the delegation is exercised.

DC375 Issue or Revoke Building Orders

The legislative references have been updated to contain the specific clauses in relation to issuing and revoking building orders. The Power or Duty being Delegated has been expanded to summarise what is covered in those legislative references.

The Delegation conditions have been updated in accordance with the Act and the *Building Act 2011*, to specify who the power can be delegated to.

The delegated authority has been removed from the position of Manager Governance as this position does not utilise the delegation. The title 'Principal Building Surveyor' has been amended to 'Senior Building Surveyor' to align with the City's organisational structure.

DC376 Infringement Notices under the Building Regulations 2012

The legislative references have been updated to include the 'authority to appoint authorised officers.' The Power or Duty being Delegated has therefore been expanded to cover this under section 9.10 of the Act.

The delegated authority has been extended to include the CEO as the CEO is responsible for appointing 'authorised persons' under section 9.10 of the Act.

DC602 Authority to Make Payments from the Municipal and Trust Funds

The legislative references have been updated to contain the specific clauses in relation to the authority to make payments.

Additional conditions have been added to the Delegation to ensure clarity of the power and duty delegated and compliance with legislation.

DC607 Tenders/E-Quotes/Common Use Agreements

The legislative references have been updated significantly to encompass all aspects of the tender process in accordance with the Regulations. In doing so, removing the need for multiple delegations in relation to tenders, e-quotes and common use agreements. The Power or Duty being Delegated has therefore been expanded to cover all Tender Regulations.

The maximum tender value has been raised from \$250,000 to \$500,000, and the maximum value for purchasing goods and services procured through the Western Australian Local Government Association (WALGA), State or Commonwealth Governments or any of its agencies that provide preferred supplier contracts or arrangements has been increased from \$500,000 to \$700,000. This adjustment is necessary as the City is anticipating delivering a \$27m capital works program and these updated figures better reflect the capacity to efficiently manage this for the City. The economic climate has also significantly changed since the \$250,000 value was first put in place and therefore the increase is considered appropriate.

DC609 Leases

Two Delegation conditions have been added to provide for statutory compliance with the *Commercial Tenancy (Retail Shops) Agreements Act 1985* and the *Land Administration Act 1997* where it is applicable.

The maximum lease term condition for Not-for-Profit Sporting Organisations, Not for Profit Organisations, Community Associations, Government Bodies, Committees and Associations, and educational institutions has been reduced from 21 years to five years, with an option to extend for an additional five years. It was determined that 21 years provided the CEO with excessive delegation and the proposed maximum lease term aligns with Policy P609: Management and Sale of City Property.

The conditions in relation to commercial leases have been amended for clarity. The Administration may renew existing commercial leases for a maximum term of five years subject to the performance of the lessee. All new commercial leases will still be brought to Council for consideration.

The condition relating to Collier Park Village has been deleted as the Village is being transferred from the City to Amana Living.

DC612 Disposal of Surplus Property

The legislative references have been updated to contain the specific clauses in relation to the authority to dispose of property.

Additional conditions have been added to the Delegation to ensure clarity of the power and duty delegated and compliance with legislation. The dollar value in relation to City property e.g. plant and fleet sold at public auction has been amended to reflect current market conditions.

DC642 Appointment of Acting CEO

The wording in the Power or Duty being Delegated has been amended to read 'authority to appoint a City Director as Acting CEO when the CEO is absent on leave.' This amendment is considered sufficient to eliminate the need for additional conditions.

DC677 *Bush Fire Act 1954* – Local Government Functions

The Power or Duty being Delegated has been extended to grant the Chief Executive Officer the authority to appoint persons as Bush Fire Control Officers under the *Bush Fires Act 1954*. This addition is considered necessary as the appointment authority under section 9.10 of the Act does not extend to the *Bush Fires Act 1954*.

DC685 Inviting Expressions of Interest

The legislative references have been updated to include specific clauses related to Inviting Expressions of Interest and to remove references to tenders. All relevant tender clauses are now contained within DC607. Consequently, the Power or Duty being Delegated now aligns with the specific legislation concerning expressions of interest.

Two conditions have been added to ensure compliance with the Regulations and with City Policy P607 on Tenders and Expressions of Interest.

Revoke**DC102 Community Funding Program**

DC102 Community Funding Program is proposed to be revoked as it is deemed unnecessary. Given it is not a requirement of the Act or Regulations, there is no power Council can delegate to the CEO. Instead this Delegation is an instruction to operate in accordance with a City policy. Policy 102: Community Funding Program and Management Practice 102: Community Funding Program are considered sufficient to manage this process.

DC601 Preparation of Long Term Financial Plan, Annual Budget and Annual Financial Report

At its meeting held 22 March 2022, Council resolved to retain Delegation DC601 until a policy on a Long-Term Financial Plan was developed and adopted by Council. On 27 June 2023 Council resolved to adopt Policy P601 Strategic Financial Management Preparation of Long-Term Financial Plan. As such, DC601 is now proposed to be revoked.

Having a long-term financial plan is not a requirement of the Act or Regulations. Given it is not a requirement of the Act or Regulations, there is no power Council can delegate to the CEO.

This delegation also authorises the CEO to prepare the City's annual budget in accordance with section 6.2 of the Act and Part 3 of the Local Government (Financial Management Regulations). It is a requirement under legislation that an annual budget be prepared. The preparation of the budget is an administrative task that is undertaken by the administration in conjunction with Elected Members through a number of workshops. As such, there is no power to be delegated to the CEO and given the adoption of the plan requires an absolute majority of Council, delegating this to the CEO is prohibited by Section 5.43 of the Act.

Further, this delegation authorises the CEO to prepare the Annual Financial Report for the preceding financial year in accordance with section 6.4 of the Act and Part 4 of the Local Government (Financial Management) Regulations. However, as above, it is a requirement under legislation that an Annual Financial Report be prepared. This is an administrative function that already falls within the responsibility of the CEO and therefore Council do not have the ability to delegate this task.

The delegations provided in DC601 Preparation of Long-Term Financial Plan, Annual Budget and Annual Financial Report are administrative functions that are the responsibility of the City's administration and Council has the responsibility to adopt the Annual Budget and Annual Financial Reports.

DC607B Non Acceptance of Tenders

DC607B Non Acceptance of Tenders is proposed to be revoked as it is now captured by the comprehensive update to Delegation DC607 Tenders/E-Quotes/Common Use Agreements making it simpler, more efficient and effective for users and administrators.

DC608 Acceptance of Contract Variations Relating to Tenders Approved by Council

At its meeting held 22 March 2022, Council resolved to retain Delegation DC608 until a policy on Contract Variations was developed and adopted by Council. On 27 June 2023 Council resolved to adopt Policy P701 Variations to Contract. As such, DC608 is now proposed to be revoked.

As the CEO is responsible for the implementation of Council decisions, in effect no discretion is to be exercised (Section 5.41 of the Act) and limitations imposed by the Local Government (Functions and General) Regulations 1996 Section 21A provide for very specific requirements with respect to variations. Other types of variations are simply not allowed under legislation as that would effectively constitute a new contract to be formed and would require the initiation of the procurement process. Any variation will be subject to budget availability and/or budget variation approval by Council and the conditions imposed by P701.

DC DC115 Granting Fee Waiver – City Reserves and Facilities, DC616 Write-off Debts, DC686 Granting Fee Concessions – Development Applications and DC702 Granting Fee Waiver – Collier Park Golf Course

The abovementioned Delegations are proposed to be revoked as they are captured by the new comprehensive DC617 Granting Discounts, Concessions, Fee Waiver and Debt Write-off discussed later in this report.

New Delegations

As a result of this review, the delegations listed below and at **Attachment (d)** are new Delegations proposed for adoption, explanatory notes have been provided below:

DC377 Referrals and Issuing Certificates

This is an administrative function to which the City did not have a delegation. From time to time the City engages the services of an external building surveyor. This delegation will enable referral without a resolution from Council to do so.

DC378 Inspection and Copies of Building Records

This Delegation will provide the City with the ability to determine who can receive copies of building records, including building permits. Whilst all other documents will remain available to the public for inspection under other delegations, the ability for the City to determine who receives them is prescribed within the conditions under this Delegation.

DC379 Private Pool Barrier – Alternative and Performance Solutions

This Delegation provides the City the ability to determine alternative and performance solutions for private pool barriers, which was not previously available.

This will provide the City greater discretion when considering existing previously approved pool barriers.

DC617 Granting Discounts, Concessions, Fee Waiver and Debt Write Off

In accordance with the Act, the legislative references of DC617 encompass all aspects of the granting of discounts, concessions, fee waiver and debt write off in one place, instead of multiple delegations including DC115 Granting Fee Waiver – City Reserves and Facilities, DC616 Write-off Debts, DC686 Granting Fee Concessions – Development Applications and DC702 Granting Fee Waiver – Collier Park Golf Course. In doing so, removing the need for multiple delegations, making it simpler, more efficient and effective for users and administrators.

DC618 Commence a Prosecution for an Offence

This Delegation grants the CEO the authority to initiate prosecutions on behalf of the Local Government under the Act, all related regulations, and the City of South Perth Local Laws established under the Act. While the City can issue infringements for breaches of its local laws, the modified penalty may not always match the severity of the offence. This Delegation enables the City to pursue appropriate avenues of prosecution.

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

Nil.

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	Annual reviews in place.

Strategic Implications

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

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

Attachments

10.5.6 (a):	No Changes
10.5.6 (b):	Minor Changes
10.5.6 (c):	Major Changes
10.5.6 (d):	Revoke
10.5.6 (e):	New Delegations

11. APPLICATIONS FOR LEAVE OF ABSENCE

- Councillor Hayley Prendiville for the period 28 June 2024 to 10 July 2024 inclusive.
- Councillor Glenn Cridland for the period 5 July 2024 to 7 July 2024 inclusive.
- Councillor Bronwyn Waugh for the period 3 July 2024 to 6 July 2024 inclusive.

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

COUNCIL DECISION

0624/116

Moved: Councillor Blake D'Souza

Seconded: Councillor Nic Coveney

That Council:

1. Approve the Leave of Absence application received from Councillor Hayley Prendiville for the period 28 June 2024 to 10 July 2024 inclusive.
2. Approve the Leave of Absence application received from Councillor Glenn Cridland for the period 5 July 2024 to 7 July 2024 inclusive.
3. Approve the Leave of Absence application received from Councillor Bronwyn Waugh for the period 3 July 2024 to 6 July 2024 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

Debate on Item 12.1 Notice of Motion – Councillor Bronwyn Waugh – Advertising of Short Term Accommodation Local Planning Policy was adjourned to the June Ordinary Council Meeting at the Ordinary Council Meeting held 26 March 2024. Prior to the adjournment the Item was moved by Councillor Bronwyn Waugh and seconded by Councillor Hayley Prendiville.

Councillor Blake D’Souza left the meeting at 8.51pm and returned at 8.53pm during consideration of Item 12.1

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

File Ref: D-24-27661
Author(s): Donna Shaw, Director Development and Community Services
Reporting Officer(s): Mike Bradford, Chief Executive Officer

Summary

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

Notice of Motion Recommendation (Suggested Officer Recommendation page 117)

Moved: Councillor Bronwyn Waugh
Seconded: Councillor Hayley Prendiville

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

Amendment

0624/117

Moved: Councillor Bronwyn Waugh
Seconded: Councillor Glenn Cridland

That the Policy as outlined in the Notice of Motion Report be amended as follows:

1. Delete the following bullet points from the Policy Scope:
 - ‘Bed and Breakfast;’

- 'Hotel;'
 - 'Motel;'
 - 'Serviced Apartment;'
 - 'Tourist Development;'
2. Amend the definition of 'Family' under Definitions to read '**Family** means a group of two or more persons related by birth, marriage, adoption, or who otherwise reside together as a family unit.'
 3. Delete the word 'neighbour' and replace with 'neighbourhood' in part a) of the 'Neighbourhood Centre Zone.'
 4. Delete the word 'Municipal' and replace with 'Local' in part b) of the Neighbourhood Centre Zone.
 5. Insert the words '(or Local Heritage Survey)' after the words 'Local Heritage Inventory' in part b) of the Neighbourhood Centre Zone.
 6. Under the heading All Other Zones (Residential, Private Community Purpose, Mixed Use And Local Centre), delete the bullet point 'Within 200 metres of the Old Mill site.'
 7. Amend the legislation reference to read 'Health (Miscellaneous Provisions) Act 1911' under the heading 2.2.5 Residential Building – Specific Requirements.

Reasons for Change

These amendments are fairly minor in nature but they have taken into consideration the amendments proposed by Director Shaw in her comments. I went through them this afternoon with a Town Planner and we have made those amendments.

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

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.

During debate on the Item, it was suggested that recommendation 2 be amended from 'May 2024' to 'September 2024'.

With the agreement of the mover and seconder, recommendation 2 of the Notice of Motion was amended to reflect this change.

12.1 Notice of Motion - Councillor Bronwyn Waugh - Advertising of Short Term Accommodation Local Planning Policy

Councillor Bronwyn Waugh was granted an additional 5 minutes to outline their reasons for change.

COUNCIL DECISION

0624/118

Moved: Mayor Greg Milner

Seconded: Councillor Mary Choy

In accordance with Clause 8.10 of the City of South Perth Standing Orders Local Law 2007 Councillor Bronwyn Waugh 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.

Notice of Motion Recommendation

Moved: Councillor Bronwyn Waugh

Seconded: Councillor Hayley Prendiville

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

Reasons

This policy adopts the outcome of the 2019 Parliamentary Enquiry, and subsequent recommendations in respect to Short Stay Accommodation. I am going to address you all this afternoon in respect to four reasons as to why I urge you to support this motion.

1. Housing supply in a housing crisis;
2. The impacts to community;
3. The *Short-Term Rental Accommodation Act* is here now;
4. Community.

The housing Supply in South Perth is critical. The 2019 Inquiry was drafted in a time when the housing crisis was not even as critical as it is now. Back then it was estimated that there were 20,000 Airbnbs within Western Australia and there can be no doubt that there are significantly more than that number now. These are homes that are vacant and available for tourism and the majority have been taken away from what was residential housing.

Put simply, not only are Airbnbs and short-term rentals removing accommodation from our residential housing but they are driving up prices by removing long-term rentals from the market. Places where our families can live. In short, they are making South Perth inaccessible to people who want to live, work and play here. All around the world this issue is being recognised. For example, in New York, spreading throughout the USA, short-term rental accommodation uses are being restricted to ease housing pressures. It's also happening in the UK and last week I saw an ABC report that Barcelona now plans to shut all short-term rental accommodation by 2028 to tackle the housing crisis there. This issue is being recognised worldwide but we don't need to be that drastic.

We must take action and take steps to ensure there are appropriate locations of Airbnbs. So that we don't find ourselves in the position that other cities have found. We must do it for our families and our children and to preserve the residential amenity for our residents, our voters, and our community.

Secondly, the impacts are all well documented in the Parliamentary Inquiry report and they are problems that affect the amenity of our neighbourhoods.

Problems such as doors slamming at all hours of the day and night, lights turned on, music played, trash left out, and transient visitors that come and go from Airbnbs. The inappropriate land uses where persons never stay for long enough to care about the neighbours or to contribute to the fabric of our community.

One of the main outcomes of the Parliamentary Inquiry was the requirement to introduce locational characteristics to short-term residential accommodation developments and this is precisely what this policy does. It ensures that Airbnbs are located in areas of Tourism or within and around Neighbourhood Centres or Activity Centres. This includes Angelo Street, Preston Street, the area on Manning Road opposite Curtin University as Neighbourhood Centres, and Mill Point and Canning Bridge as Activity Centres. In addition to being drafted in accordance with the Parliamentary Inquiry. It's also consistent with the DPLH Guidelines that also highlight locational characteristics and tourism zones as being appropriate for Airbnbs.

Third, in April the *Short-Term Rental Accommodation Act* was promulgated. It requires that short-term rental accommodation register to be set up by 1 July and that it will be mandatory for all providers to be registered by 1 January.

The State have already set the direction, they have produced an inquiry report, and they have produced guidelines, they have enacted the Act. They have made it clear that appropriate locational criteria should be set by local governments.

This policy is consistent with that advice there are presently some 400 short-term rentals advertised within our district and so far we have three approved. It has been suggested that we wait again until new Regulations are promulgated that will exempt certain types of short stay accommodations for limited periods of time (up to 90 days).

In this regard, I can say three things:

1. When a development is exempt, it is not considered against a Policy.
2. Policy only needs to be given due regard, when assessing applications. A wave, if you will. It is not binding and it does not remove discretion.

3. The advertising of a draft Policy are effectively guidelines as to how discretion is to be exercised. It is never intended for a Policy to be exhausted but more of a guidance statement. Advertising Policy is for the purpose of receiving community feedback. We can then make an informed decision.

As a lawyer having advised local governments for over 10 years, and I was again in the Supreme Court just last week on planning matters, I can tell you with confidence that the amendments to the regulations will have little, if any impact on the Policy that I have proposed, which at its heart is just about identifying appropriate places where short-term rental should be located.

The amendments to the Regulations is not a basis for which we should defer passing a Short Stay Accommodation Policy. In fact the Regulations have already been amended three times this year. To the contrary, we are now looking at up to 400 Airbnbs to be approved by 1 January and I would like a policy to be in place as soon as possible to enable appropriate discretion in decision-making. If we defer the motion again, we are risking any future Policy with locational criteria being fairly ineffective as we will be too late.

Finally I ask you to support this motion for our community, when I was door knocking in December of last year on this very issue, I did not find a single resident supportive of Airbnb. When I enquired as to why people didn't submit deputations or submissions to Council, I was told that they didn't want to publicly say they were against it - for fear of upsetting their neighbours. The concern for neighbours within our community makes me very proud and it is this very Community spirit that I am seeking to protect. I want our community to represent a vibrant community of interconnected people, where neighbours know each other and people talk to each other. This doesn't happen if we are transient neighbours. The benefits of strong community and neighbourhood fabric are well documented, from reducing crime to supporting schools, sporting clubs, and even a supportive community to positively impact on mental health.

It is in this vein that I want to support our community to stay close-knit to reap those benefits and to have confidence in us, their Elected Members, to have their best interests at heart. I want our residents to know that their home is our priority and we will take such steps as we can to protect their neighbourhoods.

By doing this, we can then look to the activation of precincts without threatening the security of their knowledge that residential zones will remain residential, free from interference from conflicting land uses.

I put my hand up to Council because I wanted to help build and to protect my community. With appropriate policies, we can protect our residential areas and then proceed with the activation of precincts without risking disruption to our residents. Some of you may note the officers comments and recommendations and I take this opportunity to thank the officer for the time to consider those in detail that she has and I'm grateful for her input. You will see that I have made amendments to the Policy in line with her comments.

I also note that the City of Belmont has passed its Short-Term Rental Accommodation Policy in February and I understand it is in effect right now. We as one of the most affected inner-suburban local governments have the opportunity to be leaders, advocating for our community and protecting our residents.

Councillors, this is not the time to wait. The amendments to the Regulations will have little impact if any, at all on this Policy. Waiting for a law to be enacted is one thing, but waiting for amendments to Regulations to ensure that our local government is properly governed is in my view inappropriate. I consider that waiting is a higher risk because we are likely to receive an influx of Development Applications prior to 1 January. We ought to implement the appropriate frameworks now. Once an appropriate Policy is in place, I consider that it would be appropriate for us to then expand upon the Delegations to enable approvals to be made at the officer level. Finally, I note that we presently have over 90 Policies in place. Policy frameworks are intended to be implemented and adapted readily and easily to be responsive to the needs of the community. If there is ever a time to be responsive, it is now.

COUNCIL DECISION**0624/119****Moved:** Councillor Hayley Prendiville**Seconded:** Councillor Nic Coveney

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.

During Debate on the Item, Mayor Greg Milner foreshadowed the Suggested Officer Recommendation:

Amended Substantive Notice of Motion Recommendation**Moved:** Councillor Bronwyn Waugh**Seconded:** Councillor Hayley Prendiville

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

LOST (4/5)

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

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

Suggested Officer Recommendation AND COUNCIL DECISION**0624/120****Moved:** Mayor Greg Milner**Seconded:** Councillor Mary Choy

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

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**Previous Council Decisions

- 27 February 2024 Ordinary Meeting - *That Council, in accordance with Clause 11.6 of the City of South Perth Standing Orders Local Law 2007, adjourn debate on Item 12.4 Notice of Motion – Councillor Bronwyn Waugh - Advertising of Short Term Accommodation Local Planning Policy to the Ordinary Council Meeting to be held 26 March 2024.*
- 26 March 2024 Ordinary Meeting - *That Council, in accordance with Clause 11.6 of the City of South Perth Standing Orders Local Law 2007, adjourn debate on Item 12.1 Notice of Motion – Councillor Bronwyn Waugh - Advertising of Short Term Accommodation Local Planning Policy to the Ordinary Council Meeting to be held 25 June 2024.*

Notice of Motion

Councillor Bronwyn Waugh submitted a Notice of Motion (NoM) regarding the adoption of a new Local Planning Policy for Short Term Accommodation.

The reasons for the NoM are as follows:

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

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

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

The Parliamentary Committee concluded relevantly:

- *Finding 1 – as of early 2019, there were at least 20,000 Short-Term Rental listings in Western Australia.*
- *Finding 6 – Traditional Accommodation providers generally have greater overhead costs than individuals offering Short-Term Rentals as a direct result of existing State and local government regulations and policy settings;*
- *Finding 10 - Traditional Accommodation providers in the South West of Western Australia indicated a significant drop in their revenue and occupancy rates.*
- *Finding 11 – Evidence ... demonstrates that growth in Short-Term Rentals affects the availability of long-term rentals and affordable housing.*
- *Finding 15 - Short-Term Rentals can cause a range of amenity impacts in residential areas, such as parking, the creation and collection of rubbish, the noise and anti-social behaviour of guests, and the behaviour of their pets.*
- *Finding 17 ... many local governments are not adequately enforcing compliance with their local planning schemes, local planning policies and local laws.*

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

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

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

It is intended to guide the implementation and aims to:

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

12.1 Notice of Motion - Councillor Bronwyn Waugh - Advertising of Short Term Accommodation Local Planning Policy

The guidelines state:

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

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

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

Clause 5.4.2 of the Position Paper States:

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

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

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

Interim Guidance for local government in the Bulletin states:

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

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

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

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

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

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

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

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

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

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

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

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

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

PROCESS FOR ADOPTING A POLICY

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

- 1. Published the proposed policy in accordance with clause 87, giving details of the policy, objectives, and the manner and form of submissions, as well as giving at least 21 days within which submissions are to be made.*
- 2. If the Policy is inconsistent with a State Planning Policy, give notice to the WAPC;*
- 3. Carry out any other consultation that the City considers appropriate, and this would usually include the WAPC;*

12.1 **Notice of Motion - Councillor Bronwyn Waugh - Advertising of Short Term Accommodation Local Planning Policy**

4. *After the closure of submissions, review of the submissions and proceeding with or without modifications to the policy, the WAPC ought at this time to have approved the policy as part of the consultation process;*
5. *If the Local Government decides to proceed with the policy, then publish a notice in accordance with clause 87 of the Planning and Development (Local Planning Schemes) Regulations 2015;*
6. *Publish and keep up to date with the policy.*

CONCLUSION

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

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

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

This policy will ensure that:

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

LOCAL PLANNING POLICY - SHORT-TERM RENTAL

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

INTRODUCTION

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

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

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

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

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

PURPOSE

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

OBJECTIVES

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

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

SCOPE

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

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

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

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

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

PART 2 – POLICY PROVISIONS

1. DEFINITIONS

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

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

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

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

Tourist Sites include the Old Mill and Perth Zoo.

2. DEVELOPMENT APPROVAL REQUIREMENTS

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

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

NEIGHBOURHOOD CENTRE ZONE

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

CENTRE ZONES

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

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

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

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

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

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

- *The proposal is in respect of the heritage significance of the subject site or immediately adjoining sites listed in the City of South Perth's Municipal Heritage Inventory or the State Heritage Register as detailed in the place's Statement of Heritage Significance.*
- *Short-term accommodation areas that propose a sufficient distance and separation from the outdoor living area of the adjoining property(s) to minimise noise generated by guests.*

12.1 **Notice of Motion - Councillor Bronwyn Waugh - Advertising of Short Term Accommodation Local Planning Policy**

- *Accommodation that has a direct interface with noise-generating (non-residential) uses or where ambient noise/activity already exists.*
- *As a host is not present, a management plan (in accordance with Clause 2.2.3 below) is to be submitted, ensuring the proposal is consistent with the objectives of this policy.*

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

2.2 General Development Requirements for all short-term accommodation proposals that require development approval

2.2.1 Car Parking

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

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

2.2.2 Management Plan and Code of Conduct

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

2.2.3 Management Plan

The Management Plan shall address the following:

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

2.2.4 Code of Conduct

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

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

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

2.2.5 Residential Building – Specific Requirements

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

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

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

1.2.6.2 Servicing Strategy

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

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

3. PUBLIC ADVERTISING

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

4. TIME LIMITED APPROVALS

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

Comment

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

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

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

- There may be other additions to the Regulations the City is unaware of given the proposed amendments have not been publicly released. Once the amendments to the Regulations are known, the City will present a draft LPP for Council's consideration.
- Local Planning Scheme No.7 (LPS 7) contains 'Holiday accommodation' and 'Holiday house' as the STRA land use definitions. At the time of drafting LPS 7, these were consistent with the Department of Planning, Lands and Heritage (DPLH) draft Position Statement – Planning for Tourism.
- The proposed amendments to the Regulations introduce 'Hosted Short-Term Rental Accommodation' and 'Unhosted Short-Term Rental Accommodation' land uses, and as such, the City will need to progress an amendment to LPS 7 to remove the redundant land uses which will be superseded by the new definitions.
- The State Government has advised that all local governments will be expected to amend their local planning schemes to implement the changes, which will ensure approvals can be issued ahead of the 1 January 2026 STRA Registration Scheme coming into effect. Property owners must demonstrate compliance with local planning requirements or risk de-registration beyond this date.
- The City expects the DPLH will enable this to be treated as a 'basic' scheme amendment, which requires initiation by Council but will not require advertising. This is expected to be presented to Council concurrently with the revised LPP in mid-2024 once the amendments to the Regulations are known.
- The draft LPP provided with the NoM includes land uses reflective of those contained in LPS 7 (e.g. holiday house), which will soon be superseded.

12.1 **Notice of Motion - Councillor Bronwyn Waugh - Advertising of Short Term Accommodation Local Planning Policy**

- The City is anticipating that the new land uses inserted into the Regulations will be contained within the deemed provisions, which automatically apply to all local planning schemes.
- For this reason, should Council progress with a draft LPP ahead of the regulatory changes, it will be required to consult on and consider a draft LPP with land uses soon to be inconsistent with the Regulations, and if included in the deemed provisions, will have no effect.
- Council would then need to recommence consultation and consideration of an amended LPP to ensure consistency with the Regulations and Scheme changes within a short timeframe of adoption of the draft LPP contained within the NoM.
- The City considers this may result in community confusion and an ineffective use of resources.
- The State Government has advised amendments to the Regulations will occur early 2024. Whilst this is anticipated to be completed by June, it is possible that regulatory changes could come into effect whilst consultation on the draft LPP contained within the NoM is occurring.
- Should this occur, the draft LPP would need to be amended. Such modifications would not constitute minor amendments which could otherwise be made when Council is considering the draft LPP contained with the NoM for final adoption, rather, may require re-advertising depending on the extent of changes.

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

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

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

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

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

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

Additional Information post 28 February 2024

Short Term Rental Accommodation Bill 2024

Since this NoM was last considered by Council, on 21 February 2024 the Short Stay Rental Reform Bill was introduced into State Parliament to provide stronger regulation on STRA.

The STRA Register, to be operated by Consumer Protection, is expected to open in mid-2024, with all properties, both hosted and unhosted, required to be registered by 1 January 2025.

The reforms also include changes to planning requirements. Unhosted STRA property owners will need to obtain development approval if the property is rented out for more than 90 nights within a 12-month period in the Perth metropolitan region. As anticipated, Unhosted STRA for less than 90 nights within a 12-month period will be exempt from requiring development approval.

12.1 Notice of Motion - Councillor Bronwyn Waugh - Advertising of Short Term Accommodation Local Planning Policy

The State Government has advised the City that consultation with local government on the proposed Regulation changes is anticipated to be undertaken either late March or early April 2024. The City also understands that the DPLH is meeting with WALGA in the near future to discuss associated amendments to the Regulations.

Review of Draft Policy

In addition to the above legislative changes, the City has had the opportunity to review Councillor Waugh's draft LPP and raises the following matters:

- The scope of the draft LPP applies to the following land uses only: Bed and Breakfast, Holiday House, Holiday Accommodation, Hotel, Motel, Serviced Apartment, and Tourist Development. The scope then states that it will apply only to un-hosted short-stay accommodation outside of tourist zones. Bed and breakfast, hotel, motel, serviced apartment and tourist development are by their nature all 'hosted' uses. It is therefore unclear whether the draft LPP applies to these uses as the first paragraph conflicts with the last paragraph of the scope.
- The required amendments to schemes to incorporate the new STRA land uses will also remove some of these land uses from LPS 7, which would then require the Policy to be modified.
- The 'All other zone' requirements of the draft LPP include STRA being permitted within 200m of the Old Mill, however none of the zones specified in this section are located in this radius.
- The 'All other zone requirements' within the draft LPP provide for STRA applications to be considered in the Mixed Use zone where they are within 400m of a neighbourhood centre. There are only three Mixed Use zoned properties in the City that would meet this criteria. Consideration of different criteria is instead recommended to provide for STRA.
- STRA and bed and breakfast land uses are not subject to the Health (Public Building) Regulations 1992. If more than six persons are to be accommodated, lodging house provisions will instead apply per the *Health (Miscellaneous Provisions) Act 1911*. The draft Policy instead refers to the City's Health Local Laws 2022.
- A definition of 'Family' is included in the draft LPP as follows: "means a group of one or more parents/caregivers and their children residing together as a unit" yet is not otherwise used in the policy itself. The City considers this definition is inconsistent with Council's adopted Access and Inclusion Plan, as a family can include those without children.
- The draft LPP refers to the 'City's Municipal Heritage Inventory'. The relevant document is named the 'Local Heritage Inventory', which will soon be renamed 'Local Heritage Survey' following review.
- The draft LPP requires STRA approvals be subject to a time limitation of 12-months, yet then states the City will consider the setting and impact on adjoining land uses in determining time-limited approvals. In respect to extending the approval, reference is made to complaints received and the City determining whether the STRA is 'well-run'. The draft LPP does not distinguish whether complaints are based on valid planning reasons, as is required for quasi-judicial applications, and the term 'well run' lacks the specificity to provide guidance on whether an extension should be granted.

12.1 **Notice of Motion - Councillor Bronwyn Waugh - Advertising of Short Term Accommodation Local Planning Policy**

- The draft LPP requires STRA application to ‘*not negatively impact the amenity of surrounding uses*’ by addressing ‘Acceptable Development Criteria’, which includes a sufficient distance and separation from the outdoor living area of the adjoining property(s) and accommodation that has a direct interface with noise-generating (non-residential) uses or where ambient noise/activity already exists. Further guidance would be required as to what constitutes a ‘sufficient distance’, and it is unclear how noise-generating non-residential land uses would be impacted by an adjoining STRA application in respect to determining existing and potential adverse impacts on amenity.
- ‘Neighbour Zone’ is referred to in the draft LPP in lieu of the correct ‘Neighbourhood Centre’ zone.
- The draft LPP format is inconsistent with recently adopted LPPs (citation heading, removal of introduction, numbering for referencing clauses etc.) References to clauses in draft LPS 7 may change depending on insertion of additional clauses by the Minister for Planning prior to gazettal.

Further, the DPLH Planning Bulletin 115/2023 – STRA Interim Guidance for Local Governments states that:

1. Local governments should update existing LPPs to ensure alignment with the relevant provisions of the Position Statement and subsequent updates to the Regulations once operational.
2. A model LPP is also in development, which can be used to base future local policy provisions for STRA.

Given the updates to the Regulations have not yet occurred, the City maintains that Council should defer review of the current Short-Term Accommodation Local Planning Policy until the amendments to the Regulations have been finalised. The City can then also review the model LPP prepared by DPLH and determine whether amendments are required for the South Perth context.

Additional Information post 26 March 2024

Since this NoM was last considered by Council at its meeting held 26 March 2024, the following has occurred:

Amendments to Planning and Development (Local Planning Schemes) Regulations 2015

Amendments to the Regulations were drafted and a six-week consultation period occurred with key stakeholders including local government authorities, WALGA, online booking platforms as well as key STRA, tourism and other stakeholder groups.

DPLH have advised that they anticipate the amendments to become operational in August 2024, and the City will be required to amend LPS 7 to replace existing STRA land uses with new STRA uses in the zoning table. DPLH will be writing to all local governments to advise of the final changes and detailing expectations for amending local planning schemes, as well as providing guidance on the preparation of LPPs.

Short Term Rental Registration Scheme

The State Government has released details of the proposed STRA registration scheme, which includes the following:

- A legal requirement for defined STRA properties in WA to be registered;
- An initial registration will be for one year that must be renewed annually for a fee;
- Owners of registered properties being given a registration number which they are required to display when advertising their property for bookings;
- A ban on the advertisement and booking of unregistered STRA properties;
- Fines for STRA providers who advertise unregistered STRA properties, including on online booking platforms;
- Fines for booking platform providers who advertise or cause to be advertised an unregistered STRA property;
- Powers for Consumer Protection to suspend or cancel registration if, for example, false or misleading information has been provided when registering a property on the STRA register;
- A process for local government authorities to certify a registration as non-compliant with the requirements of local laws, including development approval requirements applicable to STRA;
- Provision for Consumer Protection to provide information held on the STRA register to specified public authorities, including local governments to assist with enforcement of local laws;
- Provision for Consumer Protection to disclose information on the STRA register to the public, where appropriate, as to whether a property is registered;
- The ability for the public to be able to search for a property to determine whether it is registered as a STRA and verify that a registration number is valid (coming October 2024);
- The ability for the public to be able to view a heat map of STRA properties in WA (coming October 2024); and
- Confirmation that the STRA Register will commence 1 July 2024, with registration becoming mandatory from 1 January 2025.

Consultation

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

Elected Members were advised of the proposed STRA amendments to the Regulations at a workshop held 10 April 2024 and via the Councillor Bulletin.

Policy and Legislative Implications

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

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

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

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	<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> <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	High
Mitigation and actions	It is recommended that Council adopts the suggested officer recommendation, and not proceed with the draft local planning policy provided in support of the notice of motion.

Strategic Implications

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

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

Suggested Officer Recommendation

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

Reason for Alternative Recommendation

The State Government has announced planning reforms for Short Term Rental Accommodation, including amendments to the Regulations which may otherwise impact the content of a local planning policy.

Attachments

Nil.

12.2 NOTICE OF MOTION - COUNCILLOR MARY CHOY - PUBLIC ELECTRIC VEHICLE (EV) CHARGING STATIONS

File Ref: D-24-27663
Author(s): Donna Shaw, Director Development and Community Services
Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

Councillor Mary Choy submitted the following Notice of Motion prior to the Council Agenda Briefing held 18 June 2024.

COUNCIL DECISION

0624/121

Moved: Councillor Mary Choy

Seconded: Mayor Greg Milner

That Council requests the CEO to:

1. Investigate options to permit the provision of electric vehicle (EV) charging stations at key City managed off-street parking destinations to provide convenience and encourage visitation and activations in those areas;
2. Investigate options to permit EV charging to be either cost neutral or revenue positive to the City, with users to pay their electricity usage; and
3. Provide feedback to Council on the above requests 1 and 2 at an appropriate time, but by no later than December 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.

Background

Councillor Mary Choy submitted a Notice of Motion regarding public Electric Vehicle (EV) charging stations. The reasons for the Notice of Motion are as follows:

1. *The City has indicated and demonstrated its in principle support for the State Government's Electric Vehicle Strategy for Western Australia and use of electric vehicles generally, with replacement of some of the City's fleet with EV's and installation of EV infrastructure already commenced and as endorsed by Council through the annual budget process.*

2. *Council managed kerbside space and off-street car parks provide some of the most visible and convenient locations to install publicly available EV charging infrastructure. However, it is acknowledged, the City is not responsible for providing the EV charging infrastructure or power for public use, with this being the realm of the private sector.*
3. *The City is however, able to seek out and/or permit EV charging infrastructure at public car parks in key locations throughout the district by way of third-party contract for services.*
4. *This motion seeks to determine any EV infrastructure interest in the City by external parties, measured against community and commercial benefit, and the potential for a new avenue or opportunity for the City to also diversify its income, which has been raised as a key strategic objective of the Council at budget workshops.*

Comment

The City can investigate the provision of EV charging infrastructure and present a report to Council by December 2024. The development of a Council Policy to guide the provision and use of EV charging infrastructure is considered appropriate in this respect, with any future Policy considering the impact on the range of vehicles, types of EV charging and charging equipment as broadly summarised below.

Range, Types of EV Charging and Charging Equipment

The average range of passenger EV in Australia is ~400km (varying from 260km to 650km).

As of 2020, there are 202 AC charging stations and 25 DC charging stations in Western Australia, and Synergy and Horizon Power are working with the State Government to expand the network. Once completed, EV drivers will have access to an additional 98 EV charging stations across 49 locations in Western Australia.

In respect to charging infrastructure, either AC charging (onboard charger converts AC power to DC) or DC chargers (convert AC to DC before it reaches the vehicle (faster charge rate) are available. The two plug types for DC charging are as follows:

1. CHAdeMO: used internationally by Japanese manufacturers Mitsubishi, Nissan and Toyota. In WA, about 20% of EVs have CHAdeMO plugs; and
2. CCS: allows AC and DC charging using the same plug. This plug is mandated in Europe and is becoming standard in all 220-240V 3-phase countries (except China). In WA, about 80% of EVs have CCS plugs or adaptors to enable charging using CCS plugs.

Charging equipment should be specified to suit the site, including:

- Indoor/outdoor – Outdoor chargers must meet design standards for weather proofing and impact damage;
- Tethered/Untethered – Tethered chargers have a permanently fixed charging cable/connector. They are more convenient for drivers but are vulnerable to vandalism and may present a trip hazard;
- Mounted – Chargers must be positioned at a convenient height and can be wall or pedestal mounted. Chargers require electrical supply via ceiling or subterranean conduits. Subterranean conduits may require expensive trenching/tunnelling, particularly for retrofits.

Revenue

There are various options with respect to either cost neutral or revenue positive options for EV charging, including:

- Market investment - third-party owner/ operators leasing City car parking spaces and providing and maintaining the infrastructure for profit); and
- Lease and service subscription – Council purchasing EV chargers from a third-party operator and deciding on leasing or outsourcing cost components such as installation and maintenance costs; and
- Direct provider – the City purchasing EV charging equipment and owns, maintains and operates the facilities.

These risk and benefits associated with each of these options can be further explored in a subsequent report to Council. Further consideration would also need to be given to fees, including:

- No fee - charging is offered for free to customers solely as an amenity. Value is derived from alternative sources such as increased visitation, advertising, standard paid parking, or corporate sponsorship;
- Nominal fee to cover costs - fees are established to recoup operational and/or installation costs. Fees are typically set as a price per kilowatt-hour of electricity delivered, per unit of time, or per charging session; and
- Profit - the fee for charging is designed to generate a profit from the sale of charging services. Fees are typically set as a price per kilowatt-hour delivered, per unit of time, or per charging session.

Consultation

Nil.

Policy and Legislative Implications

Nil.

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	Financial Loss An adverse monetary impact on the City as a consequence of a risk event occurring. A grading is assigned to different levels of potential loss relative to the significance of the impact on the City's ongoing operations and its ability to deliver expected services
Risk rating	Low
Mitigation and actions	The City can consider the cost implications of providing EV charging infrastructure on the subsequent report to Council in December 2024.

Strategic Implications

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

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

Attachments

Nil.

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

Responses to questions from members taken on notice at the May 2024 Ordinary Council Meeting can be found in the **Appendix** of these Minutes.

Councillor Hayley Prendiville left the meeting at 9.22pm and returned at 9.23pm during consideration of Item 13.2.

13.2 QUESTIONS FROM MEMBERS

- Councillor Mary Choy
- Councillor Jennifer Nevard

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 9.27pm.

APPENDIX

6.2 PUBLIC QUESTION TIME: 25 JUNE 2024

1 Ms Joanne Ord, Como Received: 24 June 2024	Responses provided by: Anita Amprimo – Director Infrastructure Services
<p>1. Capital Program – Highlights for 2024/25 refers to the \$5.5m federal funds retained from the RAF to be utilised at various reserves across the City on sports lighting and changerooms. I note Richardson Reserve will receive almost \$1.6m in upgraded sports lighting along with approx. \$740k worth of “All Gender” changeroom upgrades. Collier Reserve has been allocated \$740k for “All Gender” changerooms’, \$635k of which is for additional changerooms. Could you please explain the rationale behind the allocation of these federal funds towards these two reserves, in particular and provide details of how the existing building at Collier will alter to accommodate the additional changeroom facilities?</p>	<p>Collier Reserve was identified as a site with capacity to accommodate additional usage that could target female participation if there were suitable facilities at the reserve. The existing facility is proposed to have minor modifications so they are gender neutral (such as gender neutral toilets and showers). A new change room is proposed that would be suitable for use by any gender. The identification of this site pre-dated the Council decision related to WASPs potentially relocating to Collier Reserve. Given a decision is yet to be made on WASPs relocating, and given the funding agreement included Collier Reserve, funding has still been allocated for this reserve.</p> <p>Richardson Reserve was identified as a site that lacked sufficient change rooms to accommodate female teams on all of the facilities and the increase in lighting standard will provide a high standard facility for use in that area.</p>

<p>2. During Public Question Time at the February Ordinary Meeting this year, the City was asked if their 10 year Financial Plan included funds for capital works associated with hockey facilities at Collier. The response was “No”. Upon review of the Schedule of Capital Outlays in the enclosed 10 year plan, it is not immediately apparent if funds have been allocated, although there are notable increases in capital outlays planned for financial year 2024/25 thru 2027/28 for Buildings, Roads and Recreation/Parks. Could the City please provide detail on these projected outlays and confirm if their response at the February meeting remains the same?</p>	<p>There are no funds specifically allocated to support hockey facilities. The City included the change rooms at Collier Reserve prior to the Notice of Motion relating to the WASPs lease option.</p> <p>A list of the projects included in 2024/25 can be found in the Annual Budget Report on pages 32-35.</p>
<p>3. Since the Feasibility Study was received last year, has the City established an order of magnitude of capital funds and associated scope of works that would be required to facilitate hockey at Collier Reserve and if so, what is that estimate and scope?</p>	<p>No, the City has not.</p>

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE OCM 28 May 2024

Councillor Mary Choy	Response to question provided by: Anita Amprimo – Director Infrastructure Services
<p><i>[Preamble]</i></p> <p><i>I just wanted to also mention May Gibbs. I was down at the Historical Society recently for their commemoration during Volunteers Week and we were talking as we always do when I'm down there about May Gibbs.</i></p>	
<p>1. I'm just wondering what the update is, if there are any further works that are due to be carried out down there in terms of that commemorative piece that was in principle supported, I believe by Council back in May 2021 in relation to the May Gibbs Garden and around that area? I think it has been included in the Play Space Plan.</p>	<p>The Gumnut cubby has been installed. The art trail and interpretive signage components are in production and will be installed in the near future. Once all artwork is installed the City will assess if any further appropriate plants are required.</p>

13.2 QUESTIONS FROM MEMBERS OCM 25 June 2024

Councillor Mary Choy	Response to question provided by: Donna Shaw – Director Development and Community Services
<p>1. With the DBCA recently releasing their recommendation to the Environment Minister to proceed with the new Wesley/Penrhos rowing shed development on the South Perth Foreshore, Coode Street end and it appearing from the report that the City agreed to the updated plans. I'm just wondering if the Minister does approve the development following the further public consultation period, will there still be any potential implications for the City? As previously outlined in the original submission including for the City's Node 2 plans and new changing places and toilet facility location.</p>	<p>In terms of the response that was originally provided, the City had originally recommended refusal in its statutory recommendation to the Department. Following which, that was presented to the applicant who provided amended plans to try and address some of the concerns that were raised in the City's submission. That revised application and report is now back out for public comment.</p> <p>The City is in the process of preparing its further statutory recommendation. We have not provided whether we support or recommend refusal of the revised plans at this point in time.</p> <p>The report that is provided on the Department's website just reflects the discussions that has occurred to date. We will be providing that further recommendation, following which the Swan River Trust will consider the proposal and there will be a recommendation made to the Minister for Environment.</p> <p>We have not had a chance to go through the revised plans in detail yet to see exactly what implications there will be on any surrounding infrastructure. From face value looking at it, it seems like there is minimal impact in that respect and addresses some of the concerns we had around increasing the setback, building bulk and the alike.</p>

Councillor Jennifer Nevard

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

1. This question relates to the tree preservation Local Planning Policy. Now that the public comment process via ‘Your Say’ has closed, from a cursory view of community feedback by the City, are there any informal observations the City might be able to share with us at this point?

I am in the process of going through the submissions right now. We have received 313 submissions.

In terms of submissions that have been received from the City, so from residents within the City, 227 and from outside the City we have received 86.

In terms of the support, there seems to be more support than opposition to the policy, but the actual breakdown of that from those outside of the City compared to into the City is quite different.

We are intending to present a report to the July Ordinary Council Meeting. Providing a summary and a recommendation to Council on the draft policy.

<p>Councillor Mary Choy</p>	<p>Response to question 1 provided by: Anita Amprimo – Director Infrastructure Services</p> <p>Response to question 2 provided by: Garry Adams – Director Corporate Services</p>
<p>1. Does the City use glyphosate or second-generation coagulant rodenticides on the South Perth Foreshore, including but not limited to around the Lakes - Tondut, Douglas and Hurlingham and the Black Swan Habitat riverbanks?</p>	<p>The City does use glyphosate as approved by the APVMA, but I think you are referring to anticoagulants - second generation anticoagulants. We do not use those.</p>
<p><i>[Preamble]</i></p> <p><i>I was of the understanding that the Councillors profile photos and details were to be included in the latest mySouthPerth winter edition publication and that didn't seem to be the case.</i></p>	
<p>2. I'm just wondering was there a reason for that? Why there has been a change this year with publications and Councillors profile photos and contact details in the mySouthPerth and whether this could be change for next year. Starting with the summer edition and if we could please have those reappear again as has historically been the case.</p>	<p>We now use the website to put the profiles of Councillors on, so they are permanently on the website. The mySouthPerth magazine is about sharing local stories that matter to the community and showcasing the people that make our City a great place to live, work and visit. We include local news about City projects, initiatives and events as well as what is happening in peoples' neighbourhoods.</p> <p>We have reduced the number of issues, but we have tried to make it a lot more engaging for the community. The first edition obviously was done after an election, so we introduced the community to the newly elected Council. That is why we did it in the first edition. We will probably do that after the next election but there is no intention to continually put Councillors profiles in that magazine because we have got them permanently on the website.</p>



DISCLAIMER

The City advises that comments recorded represent the views of the person making them and should not in any way be interpreted as representing the views of Council. The minutes are a confirmation as to the nature of comments made and provide no endorsement of such comments. Most importantly, the comments included as dot points are not purported to be a complete record of all comments made during the course of debate. Persons relying on the minutes are expressly advised that the summary of comments provided in those minutes do not reflect and should not be taken to reflect the view of the Council. The City makes no warranty as to the veracity or accuracy of the individual opinions expressed and recorded therein.

These Minutes were confirmed at the Ordinary Council Meeting held: Tuesday 23 July 2024

Signed _____

Presiding Member at the meeting at which the Minutes were confirmed