

# AGENDA.

## Council Agenda Briefing

21 May 2024

### Notice of Meeting

Mayor and Councillors

The next Council Agenda Briefing of the City of South Perth Council will be held on Tuesday 21 May 2024 in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth commencing at 6.00pm.



GARRY ADAMS  
ACTING CHIEF EXECUTIVE OFFICER

17 May 2024

# Acknowledgement of Country

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

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

## Our Guiding Values



## Disclaimer

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

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

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# Council Agenda Briefing Meeting - Agenda

## 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

## 2. DISCLAIMER

## 3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

## 4. ATTENDANCE

### 4.1 APOLOGIES

### 4.2 APPROVED LEAVE OF ABSENCE

- Councillor Glenn Cridland for the period 18 May 2024 to 30 May 2024 inclusive.

## 5. DECLARATIONS OF INTEREST

## 6. PUBLIC QUESTION TIME

This item will be dealt with at the Ordinary Council Meeting.

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

This item will be dealt with at the Ordinary Council Meeting.

## 8. PRESENTATIONS

### 8.1 PETITIONS

This item will be dealt with at the Ordinary Council Meeting.

### 8.2 GIFTS / AWARDS PRESENTED TO COUNCIL

This item will be dealt with at the Ordinary Council Meeting.

### 8.3 DEPUTATIONS

## 9. METHOD OF DEALING WITH AGENDA BUSINESS

This item will be dealt with at the Ordinary Council Meeting.

## 10. DRAFT REPORTS

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

#### 10.3.1 Major Land Transaction - Collier Park Village and Contract of Sale

File Ref: D-24-14965  
Author(s): Donna Shaw, Director Development and Community Services  
Reporting Officer(s): Mike Bradford, Chief Executive Officer

##### Summary

The purpose of this report is for Council to consider the submission on the Major Land Transaction Business Plan for the disposal of Collier Park Village pursuant to Section 3.59 of the *Local Government Act 1995*, and to endorse execution of the Contract of Sale to transfer the land to Amana Living Incorporated.

##### Officer Recommendation

That Council:

1. Notes the submission received and agrees to proceed with the major land transaction in accordance with Section 3.59 of the *Local Government Act 1995* for the disposal of Collier Park Village to Amana Living Incorporated.
2. Authorises the Mayor and Chief Executive Officer to execute the Contract of Sale between the City of South Perth and Amana Living Incorporated and affix the common seal of the City of South Perth.

**Absolute Majority required**

##### Background

At its meeting held 31 October 2023, Council resolved to:

1. *Endorses Amana Living Incorporated being the preferred proponent for the transfer of Collier Park Village.*
2. *Authorise the Chief Executive Officer to negotiate entering into a non-binding Heads of Agreement with Amana Living Incorporated, for the transfer of ownership and operation of Collier Park Village, consistent with the criteria contained within the Request for Proposal and Amana Living Incorporated's response.*
3. *Authorise the Chief Executive Officer and the Mayor to execute the land transfer documents to effect the transfer of the Collier Park Village site from the State to the City in conditional freehold title and to enable a retirement village memorial to be placed on the site.*

### 10.3.1 Major Land Transaction - Collier Park Village and Contract of Sale

The following has since occurred:

- On 19 March 2024, the City and Amana Living Incorporated (Amana) entered into a non-binding Heads of Agreement that established the framework and key indicative terms for the proposed agreement between the parties for the transfer of Collier Park Village (CPV), consistent with the initial Request for Proposal (RfP) and response.
- In accordance with Section 3.59 of the *Local Government Act 1995* (the Act), a Major Land Transaction Business Plan (Business Plan) was prepared to progress the transfer of CPV from the City to Amana as detailed in this report.
- At its meeting held 26 March 2024, Council adopted the Business Plan for the disposal of CPV for the purposes of public advertising.
- On 18 April 2024, the Department of Planning, Lands and Heritage (DPLH) advised that the Minister for Lands had approved the conversion of CPV from Crown Reserve to conditional freehold tenure for the purpose of “accommodation and/or care for persons aged over 55 years; and facilities and amenities to provide service to, or for the support of, persons residing on or occupying Lot 4049 on Deposited Plan 192521 and Lot 3296 on Deposited Plan 185224”.
- The City met with Amana on 24 April 2024 to discuss a joint lodgement at Landgate for the conversion of the site to conditional freehold, lodgement of memorial(s) to give notice that the land is only to be used as a retirement village and subsequent transfer of the land from the City to Amana.
- Elected Members were briefed on the draft Contract of Sale at an Elected Member Workshop held 7 May 2024.

#### Comment

##### Major Land Transaction Business Plan

Section 3.59 of the Act requires that before a Local Government enters into a land transaction that is preparatory to entry into a major land transaction, a local government is to prepare a Business Plan, advertise it seeking public comment and before proceeding Council is to consider any submissions received. A copy of the Business Plan is contained as **Attachment (a)**.

It is open to Council to:

1. Proceed with the disposal as proposed in the Business Plan; or
2. Not proceed with the disposal as proposed in the Business Plan.

It is recommended Council authorise the CEO to proceed with the major land transaction as proposed in the Business Plan.

##### Contract of Sale

A Contract of Sale has been drafted in accordance with the non-binding Heads of Agreement and detail contained within the RfP and is contained as **Confidential Attachment (c)**.

### Process

Should Council resolve to authorise the Mayor and Chief Executive Officer to execute the Contract of Sale, the City will arrange for execution with Amana. The City will then arrange for joint lodgement and transfer at Landgate, including lodgement of the required memorial(s) on title in accordance with the *Retirement Villages Act 1992*. The City is anticipating this to occur prior to the end of the 2023/24 financial year.

### **Consultation**

Following Council's resolution on the matter, the Business Plan was advertised for public comment for a period of six weeks between 28 March 2024 and 9 May 2024 in the following manner:

- On the City's website;
- Copies of the Business Plan were made available at the City's Civic Centre, South Perth Library and Manning Library;
- Via the City's social media channels; and
- A copy of the notice was provided in the West Australian Newspaper (State-wide advertising).

The City also met with residents at CPV on 27 March 2024 to advise of Council's decision to advertise the Business Plan and to respond to questions.

At the close of public consultation period, one submission was received. A schedule of submissions on the Business Plan is contained at **Attachment (b)**. The submission received does not require any amendments to the Business Plan.

### **Policy and Legislative Implications**

Section 3.59 of the Act and Regulations 8 and 8A of the Regulations, require the City to prepare a Business Plan before it considers entering into a major land transaction and/or major trading undertaking.

### **Financial Implications**

The transaction will free up a net amount of approximately \$16 million of reserved funds and the City will no longer incur an annual operating loss of \$500,000 and growing in future years. The City also avoids future estimated required capital expenditure of up to \$200 million.

Costs associated with legal advice and the transfer can be met by the City's operating budget.



## Key Risks and Considerations

<b>Risk Event Outcome</b>	<p><b>Legislative Breach</b></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><b>Reputational Damage</b></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>
<b>Risk rating</b>	Medium
<b>Mitigation and actions</b>	<p>The City has limited expertise in retirement living and with the upcoming changes to the <i>Retirement Villages Act 1992</i>, it will become increasingly difficult for the City to fulfil its obligations under the <i>Retirement Villages Act 1992</i>.</p> <p>The transfer CPV from the City to Amana Living Incorporated cannot occur until the Business Plan requirements in section 3.59 of the Act have been fully complied with and only if Council has thereafter resolved to proceed with the transaction proposed in the Business Plan.</p>

## 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

<b>10.3.1 (a):</b>	Collier Park Village - Business Plan
<b>10.3.1 (b):</b>	Schedule of Submissions - Collier Park Village Major Land Transaction

### 10.3.2 Local Planning Policies - Final Adoption

File Ref: D-24-12476  
Author(s): Jessica Birbeck, Coordinator Strategic Planning  
Reporting Officer(s): Donna Shaw, Director Development and Community Services

#### Summary

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

#### Officer Recommendation

That Council, pursuant to Schedule 2, Part 2, Clause 4 (3) of the Planning and Development (Local Planning Schemes) Regulations 2015 adopts the following local planning policies:

1. Local Planning Policy - Non-Residential Development in the Residential Zone as contained in **Attachment (b)**.
2. Local Planning Policy – Non-Residential and Mixed Use Development as contained in **Attachment (d)**.
3. Local Planning Policy – Residential Development as contained in **Attachment (f)**.
4. Local Planning Policy – Non-Residential parking as contained in **Attachment (h)**.

#### Background

At its meeting held 27 February 2024, Council resolved to advertise the following four draft local planning policies (LPPs):

1. Local Planning Policy - Non-Residential Development in the Residential Zone
2. Local Planning Policy - Non-Residential and Mixed Use Development
3. Local Planning Policy - Residential Development
4. Local Planning Policy - Non-Residential parking

#### Comment

##### (a) Local Planning Policy - Non-Residential Development in the Residential Zone

The following modifications are proposed to the draft LPP to reflect recent and proposed regulatory changes:

- The application of the policy is proposed to be modified in preparation of the proposed changes to the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations) to implement planning reform related to Short-Term Rental Accommodation; and

### 10.3.2 Local Planning Policies - Final Adoption

- The citation of State Planning Policy 7.3 – Residential Design Codes to ‘R-Codes’ to align with the Planning and Development (Planning Codes) Regulations 2024 to reflect the R-Codes becoming a ‘Planning Code’ in lieu of a State Planning Policy.

During the advertising period, six submissions were received. The schedule of submissions is contained as **Attachment (a)**. One of the submissions was received after the consultation period had closed as noted in the attachment.

In response to submissions received during the advertising period, it is recommended that the following minor modifications are made:

- Inclusion of overshadowing and open space/site cover requirements for non-residential development to be as per the R-Codes, determined by the assigned density code; and
- Proposed new requirement relating to the design of building facades, via entries and windows, to provide visual interest and surveillance to the public realm.

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

It is recommended that Council adopts the draft LPP as amended.

#### **(b) Local Planning Policy – Non-Residential and Mixed Use Development**

During the advertising period, three submissions were received. The schedule of submissions is contained in **Attachment (c)**. One of the submissions was received after the consultation period had closed as noted in the attachment.

In response to submissions received during the advertising period, it is recommended that the draft LPP be amended to include overshadowing and site cover requirements to be as per the R-Codes, as determined by the assigned density code.

A minor modification is also proposed to the citation of the R-Codes to reflect their status as a ‘Planning Code’.

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

It is recommended that Council adopts the draft LPP as amended.

#### **(c) Local Planning Policy – Residential Development**

During the advertising period, one submission was received which is contained as **Attachment (e)**. The comments made in the submission were unrelated to the draft LPP.

It is recommended that minor modifications are made to the draft LPP as follows:

- Modification to the application of the draft LPP in response to the recent amendments to the R-Codes and terminology to describe the applicable parts; and
- Modification to part 5.4.2 to clarify the road hierarchy against the Metropolitan Region Scheme and Local Planning Scheme Road Reserve naming conventions.

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

It is recommended that Council adopts the draft LPP as amended.

#### **(d) Local Planning Policy – Non-Residential Parking**

During the advertising period, four submissions were received. The schedule of submissions is contained as **Attachment (g)**. One of the submissions was received after the consultation period had closed as noted in the attachment.

There are no modifications proposed to the draft LPP following advertising, and it is recommended that Council adopts the draft LPP. A copy of the draft LPP is contained as contained as **Attachment (h)**.

**Consultation**

The draft LPPs were advertised for public comment in the following manner:

- On the City’s Your Say South Perth website for a period of 21 days, from 6 March 2024 to 27 March 2024;
- In the City’s eNewsletter ‘mySnapshot’; and
- Copies of the draft LPPs and hard copy feedback forms were made available at the City’s Civic Centre, South Perth Library and Manning Library.

**Policy and Legislative Implications**

Pursuant to Schedule 2, Part 2, Clause 4 (3) of the Planning and Development (Local Planning Schemes) Regulations 2015, after the expiry of the period within which submissions may be made, the local government must –

- “(a) review the proposed policy in the light of any submissions made; and
- (b) resolve to –
  - (i). proceed with the policy without modification; or
  - (ii). proceed with the policy with modification; or
  - (iii). not to proceed with the policy.”

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

**Financial Implications**

Nil.

**Key Risks and Considerations**

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

### Strategic Implications

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

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

### Attachments

- 10.3.2 (a): Schedule of Submissions - Draft Local Planning Policy - Non-Residential Development in the Residential Zone
- 10.3.2 (b): Draft Local Planning Policy - Non-Residential Development in the Residential Zone
- 10.3.2 (c): Schedule of Submissions - Draft Local Planning Policy - Non-Residential and Mixed Use Development
- 10.3.2 (d): Draft Local Planning Policy - Non-Residential and Mixed Use Development
- 10.3.2 (e): Schedule of Submissions - Draft Local Planning Policy - Residential Development
- 10.3.2 (f): Draft Local Planning Policy - Residential Development
- 10.3.2 (g): Schedule of Submissions - Draft Local Planning Policy - Non-Residential Parking
- 10.3.2 (h): Draft Local Planning Policy - Non-Residential Parking

### 10.3.3 Local Heritage Survey Review

File Ref: D-24-16163  
Author(s): Samantha Taylor, Senior Strategic Planner  
Reporting Officer(s): Donna Shaw, Director Development and Community Services

#### Summary

The purpose of this report is for Council to consider endorsing the draft Local Heritage Survey and proposed Place Records for advertising.

#### Officer Recommendation

That Council advertises the draft Local Heritage Survey 2024 at **Attachment (a)** and proposed Place Records at **Attachment (b)**.

#### Background

The *Heritage Act 2018* requires local governments to prepare a Local Heritage Survey (LHS) (previously known as a Local Heritage Inventory) to identify and record places that are, or that might become, of cultural heritage significance.

The LHS assists the City in making decisions that impact heritage places and supports the creation of a heritage list or heritage areas, which provide for statutory protection of places under the local planning scheme.

There are three types of updates and reviews to an LHS:

- Administrative updates: minor corrections and addition of file notes or other information for future consideration;
- Place-specific reviews: addition or more substantial amendment of a heritage assessment relating to an individual place; and
- General review: open process inviting community participation to produce a new version or edition of the LHS.

The City's LHS was last reviewed in 2018. The Heritage Council's 'Guidelines for Local Heritage Surveys' recommends general reviews occur every five to eight years for local governments with ongoing urban development or coinciding with the major review of a strategic community plan or local planning strategy.

The City commenced a review of the LHS in January 2024. Consistent with the Guidelines, the scope of this review included:

- Reviewing the LHS to identify any changes to existing places;
- Reviewing and updating the Thematic History; and
- Undertaking a public request for nominations for:
  - New places to be added to the LHS; and
  - Modifications to existing places in the LHS.

The amended draft LHS is contained within **Attachment (a)**.

## Comment

### General Updates to LHS

As part of the review, the following general modifications have been made to the draft LHS:

- Update to the significance classification to align with the 'Guidelines for Local Heritage Surveys' by replacing letters (A-D) with numerals (1-4);
- Update of photographs of each place record;
- Places now demolished included in a separate appendix;
- Correction of factual and grammatical errors;
- Update of the physical descriptions for those places developed since the last review;
- Reference to Aboriginal Heritage sites and places recognised under the *Aboriginal Heritage Act 1972*; and
- Revised formatting to meet the Guidelines, which includes identifying the values for each place record in a separate table.

In addition, where a request to update a place record is supported, the updated text has been included.

### Proposed modifications to Thematic History

As part of the review, the following general modifications have been made to the Thematic History:

- Inclusion of an Acknowledgement to Country;
- Updated information on the original 1994 LHS and subsequent reviews;
- Deletion of acknowledgements;
- Updated State Planning Framework references;
- Update of the LHS review process methodology;
- Updated category of significance classification to align with the Guidelines for Local Heritage Surveys;
- Updated thematic history to include the period since the last review including the global COVID-19 pandemic and updates to the City's planning framework; and
- Inclusion of additional information and images in the following sections:
  - Minor grammatical amendments;
  - 5.3 - Aboriginal history (before European settlement) – include additional historic information;
  - 5.4 - renamed 1829-1849 'Sporadic Development' to 'Swan River Colony'.
  - 5.7 - 1919–1945 Rapid Growth Followed by War – additional population information;
  - 5.8 - 1946 – 1979 Post-War Stability – additional information on State Government housing; and
  - 5.9 - 1980 – 2024 Future Directions – additional information on State Government housing, activity centre development and COVID-19 pandemic.

## Consultation

### Call for Nominations

The City invited public nominations for new places to be included in the LHS and modifications to existing places for a period of 21 days, between 6 February 2024 to 27 February 2024.

The invitation was advertised on the City's YourSay page, through Social Media posts, the City's 'My Snapshot' email', and through community notice boards at the Civic Centre and South Perth and Manning Libraries.

Landowners of existing places in the LHS were also advised in writing of the call for nominations and requests for updates to existing places.

Prior to the nomination period commencing, the City also offered to meet and provide an overview of the LHS review process to heritage specific interest groups such as the South Perth Historical Society, the Art Deco Society and the National Trust. One meeting was requested and held with the South Perth Historical Society on Thursday 1 February 2024.

Landowners of new places nominated through this process have been advised that their place had been nominated, whether or not it is recommended by Officers to be included in the LHS, and details of the consultation period where they can provide comment.

Nominees were also advised of the outcome of the assessment process and procedural processes that will occur prior to final adoption.

### Advertising

Whilst there is no statutory timeframe prescribed for advertising an LHS, should Council resolve to advertise the draft LHS and proposed Place Records, the City intends to advertise for a 28 day period.

## Comments

### Classification of Significance

The Guidelines for Local Heritage Surveys provide the following classification of significance:

Level of Significance to the local area	Classification	Description
Exceptional	Category 1	Essential to the heritage of the locality. Rare or outstanding example.
Considerable	Category 2	Very important to the heritage of the locality.
Some/moderate	Category 3	Contributes to the heritage of the locality.
Little	Category 4	Has elements or values worth noting for community interest but otherwise makes little contribution.



Following adoption of the LHS post advertising, places with a classification of significance of Category 1 or 2 will be recommended for inclusion in the Heritage List, which is afforded statutory protection. Those places with a category of 3 or 4 will not be recommended for inclusion in the Heritage List, but will remain in the LHS.

#### Nominations

The City received a total of 49 nominations or requests to amend place records. The table below provides a summary of the nomination requests:

Type of Nomination	Number Received (gross)
Requests for updated information to existing places	5 requests
Requests to change the Category of Significance of an existing place	5 requests (4 places)
New places nominated for inclusion in LHS	39 nominations (33 places)
<b>Total</b>	<b>49</b>

#### New Places Proposed for Inclusion in LHS

Of the 33 new place nominations, a summary of the 15 places proposed for inclusion in the LHS is detailed below:

No.	Address	Nominee consulted with landowners	Proposed Classification
1.	Nos. 6 - 18 and 7 - 13 Hobbs Avenue, Como	4 Yes, 8 No consultation	3
2.	No. 7 Courthope Street, Kensington	No consultation	3
3.	Nos. 29 (Lot 1), 31, 35, 37, 39, 41, 43, 45, 47, 51, 57, 59, 61, 36, 40, 42, 44, 46, 48, 50, 52, 56, 58, 60 Hovia Terrace, Kensington	No consultation	4
4.	No. 83 King George Street, Kensington	No consultation	4
5.	Moresby Street Hall, No. 211 Douglas Avenue, Kensington	No consultation	2
6.	No. 44 Angelo Street, South Perth	No consultation	3
7.	No. 39 Anstey Street, South Perth	No consultation	4
8.	Ridgeway, No. 19 Glyde Street, South Perth	No consultation	3

9.	Nos. 23-25 Labouchere Road, South Perth	No consultation	4
10.	No. 9 Onslow Street, South Perth	No consultation	3
11.	No. 2 Parker Street, South Perth	No consultation	2
12.	Nos. 5, 7, 9 Queen Street, South Perth	No consultation	3
13.	No. 38 Ridge Street, South Perth	No consultation	3
14.	No. 15 River View Street, South Perth	No consultation	3
15.	No. 16 River View Street, South Perth	No consultation	4

Most places proposed for inclusion are residential dwellings and located within South Perth. Two places are recommended as Category 2, being No. 2 Parker Street, South Perth and Moresby Street Hall, Kensington. Both these places are considered to have high levels of cultural heritage significance and be excellent examples of their type. Remaining residences are proposed to have a category of Significance of 3 or 4.

The City received nominations for two streetscapes, along Hobbs Avenue in Como and Hovia Terrace in Kensington. The residences on Hobbs Avenue are good examples of inter-war Californian Bungalows, with six on the northern side built by the same builder. On Hovia Terrace six residences also shared the same builder. The streetscape along Hovia Terrace exemplifies the transition from timber constructed homes of the early 20th Century, to brick and tile homes which became a required building material during the inter-war period.

The draft place records for places proposed for inclusion in the LHS are contained within **Attachment (b)**.

The below table provides a detailed list of the above places nominated for inclusion in the LHS. It summarises reasons provided for nominating the place and the number of nominations received for the place. It also identifies whether it was a third-party nomination and whether the landowner has provided support. Most nominations were received by third parties without landowner support. The Officer recommendation includes the proposed category of significance and information from each places' statement of significance.

Place	Summary of Nomination	Officer Recommendation
<p>1. California Bungalow Group, Nos. 6, 8, 10, 12, 14, 16, 18, and Nos. 7, 9, 11, 13 Hobbs Avenue Como</p>	<ul style="list-style-type: none"> <li>• 1 third party nomination.</li> <li>• The application is supported by owners of Nos. 7, 8, 9, 14 Hobbs Avenue. The nominee has not consulted with remaining landowners.</li> <li>• This section of houses appears to be the only intact group of houses from the early period of Como.</li> <li>• They demonstrate the architectural form of the suburb in its early development.</li> </ul>	<ul style="list-style-type: none"> <li>• Recommended for LHS inclusion with Category of Significance 3.</li> <li>• The place has aesthetic value as a largely intact streetscape developed during the inter-war period in the inter-war Californian Bungalow style and for its avenue of mature trees and regular setbacks to the street.</li> <li>• The place has historic value for its association with the establishment and development of Como in the interwar period for residential development, and its association with W. Wainwright Brown &amp; Co Ltd, who was responsible for the development of Nos. 8, 10, 12, 14, 16, 18 Hobbs Avenue, Como.</li> </ul>
<p>2. Residence, No. 7 Courthope Street, Kensington</p>	<ul style="list-style-type: none"> <li>• 1 third party nomination.</li> <li>• The nominee has not consulted with the landowner.</li> <li>• Important as an example of California Bungalow design of this style and era in Kensington (1920s to 1940s).</li> <li>• Kensington currently has no housing stock listed in the LHS and is currently underrepresented in terms of heritage as a suburb.</li> </ul>	<ul style="list-style-type: none"> <li>• Recommended for LHS inclusion with Category of Significance 3.</li> <li>• The place has a high degree of aesthetic value as an example of the inter-war California Bungalow architectural style.</li> <li>• The place has historic value for its association with the establishment and development of Kensington in the inter-war period for residential development, and its association with the development of South Perth in the early 20th century as a suburb for professional people and their families.</li> <li>• The place has social value as an example of the type of accommodation built for professional people and their families in the early 20th century.</li> </ul>

<p>3. Residences, Nos. 29 (Lot 1), 31, 35, 37, 39, 41, 43, 45, 47, 51, 57, 59, 61, 36, 40, 42, 44, 46, 48, 50, 52, 56, 58, 60 Hovia Terrace, Kensington</p>	<ul style="list-style-type: none"> <li>• 2 third party nominations were received for: Nos. 37-52 and 29-43 Hovia Terrace, Kensington; and those residences on Hovia Terrace between First Avenue and Third Avenue, Kensington.</li> <li>• The nominees have not consulted with the landowner.</li> <li>• Typical Federation homes providing an interesting streetscape.</li> <li>• The section of Hovia Terrace nominated represents a reasonably intact streetscape from the early 20th century, of suburban houses built soon after the suburb of Kensington was created.</li> <li>• Several jarrah weatherboard homes presenting a reasonably consistent facade are extant in the street - both sides - forming a harmonious and attractive streetscape.</li> </ul>	<ul style="list-style-type: none"> <li>• Recommended for LHS inclusion with Category of Significance 4.</li> <li>• The place has aesthetic value as a largely intact streetscape developed in the inter-war Weatherboard Dwelling, inter-war California Bungalow and Post-War Bungalow styles, and for its avenue of mature trees and regular setbacks to the street.</li> <li>• The place has historic value for its association with the establishment and development of Kensington in the inter-war period for residential development and its association with W.T Chamberlain who was responsible for the development of Nos. 56, 58, 60, 43, 45, 47 Hovia Terrace, Kensington.</li> </ul>
<p>4. Residence, No. 83 King George Street, Kensington</p>	<ul style="list-style-type: none"> <li>• 1 third party nomination.</li> <li>• The nominee has not consulted with the landowner.</li> <li>• This is an excellent example of a well-maintained inter-war California Bungalow.</li> <li>• This house is important to the story of the City of South Perth as it shows a change in the housing style from more Federation to California Bungalow style.</li> </ul>	<ul style="list-style-type: none"> <li>• Recommended for LHS inclusion with Category of Significance 4.</li> <li>• The place has a high degree of aesthetic value as a demonstration of the inter-war California Bungalow architectural style.</li> <li>• The place has historic value for its association with the establishment and development of Kensington in the inter-war period for residential development.</li> </ul>

<p>5. Community Hall, Moresby Street Hall, Kensington</p>	<ul style="list-style-type: none"> <li>• 1 third party nomination.</li> <li>• The nominee has not consulted with the landowner.</li> <li>• Hall is significant as a purpose-built hall for the Scouts in the late 1950/early 1960's.</li> </ul>	<ul style="list-style-type: none"> <li>• Recommended for LHS inclusion with Category of Significance 2.</li> <li>• The place is currently part of a precinct that includes the Moresby Street shops, neighbouring two-storey flats and several residences on Douglas Avenue proposed for inclusion on the State Register of Heritage Places.</li> <li>• The place has aesthetic value as an example of post war austerity vernacular design executed in fibrous cement clad walls with louvre windows and the original internal room layout.</li> <li>• The place contributes to the aesthetic values of the setting being located within a well maintained park featuring playground, mature trees, and shrubs within a largely built-up residential area.</li> <li>• The place has historic value as a purpose built Scout Hall enjoyed from 1962 when the suburb was undergoing rapid change and through its association with Mr Bill Gleeson whose activities have been significant as a former Elected Member of the City of South Perth and assistance in overseeing the Hall.</li> <li>• The place has social value as the venue for recreational and social gatherings in the City since 1962.</li> </ul>
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<p>6. Residence, No. 44 Angelo Street, South Perth</p>	<ul style="list-style-type: none"> <li>• 4 third party nominations.</li> <li>• The nominees have not consulted with the landowner.</li> <li>• Place is important to the story of the City of South Perth as Talbot Hobbs and others were significant architects in Perth responsible for civic and residential buildings that reflect the architectural trends and building styles of the time.</li> <li>• This type of design and building craftsmanship should be acknowledged and considered a very important part of our modern urban built community.</li> </ul>	<ul style="list-style-type: none"> <li>• Recommended for LHS inclusion with Category of Significance 3.</li> <li>• The place was assessed for the State Register in 2023.</li> <li>• The place has a high degree of aesthetic value as a demonstration of a dwelling in the inter-war Old English architectural style.</li> <li>• The place has historic value for its association with the expansion of the South Perth area, particularly the period of growth in the inter-war years.</li> <li>• The place is a representation of life in the post-depression years, where predominantly wealthy Anglo-Saxon homeowners, sought to display their respectability.</li> <li>• The place is associated with prominent Western Australian Architects Hobbs, Forbes and Partners, established in 1905 by Joseph Talbot Hobbs, EH Dean-Smith and WJ Waldie Forbes and Major Hugh Annan Corbet the third Deputy Master of The Perth Mint, and a Major and Military Censor for the Australia Army Intelligence Corp during World War I.</li> </ul>
<p>7. Residence, No. 39 Anstey Street, South Perth</p>	<ul style="list-style-type: none"> <li>• 1 third party nomination.</li> <li>• The nominee has not consulted with the landowner.</li> <li>• The house is representative of many of the very early wooden bungalows that used to be common in South Perth.</li> </ul>	<ul style="list-style-type: none"> <li>• Recommended for LHS inclusion with Category of Significance 4.</li> <li>• The place has historic value for its association with the expansion of the South Perth area, particularly the period of growth in the inter-war years.</li> <li>• The place is representative of a modestly detailed Weatherboard Dwelling developed following WW1.</li> </ul>

<p>8. Residence, Ridgeway No. 19 Glyde Street, South Perth</p>	<ul style="list-style-type: none"> <li>• 1 third party nomination.</li> <li>• The nominee has not consulted with the landowner.</li> <li>• An excellent example of early modernist architectural design. Simple design to reflect inter war housing period.</li> </ul>	<ul style="list-style-type: none"> <li>• Recommended for LHS inclusion with Category of Significance 3.</li> <li>• The place has a high degree of aesthetic value as a demonstration of the inter-war Art Deco style.</li> <li>• The place has historic value for its association with the expansion of the South Perth area, in particular the period of growth in the inter-war years and development of South Perth in the early 20th century as a suburb for professional people and their families.</li> <li>• The place has social value as an example of the type of accommodation built for professional people and their families in the early 20th century.</li> </ul>
<p>9. Residence, Nos. 23 - 25 Labouchere Road, South Perth</p>	<ul style="list-style-type: none"> <li>• 1 third party nomination.</li> <li>• The nominee has not consulted with the landowner.</li> <li>• Remaining inter-war and Federation houses forming an edge to the Zoo &amp; Police Station heritage area.</li> </ul>	<ul style="list-style-type: none"> <li>• Recommended for LHS inclusion with Category of Significance 4.</li> <li>• The place has aesthetic value providing examples of both the Federation Bungalow and inter-war California Bungalow architectural styles.</li> <li>• The place has historic value as the only two remaining houses developed opposite the Mends Street Heritage Precinct which includes the Perth Zoo, Police Station (fmr) and Lawn Bowls Club and for its association with the development of South Perth in the early 20th century as a suburb for professional people and their families.</li> <li>• The place has social value as an example of the type of accommodation built for professional people and their families in the early 20th century.</li> </ul>

<p>10. Residence, No. 9 Onslow Street, South Perth</p>	<ul style="list-style-type: none"> <li>• 1 third party nomination.</li> <li>• The nominee has not consulted with the landowner.</li> <li>• There are not many original English/Tudor revival style houses remaining in South Perth, especially two storey.</li> <li>• This house has quite a unique design especially with the roof pitch, chimney and beams exposed on the exterior (common in 1920s), it really stands out on the street.</li> </ul>	<ul style="list-style-type: none"> <li>• Recommended for LHS inclusion with Category of Significance 3.</li> <li>• The place has a high degree of aesthetic value as an example of the inter-war Old English architectural style.</li> <li>• The place has historic value for its association with the expansion of the South Perth area, in particular the period of growth in the inter-war years, and development of South Perth in the early 20th century as a suburb for professional people and their families and for its association with Western Australian Architect J.H.O Hargrave.</li> <li>• The place has social value as an example of the type of accommodation built for professional people and their families in the early 20th century.</li> <li>• The place is a representation of life in the post-depression years, where predominantly wealthy Anglo-Saxon homeowners, sought to display their respectability.</li> </ul>
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<p>11. Residence, No. 2 Parker Street, South Perth</p>	<ul style="list-style-type: none"> <li>• 4 third party nominations.</li> <li>• The nominee has not consulted with the landowner.</li> <li>• The place is significant given its historical social connections, architecture, uniqueness, and the last remaining house on the hill.</li> <li>• Reflects the era of this lovely community.</li> <li>• It's rarity as a building in its almost original layout amidst many modern high-rise buildings. The recollections and possibility to further document the history of South Perth through descendants of the original owner.</li> <li>• Built by a Perth Magistrate for his family who made his fortune during the 1890s gold rush and he and his family were integral to life in South Perth in the 1920s.</li> <li>• It was once owned and/or lived in by Michael James Calanchini, Under Secretary for Mines, who was prominent in South Perth society - friend of the Gibbs family, President of the Golf Club, tennis club.</li> <li>• A connection with a former Mayor of South Perth. In the 1980, occupants included the musicians from the pop groups the Triffids and Crowded House.</li> </ul>	<ul style="list-style-type: none"> <li>• Recommended for LHS inclusion with Category of Significance 2.</li> <li>• The place has a high degree of aesthetic value as an example of a Federation Bungalow with Queen Anne elements.</li> <li>• The place has historic value for its association with the expansion of the South Perth Peninsula in the 20th Century, and development of South Perth in the early 20th century as a suburb for professional people and their families, and</li> <li>• The place has historic value for its association with Francis Edward Walsh, a public official in Western Australia the early 1900's and with Martyn P. Casey a guitarist of international renown.</li> <li>• The place has social value as an example of the type of accommodation built for professional people and their families in the early 20th century.</li> </ul>
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<p>12. Triplex, Nos. 5, 7, 9 Queen Street, South Perth</p>	<ul style="list-style-type: none"> <li>• 1 third party nomination.</li> <li>• The nominee has not consulted with the landowner.</li> <li>• A rare example of late 20th century brutalist domestic architecture.</li> </ul>	<ul style="list-style-type: none"> <li>• Recommended for LHS inclusion with Category of Significance 3.</li> <li>• The place has aesthetic value as an example of the Late 20th Century Brutalist architectural style within a Perth context.</li> <li>• The place has historic value for its association with architect Rodney David Mollett, Member of the Order of Australia (2014) and for its association with higher density residential development in South Perth during the 1960s and 1970s.</li> </ul>
<p>13. Residence, No. 38 Ridge Street, South Perth</p>	<ul style="list-style-type: none"> <li>• 1 third party nomination.</li> <li>• The nominee has not consulted with the landowner.</li> <li>• This place is important as there are only a few remaining Art Deco examples of buildings / residences in the City of South Perth including Blue Waters, John Bosco Chapel, St Columbas Church, Cygnet Theatre and The Como.</li> <li>• This residence lends itself to that period of history, appears to be in sound condition and is important building stock as other examples of this type may have been demolished over the years.</li> </ul>	<ul style="list-style-type: none"> <li>• Recommended for LHS inclusion with Category of Significance 3.</li> <li>• The place has a high degree of aesthetic value as an example of the inter-war Art Deco architectural style.</li> <li>• The place has historic value for its association with the expansion of the South Perth area, in particular the period of growth in the inter-war years and for development of South Perth in the early 20th century as a suburb for professional people and their families.</li> <li>• The place has historic value for its association with prominent Western Australian architectural firm Powell, Cameron &amp; Chisholm, trading today as Cameron Chisholm Nicol.</li> <li>• The place has social value as an example of the type of accommodation built for professional people and their families in the early 20th century.</li> </ul>

<p>14. Residence, No. 15 Riverview Street Como</p>	<ul style="list-style-type: none"> <li>• 1 third party nomination.</li> <li>• The nominee has not consulted with the landowner.</li> <li>• A rare example of the Californian Bungalow style.</li> </ul>	<ul style="list-style-type: none"> <li>• Recommended for LHS inclusion with Category of Significance 3.</li> <li>• The place has a high degree of aesthetic value as an example of the inter-war California Bungalow architectural style.</li> <li>• The place has historic value for its association with the expansion of the South Perth area, in particular the period of growth in the inter-war years and for its association with the development of South Perth in the early 20th century as a suburb for professional people and their families.</li> <li>• The place has social value as an example of the type of accommodation built for professional people and their families in the early 20th century.</li> </ul>
<p>15. Residence, No. 16 River View Street South Perth</p>	<ul style="list-style-type: none"> <li>• 1 third party nomination.</li> <li>• The nominee has not consulted with the landowner.</li> <li>• This is a good example of housing built in the late 1920's in South Perth. The bricks are patterned rather than flat which makes it stand out in the street in terms of design. Their texture is a real feature of the house.</li> </ul>	<ul style="list-style-type: none"> <li>• Recommended for LHS inclusion with Category of Significance 4.</li> <li>• The place has a high degree of aesthetic value as an example of the Federation Bungalow architectural style.</li> <li>• The place has historic value for its association with the expansion of the South Perth area, in particular the period of growth in the inter-war years and for development of South Perth in the early 20th century as a suburb for professional men and their families.</li> <li>• The place has social value as an example of the type of accommodation built for professional people and their families in the early 20th century.</li> </ul>

Amendments to Existing Place Records

The table below provides a summary of requests to amend existing place records. This includes requests to update information, and requests to alter the category of significance.

Place	Summary of Request	Officer recommendation
1. Como Hotel, No. 241 Canning Highway, South Perth	<ul style="list-style-type: none"> <li>• 2 third party requests to alter classification of Significance from 3 to 2.</li> <li>• The nominees have not consulted with the landowner.</li> <li>• The existing classification does not provide protection to this place.</li> <li>• The heritage significance of the Como Hotel was formally identified in 1994 in the inventory of Significant Buildings of the 1930's in Western Australia compiled by Yvonne Geneve for the National Estate Grants Programme and members of this society were responsible for carrying out a heritage assessment of the building in April 2001 that led to subsequent classification of the place by the National Trust of Australia (WA).</li> </ul>	<ul style="list-style-type: none"> <li>• Place has been included in the LHS since 2000.</li> <li>• The place has aesthetic value, historic value, and social value.</li> <li>• It is located at a landmark location and is representative of South Perth's commercial past.</li> <li>• Request is supported as the Como Hotel is one of only two hotels included in the LHS that offer continuous operation. The other being the Windsor Hotel which has a category of Significance 1.</li> </ul>
2. South Perth Post Office (fmr), No. 103 Mill Point Road, South Perth	<ul style="list-style-type: none"> <li>• 1 third party request to alter classification of Significance from 2 to 1.</li> <li>• The nominee has not consulted with the landowner.</li> <li>• This brings it into line with adjacent contemporary buildings in the Mends Street Precinct listed as Category A.</li> <li>• Since it was listed, the building has ceased to trade as a Post Office and is privately owned.</li> <li>• Its historic importance to South Perth remains unchanged.</li> <li>• The building has undergone changes internally but appears the same externally, apart from the garden. This external appearance is important to retain</li> </ul>	<ul style="list-style-type: none"> <li>• Place has been included in the LHS since 2000 and is on the City's Heritage List.</li> <li>• The place is part of the Civic Heart redevelopment and is being modified to accommodate a shop.</li> <li>• The request is supported as the place has a good level of visual authenticity and heritage value. The amended category of significance better aligns with remaining civic and institutional places in immediate area including the Police Station (1), Road Board building (1), Mechanics Institute (1),</li> </ul>

	<p>the redbrick buildings of the Mends Street Precinct.</p> <ul style="list-style-type: none"> <li>The Post Office will have had items of significant historical interest pass over its counter from South Perth residents - such as May Gibbs' art and literary works, Bernard Woodward's correspondence about the WA Museum, Ernest Le Souef's correspondence about the Zoo - and much more.</li> </ul>	<p>Perth Zoo (1), and the Windsor Hotel (1).</p>
<p>3. Mends Street Historic Precinct, South Perth</p>	<ul style="list-style-type: none"> <li>1 third party request to alter classification of significance from 3 to 1.</li> <li>The nominee has not consulted with the landowner.</li> <li>Management Category C should be upgraded to A to preserve the history of the area within the high-rise buildings that have been built and are under construction.</li> <li>The Village Green (Windsor Park) should be added.</li> <li>The area could extend to include the Mends Street Jetty and the shops along Mends Street.</li> </ul>	<ul style="list-style-type: none"> <li>Place has been included in the LHS since 2018.</li> <li>Request is supported as places within this precinct are individually recognised with high levels of significance: Perth Zoo (1), Police Station (1), South Road Board (1), Mechanics Institute (1), the Windsor Hotel (1), Windsor Park and South Perth Bowling Club (2) and Shops on Mends Street (2).</li> <li>Furthermore, this is a landmark location which represents South Perth's civic and commercial past.</li> <li>When considered collectively, the importance of this precinct should be reflected with a higher category of significance.</li> </ul>

<p>4. Office, No. 252 Mill Point Road, South Perth</p>	<ul style="list-style-type: none"> <li>• 1 owner request to alter classification of significance from 3 to 4.</li> <li>• Does not believe that the building has significant heritage value as only the facade of the two front rooms remains of the original building.</li> <li>• Argues that should the front verandah come down, they do not believe Main Roads would allow a reinstatement due to the traffic lights now installed.</li> </ul>	<ul style="list-style-type: none"> <li>• Place has been included in the LHS since 2018 and is not on the heritage list.</li> <li>• The request is not supported as the place has demonstrable aesthetic, historic and social value.</li> <li>• The original fabric appears generally intact to the street, and the rear two storey addition, whilst of no cultural heritage significance, is not obtrusive, and does not detract from the overall heritage value of the place.</li> </ul>
<p>5. Royal Perth Golf Course, No. 61 Labouchere Rd, South Perth</p>	<ul style="list-style-type: none"> <li>• 1 owner request.</li> <li>• Requested minor place record corrections.</li> </ul>	<ul style="list-style-type: none"> <li>• Request is supported.</li> </ul>
<p>6. Wesley College, No. 40 Coode Street, South Perth</p>	<ul style="list-style-type: none"> <li>• 1 owner request.</li> <li>• Requested minor place record corrections.</li> </ul>	<ul style="list-style-type: none"> <li>• Request is supported.</li> </ul>
<p>7. Cygnet Theatre, Preston Street, Como</p>	<ul style="list-style-type: none"> <li>• 1 owner request.</li> <li>• Requested inclusion of updated place record information to reflect detailed site investigation by owners' heritage consultant.</li> <li>• Advised place is to revert to original name 'Como Theatre'.</li> </ul>	<ul style="list-style-type: none"> <li>• Request is supported.</li> </ul>
<p>8. Como Beach and Jetty, Kwinana Freeway</p>	<ul style="list-style-type: none"> <li>• 1 owner request.</li> <li>• Requested inclusion of updated place record information to reflect detailed site investigation by owners' heritage consultant.</li> </ul>	<ul style="list-style-type: none"> <li>• Request is supported.</li> </ul>
<p>9. Clontarf, No. 295 Manning Road, Manning</p>	<ul style="list-style-type: none"> <li>• 1 owner request.</li> <li>• Requested minor place record corrections.</li> </ul>	<ul style="list-style-type: none"> <li>• Request is supported.</li> </ul>

### Places not Recommended for Inclusion

The nominations included 18 places that are not recommended for inclusion. This is based on a small number of nominations not being made on the cultural heritage merit of the place. Other nominations were for places already in the LHS. For the remaining nominations, supporting cultural heritage information could not be located. It is considered that these may be considered as part of a future review.

Place	Reasons for nomination (as summarised)	Officer recommendation
1. Pine Tree at Mackie Street Reserve, Kensington	<ul style="list-style-type: none"> <li>• 1 third party nomination.</li> <li>• The nominee has not consulted with the landowner.</li> <li>• A pine tree at Mackie Street Reserve has seen many generations of kids enjoy the cool shade.</li> </ul>	<ul style="list-style-type: none"> <li>• No information to support the cultural heritage significance of the tree and place were located within the local history collection.</li> <li>• Consider further investigation as part of the next LHS review.</li> </ul>
2. Salters Landing (fmr), Salter Point Spit area West	<ul style="list-style-type: none"> <li>• 1 third party nomination.</li> <li>• The nominee has not consulted with the landowner.</li> <li>• This place is significant as it tells of former commercial activity associated with logging on the Canning River.</li> <li>• Evidence includes remnant jetty pylons in the Canning River.</li> </ul>	<ul style="list-style-type: none"> <li>• Information to confirm historical activity and cultural heritage of place could not be located within the City's local history collection.</li> <li>• Consider further investigation as part of the next LHS review.</li> </ul>
3. Undeveloped lot at No. 42 Angelo Street	<ul style="list-style-type: none"> <li>• 1 third party nomination.</li> <li>• The nominee has not consulted with the landowner.</li> <li>• Garden attached to dwelling at No. 44 Angelo Street nominated for LHS.</li> <li>• There are appears to be large mature trees on the property, not sure of condition.</li> </ul>	<ul style="list-style-type: none"> <li>• Lot was sold to MS Society in 2022/23 and has development approval for residential development.</li> <li>• 44 Angelo Street has been nominated by other residents, and the information contained in this nomination will be amalgamated with the others.</li> <li>• There is little evidence of any cultural heritage associated with the garden at 42 Angelo Street and therefore it is not recommended for inclusion on the LHS.</li> </ul>

<p>4. Civic Heart Development, South Perth</p>	<ul style="list-style-type: none"> <li>• 1 third party nomination.</li> <li>• The nominee has not consulted with the landowner.</li> <li>• Original use was beautiful apartment, the current development is a horrible high-rise.</li> <li>• Shows how useless our planning system is.</li> </ul>	<ul style="list-style-type: none"> <li>• Nomination was not made on the cultural heritage merit of the place.</li> <li>• No further action is recommended.</li> </ul>
<p>5. Royal Perth Golf Club, No. 61 Labouchere Road, South Perth</p>	<ul style="list-style-type: none"> <li>• 1 third party nomination.</li> <li>• The nominee has not consulted with the landowner.</li> <li>• The 16 or so Jarrah trees are important legacies of the original bushland.</li> <li>• The 4 or 5 Tuart trees, the best one being that near the 8th tee, are indicative of sub-surface limestone.</li> </ul>	<ul style="list-style-type: none"> <li>• The place is in the LHS as Place No. 50.</li> <li>• The Statement of Significance identifying the golf course to have aesthetic value as a well maintained landscaped parkland with mature trees adjacent to a river landscape which together form a pleasing environment and is a landmark in the streetscape.</li> <li>• Limited information could be located to identify cultural heritage significance of the trees.</li> </ul>
<p>6. Cygnet Theatre, Preston Street, Como</p>	<ul style="list-style-type: none"> <li>• 1 third party nomination.</li> <li>• The nominee has not consulted with the landowner.</li> <li>• Theatre is a landmark for Como.</li> <li>• Does not support reverting the name of the theatre from the Cygnet Theatre to the Como Theatre.</li> </ul>	<ul style="list-style-type: none"> <li>• The place is in the LHS as Place No. 10 and on the Heritage List and the State Register of Heritage Places.</li> <li>• The owners have renovated the place and returned it to its original name, the Como Theatre, which is featured around the top of the curved wall in bas relief Art Deco style lettering.</li> <li>• Reverting to its original name is reflective of retaining the original heritage values of the site and is supported.</li> </ul>



<p>7. Residence, Summerhill (fmr), No. 181 Coode Street, South Perth</p>	<ul style="list-style-type: none"> <li>• Nominated by landowner.</li> <li>• One of the few heritage homes left in the suburb, beautifully sited on the hill representing our rich history.</li> <li>• Built by Horace Costello (designer and builder) for his family.</li> </ul>	<ul style="list-style-type: none"> <li>• The place is in the LHS as Place No. 3.</li> <li>• No further action is recommended.</li> </ul>
<p>8. Kensington Primary School, No. 73 Banksia Street</p>	<ul style="list-style-type: none"> <li>• 1 third party nomination.</li> <li>• The nominee has not consulted with the landowner.</li> <li>• The place has aesthetic value as a good, largely intact demonstration of the inter-war and Post War International style as applied to a school building and executed in brick and tile. Internal details that remain from the original construction are likely to reflect this style.</li> <li>• The place has historic value for its association with the establishment of Kensington in the inter-war years.</li> <li>• The place has social value for the many members of the community who have attended the place as students, staff or through association with friends and family. The place is listed on the inHerit database (no. 2648) and appears on the LHI as Category C currently and unlisted.</li> </ul>	<ul style="list-style-type: none"> <li>• The place is in the LHS as Place No. 15.</li> <li>• No further action is recommended.</li> </ul>
<p>9. Residence, No. 20 Ridge Street, South Perth</p>	<ul style="list-style-type: none"> <li>• 1 third party nomination.</li> <li>• The nominee has not consulted with the landowner.</li> <li>• An example of a large South Perth Californian Bungalow style residence.</li> </ul>	<ul style="list-style-type: none"> <li>• The place is in the LHS as Place No. 74.</li> <li>• No further action is recommended.</li> </ul>
<p>10. Residence, No. 24 McDonald Street, Como</p>	<ul style="list-style-type: none"> <li>• 1 third party nomination.</li> <li>• The nominee has not consulted with the landowner.</li> <li>• Remaining inter-war Art-Deco residence.</li> </ul>	<ul style="list-style-type: none"> <li>• Limited information to confirm cultural heritage significance available.</li> <li>• Consider further investigation as part of the next LHS review.</li> </ul>

11. Residence, No. 137 Coode Street, Como	<ul style="list-style-type: none"> <li>• 1 third party nomination.</li> <li>• The nominee has not consulted with the landowner.</li> <li>• Rare example of an inter-war Spanish influenced Art-Deco residence.</li> </ul>	<ul style="list-style-type: none"> <li>• Limited information to confirm cultural heritage significance available.</li> <li>• Consider further investigation as part of the next LHS review.</li> </ul>
12. Residence, No. 1 Wattle Street, South Perth	<ul style="list-style-type: none"> <li>• 1 third party nomination.</li> <li>• The nominee has not consulted with the landowner. Rare example of Californian Bungalow style residence.</li> </ul>	<ul style="list-style-type: none"> <li>• Limited information to confirm cultural heritage significance available.</li> <li>• Consider further investigation as part of the next LHS review.</li> </ul>
13. Residence, No. 102 Hensman Street, South Perth	<ul style="list-style-type: none"> <li>• 1 third party nomination.</li> <li>• The nominee has not consulted with the landowner.</li> <li>• Example of Californian Bungalow style residence.</li> </ul>	<ul style="list-style-type: none"> <li>• Limited information to confirm cultural heritage significance available.</li> <li>• Consider further investigation as part of the next LHS review.</li> </ul>
14. Residence, No. 20 Karoo Street, South Perth	<ul style="list-style-type: none"> <li>• 1 third party nomination.</li> <li>• The nominee has not consulted with the landowner.</li> <li>• Example of an altered Bungalow style residence.</li> </ul>	<ul style="list-style-type: none"> <li>• Limited information to confirm cultural heritage significance available.</li> <li>• Consider further investigation as part of the next LHS review.</li> </ul>
15. Residence, No. 23 Karoo Street, South Perth	<ul style="list-style-type: none"> <li>• 1 third party nomination.</li> <li>• The nominee has not consulted with the landowner.</li> <li>• Example of a large South Perth Californian Bungalow style.</li> </ul>	<ul style="list-style-type: none"> <li>• Limited information to confirm cultural heritage significance available.</li> <li>• Consider further investigation as part of the next LHS review.</li> </ul>
16. Residence, No. 24 Elizabeth Street, South Perth	<ul style="list-style-type: none"> <li>• 1 third party nomination.</li> <li>• The nominee has not consulted with the landowner.</li> <li>• Rare example of an inter-war Spanish influenced Art-deco residence.</li> </ul>	<ul style="list-style-type: none"> <li>• Limited information to confirm cultural heritage significance available.</li> <li>• Consider further investigation as part of the next LHS review.</li> </ul>

17. Residence, No. 146 Hensman Street, South Perth	<ul style="list-style-type: none"> <li>• 1 third party nomination.</li> <li>• The nominee has not consulted with the landowner.</li> <li>• Example of an altered Bungalow style residence.</li> </ul>	<ul style="list-style-type: none"> <li>• Limited information to confirm cultural heritage significance available.</li> <li>• Consider further investigation as part of the next LHS review.</li> </ul>
18. Residence, No. 5 Hampden Street, South Perth	<ul style="list-style-type: none"> <li>• 1 third party nomination.</li> <li>• The nominee has not consulted with the landowner.</li> <li>• Example of an altered Bungalow style residence.</li> </ul>	<ul style="list-style-type: none"> <li>• Limited information to confirm cultural heritage significance available.</li> <li>• Consider further investigation as part of the next LHS review.</li> </ul>

### Policy and Legislative Implications

The *Heritage Act 2018* requires that a local government must prepare a survey of places in its district that in its opinion are, or may become, of cultural heritage significance. The LHS must be prepared, reviewed and updated in accordance with the Guidelines for Local Heritage Surveys.

After preparing a local heritage survey, or reviewing and updating, a LHS, a local government must –

- (a) provide the Council with a copy of the local heritage survey; and
- (b) make the local heritage survey available to the public.

This LHS review is consistent with the Guidelines for Local Heritage Surveys which recommends a general review every five to eight years.

### Financial Implications

The City may require input from an independent qualified heritage consultant should an objection be received to the places proposed for inclusion in the LHS during the advertising period.

**Key Risks and Considerations**

<b>Risk Event Outcome</b>	<p><b>Legislative Breach</b></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>
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	The City has prepared the LHS in accordance with the Guidelines for Local Heritage Surveys.

**Strategic Implications**

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

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

**Attachments**

- 10.3.3 (a):** Local Heritage Survey - existing place records and Thematic History
- 10.3.3 (b):** Local Heritage Survey - New places

### 10.3.4 Proposed Change of Use - Single House to Holiday House - Lot 352, No. 7 Vista Street, Kensington

Location: Lot 352, No.7 Vista Street, Kensington  
Ward: Moresby Ward  
Applicant: Meng S Tan  
File Reference: D-24-16322  
DA Lodgement Date: 6 February 2024  
Author(s): Remajee Narroo, Urban Planner  
Reporting Officer(s): Donna Shaw, Director Development and Community Services

#### Summary

The purpose of this report is to consider an application for development approval for a Change of Use from a Single House to a Holiday House at Lot 352, No.7 Vista Street, Kensington.

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

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

#### Officer Recommendation

That pursuant to the provisions of the City of South Perth Local Planning Scheme No.7, the application for development approval for a Change of Use from a Single House to a Holiday House on Lot 352 No.7 Vista Street, Kensington **be approved** subject to the following conditions:

1. A maximum of eight occupants of which a maximum of six may be adults (12 years and over) are permitted on site at any one time.
2. The use must be undertaken in accordance with the submitted Management Plan, Code of Conduct and Guest Guide always dated February 2024, to the satisfaction of the City of South Perth.

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

<b>Applicant</b>	Meng S Tan
<b>Landowner</b>	Meng S Tan

### Development Site Details

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R15
<b>Lot area</b>	441m <sup>2</sup>

### Comment

#### (a) Background

At its meeting held 27 November 2019, Council refused an application for a Change of Use – Single House to Use Not Listed (Holiday House) under Town Planning Scheme No. 6. The applicant subsequently sought a review of the decision by the State Administrative Tribunal (SAT).

Council was invited to reconsider its decision under section 31 of the *State Administrative Tribunal Act 2004* and at its meeting held 26 March 2019, approved the application subject to the approval being valid for a period of 12 months.

The applicant subsequently lodged a further development application for an extension of time.

At its meeting held 24 March 2020, Council resolved to approve the extension of time application subject to the following conditions:

- “1. *The approval of Change of Use from ‘Single House’ to ‘Use Not Listed (Holiday House)’ is valid for a period of three (3) years from 26 March 2020. At the end of this period the building will revert to ‘Single House’. A new development approval will be required to extend past this time;*
2. *This approval pertains to a ‘Use Not Listed’ (Holiday House) for the purposes of short term accommodation;*
3. *A maximum of eight temporary occupants of which a maximum of six can be adults (12 years and over) are permitted on site at any one time in relation to the ‘Use Not Listed’;*
4. *The Management Plan dated 20 March 2019 (Version 3) forms part of this approval. The approved management plan, or any subsequent management plan approved to the satisfaction of the City, must always be strictly adhered to; and*
5. *The Management Plan is to be distributed to nearby landowners and occupiers for information purposes prior to the ‘Use’ commencing.”*

No complaints regarding the operation of the Holiday House have been received.

In February 2024, the City received a development application for a Change of Use from a Single House to a Holiday House on Lot 352, No.7 Vista Street Kensington (the subject site) which is the subject of this report.



(b) Description of the Surrounding Locality

The existing development on the site comprises a two storey Single House with five bedrooms and a double carport.

The site is located on Vista Street between Douglas Avenue and Cliffe Street, approximately 110m from Canning Highway. The surrounding area comprises of residential uses and commercial development along Canning Highway.



Figure 1: Aerial image of the subject site

(c) Description of the Proposal

The applicant is seeking a Change of Use from a Single House to a Holiday House.

The applicant has submitted a Management Plan in support of the proposal. Details of the proposal are as follows:

- Minimum two nights stay;
- Maximum stay three months;
- Maximum number of guests not to exceed eight people, including six adults and two children;
- Check in between 2:00pm and 9:00pm; check out time between 7:00am and 11:00am;
- Noise monitors installed with instant alerts to the property manager if noise exceeds the acceptable noise limit;
- Screening of guests prior to accepting bookings;
- Activities including 'parties,' gatherings or functions are strictly prohibited;
- Vehicle parking is restricted to two vehicles per booking and is to be contained on-site, and not on any verge; and
- Any breach of the Code of Conduct will result in the termination of the booking and immediate eviction.

The plans submitted as part of this application are contained in **Attachment (a)** and the Management Plan (which is an updated version of the Management Plan previously approved by Council) is contained in **Attachment (b)**.

**(d) Land Use**

A Holiday House is a ‘D’ (discretionary) use in the Residential zone under Local Planning Scheme No. 7 (LPS 7) which means that the use is not permitted unless the local government has exercised its discretion by granting development approval.

**(e) Short Term Accommodation Policy**

Local Planning Policy P350.18 – Short-Term Accommodation (Policy) was adopted by Council at its meeting held 27 March 2018 and seeks to facilitate the provision of self-contained visitor accommodation for short term occupancy and guide decision making in respect to the appropriateness of various forms of tourist accommodation facilities, as determined by the locality, the appropriateness of facilities and scale of the proposal.

The following outlines those matters that do not comply with the Policy:

Matter	Comment
<p>(a) The proximity of the development site to tourist features. The City will generally not support proposals located more than 400m walking distance from a site, feature or area considered to be of tourism significance, or located in isolated locations such as cul-de-sac streets or in rear grouped dwellings. Sites and features considered to be of tourism significance include Perth Zoo, regional foreshore reserves, activity centres and Curtin University.</p>	<p>The subject site is not located within 400m walking distance from a site of tourism significance or an activity centre.</p> <p>Notwithstanding, the subject site is located in proximity to the Canning Highway/Douglas Avenue centre being an established commercial strip and the availability of a high frequency bus route on Canning Highway leading to popular attractions such as the Swan River Foreshore and Perth Zoo.</p>
<p>(c) The potential impact of increased vehicle access demand to a site, namely whether the proposal results in a significant increase in the volume of vehicle traffic and/or movements in the area. The City may request a transport impact assessment for proposals likely to generate large volumes of vehicle traffic.</p>	<p>The proposed maximum number of guests is eight, including six adults. The existing Single House provides two car parking bays.</p> <p>The applicant will also advise guests at the time of booking that parking is available on site for two vehicles only.</p> <p>It is considered unlikely that guests would require six separate vehicles. Compliance with the City’s Parking Local Law 2017 is otherwise required for on-street parking.</p> <p>Vehicle movements associated with the use are consistent with its existing residential use.</p>



<p>(f) Any proposed management controls by the operator that will be incorporated into the management plan required by clause 3.0, which mitigate potential adverse amenity impacts to nearby landowners and occupiers.</p>	<p>The proposal includes a Management Plan, addressing a range of matters including check in/check out procedures, complaints management, restrictions relating to the use of the premises and a guest 'code of conduct'. A condition requiring compliance with the Management Plan is recommended.</p>
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(f) **Western Australian Planning Commission Position Statement: Planning for Tourism and Short-Term Rental Accommodation (Statement)**

The intent of the Statement is to:

- Guide the appropriate location and management of tourism and short-term rental accommodation land uses through the planning framework.
- Facilitate acceptable development of new and evolving tourism opportunities.
- Provide a high-level of amenity in tourism areas; and
- Deliver quality land use planning outcomes.

In accordance with clause 67(2)(e) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), due regard must be given to the Statement when assessing a development application. The proposal is considered to satisfactorily address all relevant considerations outlined in the Statement.

(g) **Compatibility and Amenity**

Clause 67(2)(m) and Clause 67(2)(n) of the Deemed Provisions requires the local government to have regard to the compatibility of the proposal with its setting as well as amenity considerations (including environmental, character and social impacts).

The applicant has provided a Management Plan which specifies the following in relation to noise:

- Noise should be minimal between the hours of 9:00pm and 7:00am Monday to Saturday, and 9:00pm and 9:00am on Sundays and public holidays;
- Noise monitors have been installed so that the property manager can receive instant alerts if noise exceeds the acceptable noise limit; and
- Parties, gatherings, and functions are strictly prohibited.

It is considered that these controls will mitigate potential adverse amenity impacts to nearby landowners and occupiers.

Based on the above, it is considered that the risk of amenity impacts to surrounding landowners is low, where the Management Plan adhered to. The assurance that the property will not be utilised for events and/or large gatherings would result in the dwelling not being used beyond what could be reasonably expected within a low to medium density residential area.

The proposed development is considered satisfactory subject to compliance with the Management Plan, which has been recommended as a condition.

**(h) Proposed Amendments to the Planning and Development (Local Planning Schemes) Regulations 2015**

In early April 2024, the State Government released amendments to the Regulations to introduce ‘Hosted Short-Term Rental accommodation’ and ‘Unhosted Short-Term Rental accommodation’ (STRA) land uses and associated exemptions from the requirement to obtain development approval.

The proposed use is considered ‘Unhosted Short-Term Rental Accommodation’ as the owner or occupier, or an agent of the owner or occupier, does not ordinarily reside at the dwelling nor will reside during the short-term rental arrangement.

Whilst Unhosted Short-Term Rental Accommodation will be exempt from the need to obtain development approval if the property is not rented for more than 90 nights in a 12-month period once the Regulations come into effect, the applicant seeks to obtain development approval to provide greater use of the premises for STRA.

Should Council refuse the application, the applicant will be able to use the premises for STRA for less than 90 nights in a 12-month period without development approval once the Regulations are in effect.

**(i) Consultation**

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

The application was advertised for a period of 15 days between 13 March 2024 and 28 March 2024 in following manner:

- A total of 13 letters were sent to owners and occupiers of adjoining and nearby properties; and
- A copy of the application was made available for review on the City’s website.

At the close of the consultation period, one submission was received. The submission is provided in the table below, in addition to the Officer comments:

Matter	Comment
<p>In recent months there has been an issue with parties and loud music from the property which impacted on the amenity of the neighbourhood. There is a lack of enforcement from the owner.</p> <p>The above behaviour is as a result of poor selection of guests staying at the holiday house.</p> <p>There is concern this will be a continuous issue which will impact on the neighbourhood.</p>	<p>The applicant has acknowledged there was one noise incident and has since installed noise monitors within the dwelling.</p> <p>Should Council approve the application subject to a condition requiring compliance with the Management Plan, enforcement action would be available to the City should the use operate inconsistent with the Management Plan.</p>

### Policy and Legislative Implications

In accordance with the Regulations, the local government may determine an application for development approval by:

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

### Financial Implications

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

### Key Risks and Considerations

<b>Risk Event Outcome</b>	<b>Reputational Damage</b> 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.
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring.

### Strategic Implications

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

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

### Conclusion

Whilst no complaints were received during the temporary approval period for the Holiday House, the City acknowledges the submission received during the consultation period and that the land use, if not managed appropriately, has the potential to result in adverse impacts to nearby residents. It is considered that the noise issue raised is capable of being managed via ongoing compliance with the Management Plan.

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

### Attachments

- 10.3.4 (a): Development Plans
- 10.3.4 (b): Management Plan
- 10.3.4 (c): Site Photo

### 10.3.5 Proposed Home Business (Dog Grooming) - Lot 227 No. 49 Kilkenny Circle, Waterford

Location: Lot 227 49 Kilkenny Circle, Waterford  
Ward: Manning Ward  
Applicant: Emma L Coward  
File Reference: D-24-17965  
DA Lodgement Date: 1 February 2024  
Author(s): Remajee Narroo, Urban Planner  
Reporting Officer(s): Donna Shaw, Director Development and Community Services

#### Summary

The purpose of this report is to consider an application for development approval for a Home Business (Dog Grooming) on Lot 227, No.49 Kilkenny Circle, Waterford.

This item is referred to Council as the proposal is a 'Home Business' land use under Local Planning Scheme No. 7, which is a non-residential use in a residential zone. One submission has been received in objection and therefore falls outside of the delegation to the Officers.

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

#### Officer Recommendation

That pursuant to the provisions of the City of South Perth Local Planning Scheme No.7, this application for development approval for a Home Business (Dog Grooming) on Lot 227, No.49 Kilkenny Circle, Waterford, **be approved** subject to the following conditions:

1. The Home Business (Dog Grooming) is to be operated only by the occupier of the dwelling, Emma L Coward, who must remain a permanent resident on site at the subject premises for the duration of the use. The operation of the Home Business by any other person, or its operation at any other premises, is not permitted by this approval.
2. All materials and/or equipment associated with the use of the Home Business shall be stored internally and screened from public view.
3. The Home Business must only operate between the hours of 7:00am to 5:00pm Monday to Friday and not at all on Saturday, Sunday or Public Holidays.
4. A maximum of three clients are permitted per day, with a maximum of one client, by appointment only, at any one time, to the satisfaction of the City of South Perth.

5. Prior to the commencement of the Home Business, a Management Plan is to be submitted to address the following:
- (i) Noise mitigation from equipment;
  - (ii) Waste storage, disposal and odour control;
  - (iii) Liquid waste disposal; and
  - (iv) Cleaning and disinfection.

The approved Management Plan must be implemented for the lifetime of the development to the satisfaction of the City of South Perth.

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

<b>Applicant</b>	Emma L Coward
<b>Landowner</b>	Christopher Parker and Emma L Coward

### Development Site Details

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R20
<b>Lot area</b>	717m <sup>2</sup>

### Comment

#### (a) Background

In February 2024, the City received an application for a proposed Home Business (Dog Grooming) - Lot 227, No.49 Kilkenny Circle, Waterford. A copy of the site plan and covering letter are contained in **Attachment (a)**.

A Home Business is an 'A' (discretionary with consultation) use under the City's Local Planning Scheme No. 7 (LPS 7) and is defined as follows:

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

*does not involve employing more than 2 people who are not members of the occupier's household; and*

- (a) *will not cause injury to or adversely affect the amenity of the neighbourhood; and*
- (b) *does not occupy an area greater than 50m<sup>2</sup>; and*
- (c) *does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and,*
- (d) *does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and,*



- (e) *does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and*
- (f) *does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.'*

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

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

The existing development on the site is a Single House and Outbuilding, and the site immediately abuts Single Houses.



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

**(c) Description of the Proposal**

The proposal is for a Home Business (Dog Grooming) on Lot 227, No.49 Kilkenny Circle, Waterford. Details of the proposal are as follows:

- The Home Business will operate from the existing garage of the dwelling;
- The garage has a roller door that will be closed during operation; however, the side and rear of the garage is unenclosed;
- The hours of operation will be 7:00am to 5:00pm Monday to Friday, with appointments scheduled from 7:00am to 11:00am, 12:00pm to 2:00pm and 3:00pm to 5:00pm;
- There will be a maximum of three clients per day (15 per week);
- The owner will park their vehicle on the front lawn during the day to enable clients to park in the driveway. It is noted there is adequate space within the driveway for multiple vehicles in any instance;
- There will be no employees; the owner will be the sole operator; and
- The customers dogs will not be kept at the premises after operating hours.

The proposal has been assessed against relevant Scheme provisions and the following elements require discretionary assessment as discussed below.

**(d) Land Use**

The proposed land use of a Home Business is classified as an ‘A’ (discretionary with consultation) land use under LPS 7.

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

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

Additional Site and Development Requirement	Comment
2(a) The calling of more than fifteen (15) clients per week or more than three (3) clients per day to the land;	There will be no more than three clients per day and 15 clients per week.
(b) The storage, preparation or sale of foodstuffs;	There will be no storage, preparation, or sale of foodstuffs.
(c) The breeding, keeping or selling of any animal; or	Although the proposed use involves dogs being on the premises, there will be no breeding, keeping dogs overnight or selling of any animals in association with the business.
(d) The storage of goods, merchandise, materials, equipment or supplies other than within a building.	There will be no external storage of goods, merchandise, materials, equipment or supplies.

**(f) Compatibility and Amenity**

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

Given the proposed Home Business does not require any alteration to the existing dwelling and will be screened from view by the garage roller door, the proposal is not considered to adversely impact the character of the surrounding locality.

The use is of small scale with a maximum of three clients per day by appointment only during daytime hours. Given that a maximum of three clients per day will attend the site, the use is not expected to generate noise in excess of what could be reasonably expected in a residential neighbourhood. Potential noise generation from equipment is required to comply with the Environmental Protection (Noise) Regulations 1997.

A condition requiring a Management Plan to address matters related to potential noise and the disposal of wastewater is recommended to ensure ongoing compliance.



**(g) Consultation**

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

The application was advertised for a period of 14 days between 5 April 2024 and 19 April 2024 in following manner:

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

At the closure of the advertising period, one objection was received advising that Waterford should be a residential suburb that does not incorporate businesses into the area. A Home Business is a land use that can be considered within the residential zone under LPS 7.

**Policy and Legislative Implications**

In accordance with the Regulations, the local government may determine an application for development approval by:

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

**Financial Implications**

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

**Key Risks and Considerations**

<b>Risk Event Outcome</b>	<b>Reputational Damage</b> 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.
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring.

### Strategic Implications

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

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

### Conclusion

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

### Attachments

10.3.5 (a):	Site Plan and Covering Letter
10.3.5 (b):	Site Photo

### 10.3.6 Proposed Change of Use - Multiple Dwelling to Holiday Accommodation - Lot 2, No. 2/45 Mary Street, Como

Location: Lot 2, 2/45 Mary Street, Como  
Ward: Como Ward  
Applicant: Madura Strait Pty Ltd  
File Reference: D-24-18675  
DA Lodgement Date: 14 January 2024  
Author(s): Adam Dyson, Urban Planner  
Reporting Officer(s): Donna Shaw, Director Development and Community Services

#### Summary

The purpose of this report is to consider an application for development approval for a Change of Use from a Multiple Dwelling to Holiday Accommodation on Lot 2, No. 2/45 Mary Street, Como.

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

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

#### Officer Recommendation

That pursuant to the provisions of the City of South Perth Local Planning Scheme No. 7 and the Metropolitan Region Scheme, the application for development approval for a Change of Use from a Multiple Dwelling to Holiday Accommodation on Lot 2, No.2/45 **be approved** subject to the following conditions:

1. A maximum of four guests are permitted on site at any one time.
2. Within 30 days of the date of determination, an amended Management Plan must be submitted and approved in writing by the City of South Perth to address waste management, including collection of bins from the verge on collection day.

The use must be undertaken in accordance with the approved Management Plan, to the satisfaction of the City of South Perth.

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

<b>Applicant</b>	Madura Strait Pty Ltd
<b>Landowner</b>	Madura Strait Pty Ltd

**Development Site Details**

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R40
<b>Lot area</b>	1,073m <sup>2</sup>

**Comment**

**(a) Background**

In January 2024, the City received an application for a Change of Use from a Multiple Dwelling to Holiday Accommodation on Lot 2, No. 2/45 Mary Street, Como.

It is noted that Lot 2, No. 1/45 Mary Street, Como (within the same complex) has been approved for Short-Term Rental Accommodation, as determined by Council at its meetings held 27 September 2022 and 31 October 2023, subject to maximum of six occupants at any one time and adherence to the submitted Management Plan.

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

The existing development on the site is a two-storey Multiple Dwelling comprising of a total of four Multiple Dwellings (two at ground level and two on the upper floor). The subject dwelling is contained within the rear dwelling of the ground floor as depicted in the site photographs in **Attachment (b)**.

The site is located within 300m of Preston Street, which contains several cafes, restaurants, retail shops, a tavern, supermarket and theatre, as well as a similar distance to the Thelma Street pedestrian overpass to Como Beach and Jetty. These features are of a tourism significance.

The site has frontage to Mary Street and is surrounded by residential development as seen in **Figure 1** below:



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

**(c) Description of the Proposal**

The applicant is seeking a Change of Use from a Multiple Dwelling to Holiday Accommodation.

The applicant has submitted a Management Plan in support of the proposal. Details of the proposal are as follows:

- Proposed maximum of six guests;
- It is anticipated that guests will be singles, couples, or those with young families;
- Check in time is after 2:00pm; check out time by 10:00am;
- It will be a condition of stay that guests socially behave and do not create a nuisance to neighbours. No parties/functions are permitted, with evictions to otherwise occur immediately;
- Guests are to keep noise in accordance with the Environmental Protection (Noise) Regulations 1997; noise to be kept to a minimum between 10:00pm and 7:00am Monday to Saturday and 10:00pm to 9:00am on Sundays and Public Holidays; and
- Guests are required to park their vehicles on the subject site in the car bays provided.

The plans submitted as part of this application and Management Plan are contained in **Attachment (a)**.

**(d) Land Use**

Holiday Accommodation is a 'D' (Discretionary) use in the Residential zone under Local Planning Scheme No. 7 (LPS 7) which means that the use is not permitted unless the local government has exercised its discretion by granting development approval.

The land use is Holiday Accommodation rather than a Holiday House as two dwellings on the same site are used to provide Short-Term Rental Accommodation.

**(e) Short Term Accommodation Policy**

Local Planning Policy P350.18 – Short Term Accommodation (Policy) was adopted by Council at its meeting held 27 March 2018 and seeks to facilitate the provision of self-contained visitor accommodation for short term occupancy and guide decision making in respect to the appropriateness of various forms of tourist accommodation facilities, as determined by the locality, the appropriateness of facilities and scale of the proposal.

The following outlines those matters that do not comply with the Policy:

Matter	Comment
(c) The potential impact of increased vehicle access demand to a site, namely whether the proposal results in a significant increase in the volume of vehicle traffic and/or movements in the area. The City may request a transport impact assessment for proposals likely to generate large volumes of vehicle traffic.	<p>The proposed maximum number of guests is six.</p> <p>The existing Short-Term Rental Accommodation use within the complex at 1/45 Mary Street, Como was approved requiring the use of the four car parking bays at the front of the property. This application only has one allocated car parking bay on site.</p> <p>On this basis, the proposal for six guests is not supported, given at least two vehicles will likely be required for six guests.</p> <p>It is recommended that a condition be imposed to limit the number of guests to four at any one time to address this issue.</p> <p>Compliance with the City's Parking Local Law 2017 is otherwise required for on-street parking.</p> <p>The traffic generated by the proposed use is not beyond what would otherwise be expected for a residential dwelling and is within the capacity of the existing road network to accommodate.</p>
(f) Any proposed management controls by the operator that will be incorporated into the management plan required by Clause 3.0, which mitigate potential adverse amenity impacts to nearby landowners and occupiers.	<p>The proposal includes a Management Plan, addressing a range of matters including check in/check out procedures, control of noise, complaints management, restrictions relating to the use of the premises.</p>

(f) **Western Australian Planning Commission Position Statement: Planning for Tourism and Short-Term Accommodation (Statement)**

The intent of the Statement is to:

- Guide the appropriate location and management of tourism and short-term rental accommodation land uses through the planning framework.
- Facilitate acceptable development of new and evolving tourism opportunities.
- Provide a high-level of amenity in tourism areas; and
- Deliver quality land use planning outcomes.



**10.3.6 Proposed Change of Use - Multiple Dwelling to Holiday Accommodation - Lot 2, No. 2/45 Mary Street, Como**

In accordance with clause 67(2)(e) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), due regard must be given to the Statement when assessing a development application. The proposal is considered to satisfactorily address all relevant considerations outlined in the Statement.

**(g) Compatibility and Amenity**

Clause 67(2)(m) and Clause 67(2)(n) of the Deemed Provisions requires the local government to have regard to the compatibility of the proposal with its setting as well as amenity considerations (including environmental, character and social impacts).

The applicant has provided a Management Plan in support of the proposal which states:

- Parties/ functions are prohibited;
- Noise to be kept to a minimum between 10:00pm and 7:00am Monday to Saturday and 10:00pm to 9:00am on Sundays and Public Holidays;
- Guests are required to park their vehicles on the subject site in the car bays provided.

It is noted that the applicant has not proposed to install noise monitoring devices on the site to monitor noise. The reasons provided by the applicant is that the existing holiday accommodation has not received any complaints in relation to noise. There is also a concern that any noise monitoring devices may not be able to distinguish noise from other dwellings given the complex is a multiple dwelling with other dwellings located in close proximity.

Given that development approval was granted for short-term accommodation at 1/45 Mary Street, Como without the provision of noise monitoring devices, it is considered unreasonable to impose noise monitoring devices.

With adherences to an updated Management Plan, it is considered that the risk of amenity impacts to surrounding landowners is low. The assurance that the property will not be utilised for events and/or large gatherings would result in the dwelling not being used beyond what could be reasonably expected within a low to medium density residential area.

The proposed development is considered satisfactory subject to compliance with an updated Management Plan.

**(h) Proposed Amendments to the Planning and Development (Local Planning Schemes) Regulations 2015**

In early April 2024, the State Government released amendments to the 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.

The proposed use is considered 'Unhosted Short-Term Accommodation' as the owner or occupier, or an agent of the owner or occupier, does not ordinarily reside at the dwelling nor will reside during the short-term rental arrangement.

When the Regulations come in effect (expected late 2024), Unhosted Short-Term Rental Accommodation will be exempt from the need to obtain development approval if the property is not rented for more than 90 nights in a 12-month period.

10.3.6 **Proposed Change of Use - Multiple Dwelling to Holiday Accommodation - Lot 2, No. 2/45 Mary Street, Como**

The application seeks to obtain development approval to provide greater use of the premises for STRA, however should Council refuse the application, the applicant will be able to use the premises for STRA for less than 90 nights in a 12-month period without development approval once the Regulations are in effect in any instance.

**(i) Consultation**

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

The application was advertised for a period of 14 days between the 10 April 2024 and 24 April 2024 in the following manner:

- A total of 40 letters were sent to owners and occupiers of adjoining and nearby properties; and
- A copy of the application was made available for review on the City’s website.

At the close of the consultation period, one submission was received. The submission is provided in the table below, in addition to the Officer comments:

Matter	Comment
<p><u>Proposed Use and Location</u></p> <p>My objections have been lodged before and I don’t feel that Council is taking any notice. This is a residential area. Airbnb is cutting long term rentals out of the market.</p>	<p>Whilst it is acknowledged that Short-Term Rental Accommodation is commercial in nature, Holiday Accommodation is a use that can be considered within the Residential zone and as such, the City is required to consider the application on its merits.</p>
<p><u>Impact to Adjoining Properties</u></p> <p>The front fence between 43 and 45 Mary Street has been destroyed due to inadequate and unapproved parking at the front of the property. The owners are uncooperative and will not take responsibility for the damage. The bins remain in the street for days and knocked over in the wind, rubbish is then strewn in the street and in our property.</p>	<p>Provision of a sufficient fence between neighbouring properties is to be in accordance with the <i>Dividing Fences Act 1961</i> and is a civil matter between the parties. Disputes in this respect are dealt with by the Magistrates Court and is a separate matter to this application.</p> <p>The concerns regarding waste management are acknowledged. Should the application be approved, a condition requiring an updated Management Plan to address waste management and bin collection is recommended to address this issue.</p>
<p><u>Vehicle Parking</u></p> <p>Inadequate and unapproved parking at the front of the property.</p>	<p>Agreed. Should the application be approved, a condition reducing the maximum number of guests to four is recommended.</p>



<p><u>Noise</u></p> <p>The back unit, number 3 is being used as Airbnb and recent occupants had no consideration for neighbours when it comes to noise at night. My bedroom is adjacent to unit 3.</p>	<p>The submitted Management Plan outlines the times in which noise is to be limited and states that parties are not permitted.</p> <p>The use will be required to comply with the requirements of the Environmental Protection (Noise) Regulations 1997. Should noise issues arise, the City can undertake noise monitoring to ensure compliance.</p>
<p><u>Anti-Social Behaviour</u></p> <p>My immediate neighbours do not support '<i>holiday accommodation</i>' either and feel that our safety is threatened with unknowns coming and going at all hours. Please take notice and don't ruin this residential area.</p>	<p>Whilst the concerns are noted, there is no evidence to suggest that there will be an increase to antisocial behaviour and crime as a result of the use.</p>

### Policy and Legislative Implications

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

- (a) granting development approval with conditions; or
- (b) granting development approval with conditions; or
- (c) refusing to grant development approval.

### Financial Implications

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

### Key Risks and Considerations

<b>Risk Event Outcome</b>	<b>Reputational Damage</b> 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.
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring.

### Strategic Implications

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

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

### Conclusion

One objection was received during the consultation period and the City acknowledges that the land use, if not managed appropriately, has the potential to result in adverse impacts to nearby residents.

The City considers that the reduction in the number of proposed guests to four and provision of an updated Management Plan to address waste management can appropriately mitigate any potential amenity impacts.

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

### Attachments

- 10.3.6 (a): Development Plans and Management Plan
- 10.3.6 (b): Site Photos

### 10.3.7 Response to Notice of Motion - Hooning Along the Peninsula

File Ref: D-24-15923  
Author(s): Jan Augustin, Manager Engineering Services  
Reporting Officer(s): Anita Amprimo, Director Infrastructure Services

#### Summary

This report provides updates in response to Council Resolution Number 0224/019, titled 'Notice of Motion – Councillor Nic Coveney – Hooning Along the Peninsula' from its meeting held 27 February 2024 and provides recommendations on further action.

#### Officer Recommendation

That Council requests the Chief Executive Officer to:

1. Close the western portion of the Millers Pool Car Park 11 between 10.00pm and 5.00am every day for a period no less than three months;
2. Install some additional lighting in the vicinity of Millers Pool Car Park;
3. Undertake periodic surveillance of the Millers Pool car park with the City's mobile CCTV trailer; and
4. Subject to final Main Roads WA approval, to implement the 40km/h speed zone area detailed in this report with any minor modification required to meet Main Roads WA approval.

#### Background

At its meeting held 27 February 2024 Council resolved as follows:

*"That Council request the Chief Executive Officer to:*

1. *Investigate the options for the temporary closure of:*
  - a. *the Millers Pool Car Park 11 between 10.00pm and 5.00am every day for a period of up to three (3) months, which land is described as Lot 920 on Deposited Plan 214831 and 214832 contained in certificate of Title LR 3119 Folio 157; and*
  - b. *the thoroughfare leading to Mill Point Boat Ramp Jet Ski Area Car Park 12 between 10.00pm and 5.00am every day for a period of 3 months, which land is described as Lot 920 on Deposited Plan 214831 and 214832 contained in certificate of Title LR 3119 Folio 157.*
2. *Until such time as Council considers the Report described at paragraph 6 below:*
  - a. *Install and/or retain the concrete barrier preventing use of the western portion of the Millers Pool Car Park 11 that extends under the Kwinana Freeway bridge;*

- b. *install a temporary camera and lighting in the vicinity of Millers Pool Car Park 11, to monitor and deter antisocial driver behaviour, with the location determined in consultation with the local police, and share with the local police any hooning activity footage captured on the City's portable CCTV camera; and*
  - c. *monitor, record, and collate vehicle speeds from the existing speed detecting and display signs at a point along Mill Point Road between Millers Pool and the signalised intersection with Labouchere Road, with such data to then be provided to the local police.*
3. *Engage in the following advocacy work with the following other key stakeholders:*
- a. *write a letter to the Officer in Charge of the Kensington Police Station, Senior Sergeant Michael Tite, requesting the following measures be undertaken along Mill Point Road between Millers Pool and the signalised intersection with Labouchere Road:*
    - i. *the trial of a noise monitoring camera;*
    - ii. *a police blitz to target antisocial driver behaviour and non-compliant vehicles, including but not limited to high risk and erratic driving behaviours, and speeding; and*
    - iii. *a traffic management assessment and recommended action plan, including but not limited to recommendations on a suitable speed camera system and automatic number recognition cameras;*
  - b. *write a letter to the Member for South Perth, Mr Geoffrey Baker MLA, seeking his support to advocate Paul Papalia, Minister for Police, Mr Col Blanch, Commissioner of Police, and Officer in Charge of the Kensington Police Station, Senior Sergeant Michael Tite, for the measures referred to in paragraph 3(a) herein; and*
  - c. *write a letter to Main Roads Western Australia, requesting that the speed limit be reduced to 40 km/h along Mill Point Road between Millers Pool and the signalised intersection with Labouchere Road, the South Perth Esplanade, and Mends Street.*
4. *Consider the merits of the potential to use noise cameras to monitor and deter anti-social driving behaviour that impacts South Perth residents by way of excessive noise. Feedback to Council to include a review and analysis of the following:*
- a. *The legislative framework in Western Australia in relation to the potential use of noise cameras, including the ability for fines to be issued based on noise camera evidence;*
  - b. *Any views of relevant authorities, such as the W.A. Police, W.A. Department of Transport, and the W.A. Environment Protection Authority;*
  - c. *The noise camera program any other local governments use around Australia;*
  - d. *The likely cost of using noise camera technology including purchasing equipment, integration, administration and operational costs, and any potential revenue; and*

### 10.3.7 Response to Notice of Motion - Hooning Along the Peninsula

- e. The feasibility of undertaking a trial of noise camera technology (including to collect data on the scale and frequency of the noise being generated by hooning activities), particularly in the vicinity of the Millers Pool carpark and between Millers Pool and the signalised intersection with Labouchere Road, where noise generating antisocial driving behaviour is a known issue.*
5. *Consider any further recommendations to Council on how it is proposed to further reduce hooning and anti-social behaviour in South Perth and any other hotspots areas identified in the district.*
6. *Report to Council as soon as possible, but by no later than the May 2024 Ordinary Council Meeting*
  - a. The review and any recommendations for paragraphs 4 and 5;*
  - b. an update on the outcome of paragraphs 2 and 3 herein, including any recommendations as a result of these actions;*
  - c. the options, including cost estimates, for a permanent camera and increased lighting to be installed in the vicinity of Millers Pool Car Park; and*
  - d. the options, including costs estimates, for the temporary closures referred to at paragraph 1 herein.”*

#### **Comment**

The City’s response to each component of the notice of motion is provided below:

#### **Resolution Item 1(a)**

Officers have investigated the temporary closure of Millers Pool Car Park 11 between 10.00pm and 5.00am every day for a period of up to three months. Closure of car parks on a daily basis is dependent on the type of land tenure and any access rights to or through the car park. Closure of the Millers Pool car park between 10.00pm and 5.00am daily would restrict use of the car park by members of the community enjoying the foreshore area for recreational activities including fishing. Limiting the restriction to between 10.00pm and 5.00am would significantly reduce the negative impact on the community.

Daily car park closures have an impact on the City’s budget through initial capital and ongoing operational costs. An estimated capital expenditure of \$8,900 is required to install a gate at this location. An estimated further \$7,796 operational expenditure would be required for a three month period or \$13,186 would be required if the daily closures were required for 12 months. These costs include opening and closing of the gates daily. The call out cost to open the gates for any vehicle locked inside the car park would be borne by the driver of the vehicle.

The Council Resolution referenced closing the car park however following review of the trial closure of the western portion of the Millers Pool car park, the City believes that the outcomes sought could be achieved by closing only the western portion of the car park and allowing the limited spaces in the eastern portion to be used without the daily closures. The costs for this option would be the same but the impact on community users would be less.

The costs (financial and non-financial) of closing car parks on a daily basis need to be balanced against the benefit sought. Daily closure of car parks would not be recommended on a routine basis however it is noted that there are extraordinary circumstances relating to the use of the Millers Pool car park that are contributing to public nuisance that need to be taken into consideration. When balancing the interests of all community members, the City supports daily closures of the Millers Pool car park.

#### **Resolution Item 1(b)**

Officers have investigated the temporary closure of Mill Point Boat Ramp Jet Ski Area Car Park 12 between 10.00pm and 5.00am every day for a period of up to three months. Closure of car parks on a daily basis is dependent on the type of land tenure and any access rights to or through the car park. Closure of the Mill Point Boat Ramp Jet Ski Area car park between 10.00pm and 5.00am daily would restrict use of the car park by members of the community enjoying the foreshore area for recreational activities including access to the jet ski boat ramp. It would also require following the process as set out in the *Local Government Act 1995* for closure of a thoroughfare as the closure would need to be on the access road rather than at the car park.

The thoroughfare leading to Mill Point Boat Ramp Jet Ski Area Car Park 12 is located on Lot 920 on Deposit plan 214831 and classified as Crown land Reserve 33804 and placed under the care, control, and management of the City of South Perth (City). The boat ramp is located on Lot 1321 and was incorporated within Reserve 33804 in November 2003 and is managed by the Department of Transport Marine Safety.

The City contacted the Department of Transport Marine Safety (DoT) and the Department of Biodiversity, Conservation and Attractions (DBCA) to seek comments on the proposed Mill Point Boat Ramp Jet Ski Area car park nighttime closure. The DoT indicated that they would not have any objections if the City closed the Mill Point Boat Ramp Jet Ski Area car park between 10pm and 5am daily. The DBCA expressed that it would prefer to avoid the proposed closure as this type of management measure effectively closes an area of the foreshore for part of the day. They mentioned that they would generally require appropriate data to justify a proposal of this nature that demonstrates the extent of the problem. They also raised concerns regarding access for emergency services and access for DBCA's Riverpark on call officers attending to incidents out of hours.

For the temporary closure of the thoroughfare leading to the Mill Point Boat Ramp Jet Ski Area car park area with boat ramp, four options were investigated:

Option 1 – Mill Point Road closure near the intersection Mill Point Road and Kwinana Freeway exit ramp.

Option 2 – Mill Point Road closure approx. 75m west of the intersection Mill Point Road and Kwinana Freeway exit ramp at maintenance access gate.

Option 3 – Mill Point Road closure at the entrance to the Jet Ski car park area (Car Park 12).

Option 4 – Jet Ski car park closure south of the turn around facility.

The four options were assessed against space requirements, capital expenditure and operational costs, road safety and traffic management criteria.

The assessment outcome identifies Option 2 as the preferred option for road closure as it provides sufficient space for a turnaround area and sightline distance along the road over which traffic has visibility of the proposed road closure area (Location Map 3).



10.3.7 Response to Notice of Motion - Hooning Along the Peninsula

Options 1, 3 and 4, were discarded as preliminary approval to close a portion of the Kwinana freeway off-ramp was rejected by Main Roads WA (Option 1), and due to insufficient sight distance and space availability to implement security gate and turning bay for vehicles (Option 3). Finally, Option 4 was rejected due to the extensive operational cost for a traffic management team to set up and remove traffic barriers every day.

The above-mentioned options are shown in Location Map 2 below.

Location Map 2: Mill Point Road thoroughfare to car park



Location Map 3: Option 2 – Proposed Temporary Mill Point Road Closure



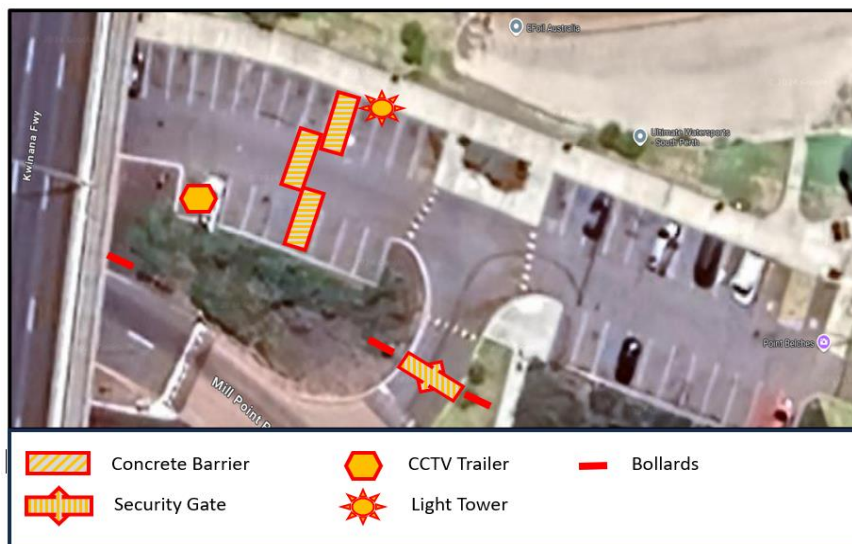
Daily car park closures have an impact on the City's budget through initial capital and ongoing operational costs. For the most preferable option (2) for the daily closure of Mill Point Boat Ramp Jet Ski Area car park an estimated capital expenditure of \$30,700 is required to install a gate, safety lighting and associated improvements. An estimated further \$11,396 operational expenditure would be required for a three month period or \$45,586 would be required if the daily closures were required for 12 months. These costs include opening and closing of the gates daily. The call out cost to open the gates for any vehicle locked inside the car park would be borne by the driver of the vehicle.

Whilst a feasible option to close the Mill Point Boat Ramp Jet Ski Area car park on a daily basis has been identified, the City has not identified any extraordinary reason to justify closing this car park on a daily basis and does not consider it in the broader community interest.

### Resolution Item 2(a)

Concrete barriers preventing access to the western section of the Millers Pool Car Park were installed on 16 February 2024 (refer Location Map 1). These barriers remain in place until Council has considered this matter further.

Location Map 1: Millers Pool car park



### Resolution Item 2(b)

The City-owned CCTV trailer was installed to monitor the Millers Pool car park together with a hired light tower to deter antisocial behaviour in the area. The use of the City's own CCTV trailer has meant that it has not been available to deploy in other locations around the City.

The City's mobile CCTV Trailer was positioned in consultation with WA Police to the partially closed car park section of Millers Pool car park on 16 February 2024 (refer Location Map 1). Where relevant, CCTV footage has been made available to local police.

Ongoing review of the CCTV footage shows that whilst there is still a small number of enhanced vehicles using the Millers Pool car park, they are low in numbers.



**Resolution Item 2(c)**

The City has collected and reviewed vehicle speed information from its speed awareness sign at Mill Point Road near Scott Street. The information collected is displayed in the table below. It is noted that the data does not identify a specific issue at this location compared to other speed awareness signs around the City.

Table 1: Mill Point Road vehicle speed information

Duration / Date	13/2 - 28/2	28/2 - 5/3	5/3 - 12/3	16/3 - 10/4
Direction	South Bound	South Bound	South Bound	South Bound
Average speed (Km/h)	40	40	35	35
85th Percentile Speed (km/h)	48	48	44	44
Vmax (km/h)	113	101	97	98
Speed violations (%)	8.3	8.6	2.8	3.2

Note: The 85th percentile speed is the speed at or below which 85 percent of the drivers travel on a road segment (average vehicle speed).

Table 1 indicates that the average vehicle speed measured over three consecutive months is almost consistent and below the advertised speed limit of 50 km/h. Speed violations have reduced from 8 to 3 percent over the same span of time.

The City has provided the vehicle speed information to local police.

**Resolution Item 3(a)**

Correspondence was sent on 19 March 2024 to the Officer in Charge at the Kensington Police Station to raise awareness about the hooning and anti-social behaviour in the district, especially in the area around Mill Point Road and the South Perth Peninsula and requesting the measures to be undertaken as stated under 3(a) of the Council Resolution.

The City has not received any written response from the Kensington Police Station.

**Resolution Item 3(b)**

Correspondence was sent on 19 March 2024 to Mr Geoffrey Baker MLA, seeking his support to advocate to the Minister for Police, Commissioner of Police and Officer in Charge of the Kensington Police Station, for the measures referred to in paragraph 3(a) of the Council Resolution.

The City has not received any written response from Mr Geoffrey Baker MLA.

**Resolution Item 3(c)**

On 27 February 2024, the City submitted a Speed Zone Review to Main Roads WA requesting to reduce the existing posted speed limit of 50km/h to 40km/h seeking to achieve a balance between road safety, amenity and transport efficiency.

The City received approval in principle from Main Roads WA to continue with detailed planning for signage for the proposed area-wide speed zone. Final approval is dependent upon the completion of additional steps and submission of required documentation.

The proposed 40km/h Speed Zone Area is displayed in Location Map 4 below.

The implementation of the proposed area-wide speed zone is anticipated for financial year 2024/25.

Location Map 4- Proposed 40km/h Speed Zone Area



#### Resolution Item 4

The legislative framework in Western Australia does not provide any State or local government body the ability to use noise cameras for the purpose sought in the Council Resolution.

The City has been able to confirm that the Environmental Protection Agency of New South Wales is running a noise camera trial. A summary of the details is provided below:

- A total of five cameras have been procured for the trial, two will be installed in Bayside Council, two in Wollongong and one retained for testing.
- The trial is scheduled to commence in mid-2024.
- Trial locations will include a known trouble spot and a more quiet area. Key things to be addressed in trial:
  - Impact of ambient noise on capability of cameras
  - Ability of cameras to associate the noise detected to the correct vehicle in crowded/busy environments.
- The EPA does not have the power to issue infringements based on the cameras but will use the trial to investigate this. During the trial the EPA does have the power to compel the owner of a vehicle suspected of being illegally modified to attend testing and they will be issuing these notices to vehicles that exceed the noise limits and this will be used to assist in validating the cameras.
- The trail is expected to be completed by the end of the year.

### 10.3.7 Response to Notice of Motion - Hooning Along the Peninsula

No cameras could be located for hire within Australia, and they would need to be purchased from overseas if the City sought to pursue a trial. The cost of purchasing a noise camera and running a trial would be more than \$100,000. Given the cost and lack of legislative framework to support any enforcement, it is not recommended that the City pursue this option further.

#### **Resolution Item 5**

The implementation of the temporary barriers, closing the western portion of the Millers Pool car park, have resulted in a significant reduction in the driver behaviour that has been causing nuisance to local residents. The City recommends removing the temporary barrier and replacing it with gates that can be closed over night on a daily basis to allow full use of the Millers Pool car park during the day. The City also recommends installing additional lighting at the Millers Pool car park.

The City does not consider any other measures are warranted.

#### **Resolution Item 6**

The City has no infrastructure (data cabling) in place for a permanent camera to be installed at Millers Pool so it would be more cost effective to purchase another mobile unit. Alternatively, the cost to use a hire unit on an ongoing basis is estimated at \$13,870 per year. Periodic use of the City's own CCTV unit to allow the unit to be deployed elsewhere in the City as required, whilst still maintaining some surveillance of the Millers Pool car park, is the City's recommended option.

Additional lighting in the area is estimated to cost \$40,000 as it would need to be cabled. Due to the proximity of the bridge, solar lighting would not be effective.

#### **Consultation**

Consultation with local police has been undertaken where needed. The City has also received ongoing feedback from members of the community in Mill Point Road.

## Policy and Legislative Implications

### Local Government Act 1995

#### Section 3.50 – Closing certain thoroughfares to vehicles

- (1a) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.
- (2) The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.
- (4) Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to –
- (a) give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission; and give written notice to each person who –
- i. is prescribed for the purposes of this section; or
  - ii. owns land that is prescribed for the purposes of this section; and
- (b) allow a reasonable time for submissions to be made and consider any submissions made.
- (5) The local government is to send to the Commissioner of Main Roads appointed under the Main Roads Act 1930 a copy of the contents of the notice required by subsection (4)(a).

## Financial Implications

The cost implications for implementing the Officer Recommendation are provided below.

Table 2: Estimates cost for the nighttime closure of the western portion of Millers Pool car park

SUMMARY		Option 1 <sup>1)2)</sup>	Option 2 <sup>1)</sup>
EXPENDITURE TYPE	LOCATION	3 Months	12 Months
CAPITAL EXPENDITURE (EXCL. GST)	MILLERS POOL CAR PARK	\$8,900	\$8,900
OPERATIONAL EXPENDITURE (EXCL. GST)	MILLERS POOL CAR PARK	\$7,796	\$13,186

<sup>1)</sup> Call out fee is directly charged by security service to owner of vehicle, no extra costs charged to the CoSP

<sup>2)</sup> Assumption: CoSP stops opening and closing gate after 3 months

Note: Operating costs become substantial if closure is longer than 3 months indicating that capital expenditure may be justified.

The estimated cost for the establishment of the 40km/h speed zone is \$5,000.

The estimated cost to install some additional lighting in the area is \$40,000.

### Key Risks and Considerations

<b>Risk Event Outcome</b>	<b>Reputational Damage</b> Deals with adverse impact upon the professional reputation and integrity of the City and its 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.
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	The City will engage with residents and communicate what action is being taken.

### Strategic Implications

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

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable, liveable, diverse and welcoming neighbourhoods that respect and value the natural and built environment
Outcome:	3.1 Connected and accessible City
Strategy:	3.1.1 Facilitate a safe, efficient, accessible and reliable transport network that encompasses alternative forms of transport and supportive infrastructure

### Attachments

Nil.

## 10.4 STRATEGIC DIRECTION 4: LEADERSHIP

### 10.4.1 Listing of Payments April 2024

File Ref: D-24-21385  
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 April 2024 to 30 April 2024 for information. It also includes purchase card transactions between 1 March 2024 to 31 March 2024 in line with new legislative requirements. The City made the following payments:

EFT Payments to Creditors	(425)	\$4,583,991.38
Cheque Payment to Creditors	(3)	\$696.95
<b>Total Monthly Payments to Creditors</b>	<b>(428)</b>	<b>\$4,584,688.33</b>
EFT Payments to Non-Creditors	(49)	\$79,156.46
Cheque Payments to Non-Creditors	(29)	\$21,571.28
<b>Total EFT &amp; Cheque Payments</b>	<b>(506)</b>	<b>\$4,685,416.07</b>
Credit Card Payments	(82)	\$17,597.10
Fleet Card Payments	(36)	\$2,631.35
<b>Total Payments</b>	<b>(624)</b>	<b>\$4,705,644.52</b>

#### Officer Recommendation

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

#### Background

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

### Comment

The payment listing for April 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**

<b>Risk Event Outcome</b>	<p><b>Legislative Breach</b></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>
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	Monthly Financial reporting timelines exceeding statutory requirements

**Strategic Implications**

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

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

**Attachments**

- 10.4.1 (a): Listing of Payments April 2024



## 10.4.2 Monthly Financial Statements April 2024

File Ref: D-24-21496  
Author(s): Abrie Lacock, Manager Finance  
Reporting Officer(s): Garry Adams, Director Corporate Services

### Summary

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

### Officer Recommendation

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

### Background

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

### Comment

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

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 midyear 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 April year-to-date (YTD) is \$68.15m in comparison to budget of \$67.46m, favourable to revised budget by \$0.69m or 1.02%. Actual expenditure from operating activities for April is \$56.19m in comparison to the budget of \$56.24m, favourable to budget by \$0.05m or 0.08%. The April Net Operating Position of \$11.96m is \$0.74m favourable in comparison to budget.

Capital Revenue is lower than budget by \$0.18m, \$1.27m compared to budget of \$1.45m, revenue recognition is dependent on capital project completion. Actual Capital Expenditure YTD is \$7.79m in comparison to budget the budget of \$8.26m lower than the revised budget by \$0.47m or 5.93%. A variance analysis is provided within **Attachment (e)** titled Significant Variance Analysis.

Cash and Cash Equivalents which amounted \$73.63m, \$8.04m 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 steadied, with banks offering average interest rates of 4.69% 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 April 2024, the City held 36.81% 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

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

### Strategic Implications

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

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

### Attachments

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

## 11. APPLICATIONS FOR LEAVE OF ABSENCE

This item will be dealt with at the Ordinary Council Meeting.

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

### 12.1 NOTICE OF MOTION - COUNCILLOR JENNIFER NEVARD - APPOINTMENT TO COMMITTEES

File Ref: D-24-20765  
Author(s): Morgan Hindle, Governance Coordinator  
Reporting Officer(s): Garry Adams, Director Corporate Services

#### Summary

Councillor Jennifer Nevard submitted the following Notice of Motion prior to the Council Agenda Briefing held 21 May 2024.

#### Notice of Motion Recommendation

That Council:

1. In accordance with the provisions of the *Local Government Act 1995*, Section 7.1A, appoint Councillor Jennifer Nevard to the Audit, Risk and Governance Committee for the period 28 May 2024 to 18 October 2025.
2. In accordance with the provisions of the *Local Government Act 1995*, Sections 5.10 and 5.11, appoint Councillor Jennifer Nevard to the Chief Executive Officer Evaluation Committee for the period 28 May 2024 to 18 October 2025.

**Absolute Majority Required**

#### Background

Councillor Jennifer Nevard submitted a Notice of Motion regarding their appointment to the City's Audit, Risk and Governance Committee and Chief Executive Officer Evaluation Committee. The reasons for the Notice of Motion are as follows:

*"While the current number of Elected Members appointed to the Audit, Risk and Governance Committee and the Chief Executive Officer Evaluation Committee at Ordinary Council Meeting 31 October 2023 adhere to legislative and policy requirements, Councillor Jennifer Nevard has sought to join these committees because she had deferred seeking membership to City committees in October 2023 owing to family matters at that time.*

*Beyond her current existing committee roles, she therefore seeks the indulgence of the Council to allow these adjustments to Committee memberships from 28 May 2024 to 18 October 2025."*

#### Comment

Officers submitted reports to the Ordinary Council Meeting held 31 October 2024 to appoint Council Members to the City's Audit, Risk and Governance Committee and Chief Executive Officer Evaluation Committee as per the Terms of Reference for each, for the period 31 October 2023 to 18 October 2025.

Councillor Jennifer Nevard informed the Administration at the time that she would seek membership at a later stage due to personal reasons.

12.1 Notice of Motion - Councillor Jennifer Nevard - Appointment to Committees

The Audit, Risk and Governance Committee Terms of Reference allow up to eight Council Members to be appointed to the Committee. There are currently four Council Members sitting on the Committee and therefore there is availability for this appointment.

The Chief Executive Officer Evaluation Committee Terms of Reference allow up to six Council Members to be appointed to the Committee. There are currently five Council Members sitting on the Committee and therefore there is also availability for this appointment.

**Consultation**

Nil.

**Policy and Legislative Implications**

Nil.

**Financial Implications**

Nil.

**Key Risks and Considerations**

<b>Risk Event Outcome</b>	Not Applicable
<b>Risk rating</b>	Not Applicable
<b>Mitigation and actions</b>	Not Applicable

**Strategic Implications**

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

Strategic Direction: 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**

Nil.

## 12.2 NOTICE OF MOTION - COUNCILLOR BLAKE D'SOUZA - MANNING BIKE TRACK

File Ref: D-24-22710  
Author(s): Donna Shaw, Director Development and Community Services  
Reporting Officer(s): Donna Shaw, Director Development and Community Services

### Summary

Councillor Blake D'Souza submitted the following Notice of Motion prior to the Council Agenda Briefing held 21 May 2024.

### Notice of Motion Recommendation (Suggested Officer Recommendation page 81)

That Council, in relation to the tender accepted at the 26 March 2024 Ordinary Council Meeting (RFT 10/2023):

1. Instruct the CEO that the official project title of 'Manning Bike Track' is to be used going forward in all contexts – including, but not limited to, in the following contexts: signage once the project is complete, public consultation, promotion on the City's website, social and print media channels and official City documentation;
2. Prior to construction commencing, and after community consultation, instruct the CEO to hold City-run workshop for elected members - to consider and provide feedback on the final design. The successful tenderer is to be invited to said workshop.

### Background

Councillor Blake D'Souza submitted a Notice of Motion regarding the project title of a Pump Track at George Burnett Park, following the endorsement of Tender Number 10/2023 at the meeting held 26 March 2024 for the Provision of a Pump Track at George Burnett Park. The reasons for the Notice of Motion are as follows:

1. *This motion complements the tender Council accepted at the March 2024 meetings, and more fully reflects the intent of the Notice of Motion I put forward in August 2021 to initiate this project.*
2. *For clause 1 –*
  - a. *The City has advised that a wide range of users can utilize the track (including BMX riders). The broadening of name from purely 'Pump Track' will allow the broadest possible cross-section of the community to become aware of, and utilize, this facility.*
  - b. *The broadening of name also reflects the hybrid character of the track, with the extra component being Bike jumps.*
  - c. *The across-the-board usage of the name is also for consistency and clarity.*
  - d. *Usage of the name "Manning" will also create linkages with the existing Manning Skate park.*



3. *For clause 2 – Councillors have had similar workshops on projects of a similar scale (proposed dog park, foreshore upgrades etc). This workshop will enable visibility for Councillors to relay any community concerns prior to final construction commencing.*

### Comment

#### Part 1 – Naming the Facility

Tender 10/2023 accepted by Council at its meeting held 26 March 2024 was for the Provision of a Pump Track at George Burnett Park including the design and delivery of the Pump Track. Council specifically resolved as follows:

1. *Accepts the tender submitted by Three Chillies Design Pty Ltd for the Provision of a Pump Track at George Burnett Park in accordance with Tender Number 10/2023 for the period of supply up to 30 June 2025 inclusive;*
2. *Accepts the tender price of \$275,000 excluding GST, included in Confidential Attachment (a);*
3. *Authorises the Chief Executive Officer to execute the contract with Three Chillies Design Pty Ltd for the Provision of a Pump Track at George Burnett Park.*

Whilst the facility will be utilised by residents of Manning and throughout the City, George Burnett Park is located within the suburb of Karawara.

A pump track is a track for wheeled sports equipment that, when ridden properly, does not require pedalling or pushing, but a “pumping” action to maintain momentum. Pump tracks can be used for a variety of wheeled sports including bicycles (mountain, BMX etc.), scooters, skateboards, roller blades and longboards.

It is noted that the project will have ‘pump track’ and ‘jump lines’ components. Jump lines are essentially a number of jumps built in a straight line (which are not a BMX track). The rationale for the addition of a bike jump trail at the park is to provide a cycling activity aimed at older children and youth/young adults.

The consultation plan prepared in conjunction with the Three Chillies Design Pty Ltd is intended to be completed by late May, following which consultation/ workshop with the community will occur to inform the final design.

Whilst the City has been using ‘pump track’ as the working title given the nature of the facility, the City can seek feedback as to the name of the facility through the consultation process for Council’s consideration.

#### Part 2 – Elected Member Workshop

The City has no objection to a workshop with Elected Members and will invite Three Chillies Design Pty Ltd to attend. Mobilisation of the site was intended to occur in July and as such, a workshop can be scheduled following communication consultation/ final design and prior to construction occurring.

### Policy and Legislative Implications

Nil.

### Financial Implications

The majority of required project funds have already been secured by the City sourcing external funding. The project is required to be delivered by mid-2025 to ensure the grant funding timeframes are met.

### Key Risks and Considerations

<b>Risk Event Outcome</b>	<b>Reputational Damage</b> Deals with adverse impact upon the professional reputation and integrity of the City and its 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.
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	Community and stakeholder consultation to inform the naming of the facility is considered to mitigate the potential risks associated with the final name of the facility.

### 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:	1.2.2 Develop, manage, maintain and optimise the use of the City's properties, assets and facilities

### Suggested Officer Recommendation

That Council:

- Notes that pump track is a working name for the project, and that the final name of the facility will be informed by input from key stakeholders.
- Following the stakeholder engagement process, requests the Chief Executive Officer facilitate an Elected Member briefing session where the consultants can present the final design and name of the pump track prior to construction commencing.

### Reason for Alternative Recommendation

To provide for stakeholder input into the naming of the facility and to inform Elected Members of the outcome of consultation on the project.

### Attachments

Nil.

**13. QUESTIONS FROM MEMBERS**

This item will be dealt with at the Ordinary Council Meeting.

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

This item will be dealt with at the Ordinary Council Meeting.

**15. MEETING CLOSED TO THE PUBLIC**

Nil.

**16. CLOSURE**