

AGENDA.

Ordinary Council Meeting

22 October 2024

Notice of Meeting

Mayor and Councillors

The next Ordinary Council Meeting of the City of South Perth Council will be held on Tuesday 22 October 2024 in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth commencing at 6.00pm.



MIKE BRADFORD
CHIEF EXECUTIVE OFFICER

18 October 2024

Acknowledgement of Country

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

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

Our Guiding Values



Disclaimer

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

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

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Ordinary Council Meeting - Agenda

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2. DISCLAIMER

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

4. ATTENDANCE

4.1 APOLOGIES

4.2 APPROVED LEAVE OF ABSENCE

Nil.

5. DECLARATIONS OF INTEREST

- Councillor Jennifer Nevard – Proximity Interest in Item 10.5.1 as ‘my interests are impartial as the family has been resident in the same dwelling across from Sir James Mitchell Park for 77 years and we are completely accustomed to the location’s busyness at times.’
- Mayor Greg Milner - Impartiality Interest in Item 12.2 as ‘I am one of the Elected Members who has made a declaration appearing on the City’s public Disclosure of Political Party Associations register.’
- Councillor Nic Coveney – Impartiality Interest in Item 12.2 as ‘I am on the political register.’
- Councillor Bronwyn Waugh – Impartiality Interest in Item 12.2 as ‘my name appears on the political register.’
- Councillor Glenn Cridland – Impartiality Interest in Item 12.2 as ‘my name appears on the political register.’
- Councillor Mary Choy - Impartiality Interest in Item 12.2 as ‘I tabled and moved the request for a creation of a ‘Disclosure of Political Interests Register’ and updating of the Councillor Code of Conduct to include a requirement for Elected Members and election candidates to disclose their political party membership and employment status ahead of Council endorsing it at the April 2022 Ordinary Council Meeting.’
- Mayor Greg Milner - Impartiality Interest in Item 12.6 as ‘the motion seeks to change the reporting requirements that I am subject to.’

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

6.2 PUBLIC QUESTION TIME: 22 OCTOBER 2024

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 24 September 2024

Officer Recommendation

That the Minutes of the Ordinary Council Meeting held 24 September 2024 be taken as read and confirmed as a true and correct record.

7.2 CONCEPT BRIEFINGS

7.2.1 Concept Briefings and Workshops

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

Date	Subject	Attendees
8 October 2024	Waste Services and Alternative Options Workshop	Mayor Greg Milner and Councillors Mary Choy, Jennifer Nevard, Hayley Prendiville.
8 October 2024	Festive Lights Update	Mayor Greg Milner and Councillors Mary Choy, Jennifer Nevard, Hayley Prendiville.
8 October 2024	Policy Discussion	Mayor Greg Milner and Councillors Mary Choy, Jennifer Nevard, Hayley Prendiville.

Attachments

Nil.

7.2.2 Council Agenda Briefing - 15 October 2024

Officers of the City presented background information and answered questions on Items to be considered at the October Ordinary Council Meeting at the Council Agenda Briefing held 15 October 2024.

Attachments

7.2.2 (a): Briefing Notes

Officer Recommendation

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

- 7.2.1 Concept Briefings and Workshops
- 7.2.2 Council Agenda Briefing - 15 October 2024

8. PRESENTATIONS

8.1 PETITIONS

Nil.

8.2 GIFTS / AWARDS PRESENTED TO COUNCIL

Nil.

8.3 DEPUTATIONS

Deputations were heard at the Council Agenda Briefing held 15 October 2024.

9. METHOD OF DEALING WITH AGENDA BUSINESS

10. REPORTS

10.1 STRATEGIC DIRECTION 1: COMMUNITY

10.1.1 Proposed Lease of Portion of Lot 3 on Plan 14563, City of South Perth Civic Centre for a Telecommunications Facility

File Ref: D-24-41702
Author(s): Toni Fry, Manager Governance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report recommends that Council consider advertising for the disposition of a portion of 59 Sandgate Street, South Perth by way of a lease.

Officer Recommendation

That Council:

1. Approves the Chief Executive Officer to publish a local public notice in accordance with section 3.58 (3) of the *Local Government Act 1995* inviting written submissions on the proposed lease for a portion of the land located at 59 Sandgate Street, South Perth (Lot 3 on Plan 14563) with Indara Corporation Pty Ltd (ABN 59 643 875 165) consistent with the key lease terms contained in **Attachment (a)**.
2. Subject to no submissions being received authorise the Mayor and Chief Executive Officer to:
 - a. Execute all documents necessary to effect a lease with Indara Corporation Pty Ltd (ABN 59 643 875 165);
 - b. Surrender the existing lease between the City of South Perth and Indara Corporation Pty Ltd (ABN 59 643 875 165) for portion of Lot 3 on Plan 14563; and
 - c. Surrender the existing lease between the City of South Perth and Vodafone Network Pty Ltd (ABN 31 081 918 461) for portion of Lot 3 on Plan 14563.
3. Notes that if any submissions are received as a result of the public notice in Recommendation 1 above, the Chief Executive Officer will provide the submissions to Council for consideration.

Background

The legal description of the land for 59 Sandgate Street, South Perth is Lot 3 on Plan 14563 (the land), comprised in Certificate of Title Volume 1748 Folio 108, is owned in freehold by the City of South Perth (the City) and reserved 'Government Services' under Local Planning Scheme No. 7 (LPS 7).

The land accommodates improvements that collectively form the City of South Perth Civic Centre (Civic Centre) which includes the City's administration office, library, community hall, car park and various leased areas including a telecommunications facility.

10.1.1 Proposed Lease of Portion of Lot 3 on Plan 14563, City of South Perth Civic Centre for a Telecommunications Facility

The telecommunications facility (the facility) is located on a portion of the land immediately behind the Civic Centre.

The facility consists of passive and active infrastructure that is owned, maintained and operated by a neutral host infrastructure provider known as Indara Corporation Pty Ltd (Indara) and three telecommunication carriers, these being Optus, Telstra and Vodafone.

The passive infrastructure includes a tower structure (monopole) and three equipment shelters (base stations) located at the base of the monopole, whilst the active infrastructure includes antennas and other telecommunications equipment.

The monopole is owned and maintained by Indara as part of the Indara network however Optus, Telstra and Vodafone are allowed to install their telecommunications equipment onto this piece of infrastructure via Master Access Agreements with Indara.

Three individual lease agreements currently permit Indara, Telstra and Vodafone to occupy exclusive areas of the facility pursuant to agreed terms and conditions.

The Indara lease area captures the monopole and the Optus base station. Optus sublease a portion of this lease area and continue to own, maintain and operate the active infrastructure. Whilst the Telstra and Vodafone lease areas capture the Telstra and Vodafone base stations only.

The status of all three telecommunication leases are detailed in the following table:

	Indara	Telstra	Vodafone
Status	In Term	Holding Over	In Term
Expiry Date	30 April 2025	30 June 2023	30 April 2025
Further Term Option	Not Available	Not Available	Not Available
2024-2025 Annual Rent inc. GST	\$23,146.26	\$15,126.34	\$15,431.28
2024-2025 Outgoings charged by the City	Rates - \$1,699.90 ESL - \$327.49	ESL - \$327.49	ESL - \$327.49

Indara, Telstra and Vodafone have indicated they would like to remain at the current location to ensure continuous service delivery of the telecommunications network with future improvements to network coverage planned across the City’s district.

It is proposed the Council consider a new head lease with Indara over an area comprising a single compound that spans the monopole and all three base stations, consistent with the key terms within this report to enable continued shared use of the existing facility.

Replacing three individual lease agreements with a single head lease that permits subletting is considered more efficient from an administrative perspective and commensurate with the direction the industry and major local and State public landowners are currently heading. This approach is supported by Indara, Telstra and Vodafone.

10.1.1 Proposed Lease of Portion of Lot 3 on Plan 14563, City of South Perth Civic Centre for a Telecommunications Facility

Should the Council approve a new head lease with Indara, the City will be required to effect an early surrender of lease with Indara and Vodafone considering these lease agreements are in term.

Comment

The Land

Lot 3 on Deposited Plan 14563 is located immediately behind the City of South Perth Civic Centre on the corner of South Terrace and Sandgate Street, South Perth, approximately five kms south of the Perth CBD.

Development surrounding the land consists of established single residential and multi residential housing a private hospital and recreational facilities including the Ernest Johnston Reserve and John McGrath Pavilion.

The improvements on the land include an existing telecommunications facility (the facility) comprising a monopole, three base stations and footing tray. The facility is securely located behind security fencing and gate, abutting the rear car park area, situated immediately behind the administration office.



Image 1: Aerial photo of the existing telecommunications facility.



Image 2: Ground level photo of the existing telecommunications facility (facing south).



Image 3: Ground level photo of the existing telecommunications facility (facing west).

10.1.1 Proposed Lease of Portion of Lot 3 on Plan 14563, City of South Perth Civic Centre for a Telecommunications Facility

Zoning

The land is reserved 'Government Services' under Local Planning Scheme No. 7 (LPS 7). Considering LPS 7 does not provide land use permissibility for lots zoned 'Government Services', any uses must align with the objective of the zone and are to be considered at the discretion of the local government.

The objective of 'Government Services' under LPS 7 is "Public Purposes which specifically provide a range of government services."

Noting the current land use has been an approved telecommunications infrastructure land use since circa 1993, it is considered that the telecommunication carriers can continue to operate on the land under non-conforming use rights given from previously obtained development approval, provided the current use is not changing. Should there be any deviation from the existing development approval, further approvals may be required.

The Proposed Lessee

Indara was formed through the integration of Axicom and Australian Tower Network to create an owner and operator of digital infrastructure. They are a neutral host infrastructure provider.

Their core business is in owning, building, operating and managing a diverse network of critical physical and digital infrastructure over 4,300 sites across Australia under a co-location business model designed to foster better collaboration and drive sustainable outcomes.

Statutory checks completed by the City have not raised any concerns and a review of their historical performance under the current lease confirms no recorded breaches.

Policy

Policy P609 Management and Sale of City Property sets guidelines for leasing of City property to commercial organisations subject to meeting specific criteria including a requirement for the rental amount to be reflective of an independent market valuation of the premises, taking into account the nature of the business enterprise.

Market Rental Valuation Assessment

A market rental valuation assessment as defined by the International Valuations Standards Council was undertaken by an independent licenced valuer on 30 August 2024 and determined a fair market rental of \$55,000 to \$60,000 per annum including outgoings, excluding GST.

The valuation analysis considered relevant general and economic factors, the current land use and comparable market rental evidence by way of independent market enquiries to ascertain the level of fair market rental being paid for telecommunication sites throughout other comparable areas within the Perth metropolitan area.

In conducting the valuation, the valuer also considered the nature and location of the subject premises being a well secured portion of the Parent Property situated some 21m above sea level, providing good elevation for this locality. As well as the difficulty associated with establishing a mobile tower in inner city, established suburbs due to the aesthetical detriment and constraint to future re-development of the host property.

10.1.1 Proposed Lease of Portion of Lot 3 on Plan 14563, City of South Perth Civic Centre for a Telecommunications Facility

Key Terms

On 26 July 2024, Indara agreed to all the key terms noted within **Attachment (a)**. These key terms will form the basis on which the lease document is prepared.

Notwithstanding the annual rent negotiated is slightly lower than the market rental valuation assessment, the overall revenue provided by the new head lease will be consistent with the current overall revenue received from the subject portion of land due to the collection of rates and other applicable outgoings.

Lease Area

The proposed lease area (subject to a survey) spans an area of approximately 97.74m² and caters for a monopole and three equipment shelters used to house the base stations. The size of the area facilitates effective mobile tower operation and maintenance offering ample tower and utility space, with each telecommunications carrier having their own equipment shelter.



Conclusion

In view of there being no fundamental change to the underlying use of the subject portion of the land as a result of the proposed new lease to Indara, a telecommunications infrastructure land use can be considered due to approved rights.

A head lease with Indara will provide the City with an opportunity to secure an ongoing revenue stream from its land asset and support the delivery of the telecommunications network without any adverse impacts to its maintenance budget, as well as maintain an established relationship with a stakeholder supplying critical infrastructure that delivers telecommunication services to the community.

The recommendation proposes advertising to invite submissions from the public for the disposal of a portion of the land by way of a lease.

10.1.1 Proposed Lease of Portion of Lot 3 on Plan 14563, City of South Perth Civic Centre for a Telecommunications Facility

Submissions will be invited by advertisement and if any received, a further report will be required to present submissions to Council for consideration. Following Council approval, a lease disposal under section 3.58(3) of the *Local Government Act 1995* (the Act) may be progressed.

Consultation

In accordance with section 3.58 of the Act, local public notice of the proposed lease would be provided for a period of at least two weeks.

Local public notice would be provided in the following ways:

1. Notice in the City's local paper or the West Australian newspaper;
2. Public notice on the City Administration and Civic Centre and Library notice boards; and
3. Notices on the City's website, and social media platforms.

Policy and Legislative Implications

The City is bound by specific conditions under the Act with regard to the disposal of property. Section 3.58 of the Act enables a local government to dispose of a property to the highest bidder at a public auction, by way of a public tender process or by giving local public notice of the proposed disposition and following the public consultation process as prescribed in subsection section 3.58 (3) of the Act. In this context, disposing of a property means to 'sell, lease or otherwise dispose of, whether absolutely or not'.

Local Government Act 1995 – Section 3.58(3) Disposing of Property

- (3) *A local government can dispose of a property other than under subsection (2) if, before agreeing to dispose of the property –*
- (a) *it gives local public notice of the proposed disposition –*
- (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
- and*
- (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

Financial Implications

The lease as proposed and subsequent surrender of the existing lease would be at no cost to the City. All documents would be prepared by a solicitor with full costs being on-charged to Indara.

The annual revenue received from the existing telecommunication leases (derived from rent and rates) based on the 2024/25 financial year equates to \$55,403.78 including GST.

10.1.1 Proposed Lease of Portion of Lot 3 on Plan 14563, City of South Perth Civic Centre for a Telecommunications Facility

The proposed head lease will provide for an ongoing revenue stream to the City comprised of rent commencing at \$50,000 per annum including GST, rates commencing at approximately \$5,000 per annum and any other applicable outgoings over a term of 10 years and any further term.

Additionally, the head lease will allow the City to achieve a reduction in administrative overheads and elevate revenue through periodical rent reviews.

Key Risks and Considerations

Risk Event Outcome	<p>Legislative Breach</p> <p>Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation.</p>
Risk rating	Low
Mitigation and actions	Comply with section 3.58(3) of the <i>Local Government Act 1995</i> .

Strategic Implications

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

- Strategic Direction: 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

Attachments

- 10.1.1 (a): Key Lease Terms

10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

10.3.1 Scheme Amendment No. 1 to Local Planning Scheme No. 7 - Short Term Rental Accommodation, Draft Local Planning Policy - Unhosted Short-Term Rental Accommodation (Advertising) and Revocation of Policy P350.18 - Short-Term Accommodation

File Ref: D-24-41706
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 Scheme Amendment No. 1 to Local Planning Scheme No. 7 to update the scheme text to introduce new and revised land use classes and general definitions to facilitate State Government reforms for short-term rental accommodation; to consider revoking Policy P350.18 – Short-Term Accommodation and to adopt a new draft Local Planning Policy – Unhosted Short-Term Rental Accommodation for the purpose of advertising.

Officer Recommendation

That Council:

1. Resolves, pursuant to Section 75 of the *Planning and Development Act 2005*, to amend Local Planning Scheme No. 7 by:
 1. In clause 37 'Terms Used':
 - A. Delete the definition for *short-term accommodation*.
 - B. Amend the general definition for *cabin* to:

means a building that -

 - (a) *is an individual unit other than a chalet; and*
 - (b) *forms part of -*
 - (i) *tourist and visitor accommodation; or*
 - (ii) *a caravan park;*

and

 - (c) *if the unit forms part of a caravan park - is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period.*
 - C. Amend the general definition for *chalet* to:

means a building that –

 - (a) *is a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas;*
and

- (b) *forms part of –*
- (i) *tourist and visitor accommodation; or*
 - (ii) *a caravan park; and*
- (c) *if the unit forms part of a caravan park - is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period.*

2. In clause 38 'Land Use Terms Used':

A. Delete the definitions for:

- *Bed and breakfast;*
- *Holiday accommodation;*
- *Holiday house;*
- *Motel;*
- *Serviced apartment; and*
- *Tourist development.*

B. Insert the definition for *tourist and visitor accommodation* as per Schedule 1 – Model Provisions.

3. In clause 17 'Zoning Table' insert in alphabetical order the following land uses and permissibility:

- A. *Hosted short term rental accommodation;* designate as 'P' uses in all zones except the Centre zone and Refer clause 18(6) in the Centre zone.
- B. *Unhosted short term rental accommodation;* designate as 'A' uses in all zones except the Centre zone and Refer clause 18(6) in the Centre zone.
- C. *Tourist and visitor accommodation;* designate as 'A' in Residential zone, 'X' in Private Community Purposes zone, 'A' in Mixed Use zone, 'A' in Local Centre zone, 'A' in Neighbourhood Centre zone and Refer clause 18(6) in the Centre zone.

4. In clause 17 'Zoning Table', delete all references to:

- A. *Bed and breakfast;*
- B. *Holiday accommodation;*
- C. *Holiday house;*
- D. *Motel;*
- E. *Serviced apartment; and*
- F. *Tourist development.*

5. In Schedule C – Additional Centre Requirements – ACR2 – subject to the South Perth Activity Centre Plan ‘Table 1: Land Use Permissibility’ insert in alphabetical order the following land uses and permissibility:
 - A. *Hosted short term rental accommodation*; designate as a ‘P’ use in all Character Areas.
 - B. *Unhosted short term rental accommodation*; designate as ‘A’ uses in all Character Areas.
 - C. *Tourist and visitor accommodation*; designate as ‘D’ uses in the Mends and Richardson Character Areas and ‘A’ uses in the Hillside and Mill Point Character Areas.
6. In Schedule C – Additional Centre Requirements – ACR2 – subject to the South Perth Activity Centre Plan ‘Table 1: Land Use Permissibility’ delete reference to:
 - A. *Bed and breakfast*;
 - B. *Serviced apartment*; and
 - C. *Tourist development*.
2. Considers the scheme amendment is standard under the provisions of Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:
 1. The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
 2. The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
 3. The amendment is not considered a complex or basic amendment; and
 4. The amendment introduces or changes permissibility for new Short Term Rental Accommodation uses and other scheme provisions, being Table 1: Land Use Permissibility of Schedule C – Additional Centre Requirements – ACR2 – Land subject to the South Perth Activity Centre Plan.
3. In accordance with Regulations 35A of the Planning and Development (Local Planning Schemes) Regulations 2015, the approval of the South Perth Activity Centre Plan and Canning Bridge Activity Centre Plan are not affected by the standard amendment.
4. Pursuant to Schedule 2, Part 2, Clause 6 of the Planning and Development (Local Planning Schemes) Regulations 2015, revokes Policy P350.18 – Short Term Accommodation contained as **Attachment (b)**.
5. Pursuant to Schedule 2, Part 2, Clause 4(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, advertises draft Local Planning Policy – Unhosted Short-Term Rental Accommodation contained as **Attachment (c)**.

Background

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

'Hosted Short-Term Rental Accommodation' will be exempt from development approval in all instances and 'Unhosted Short-Term Rental Accommodation' will be exempt if the property is not rented for more than 90 nights in a 12-month period.

The amendments to the Regulations have now been finalised which include:

- New definitions to be introduced into all local planning schemes which deal with STRA;
- Statewide exemptions from development approval for hosted STRA properties;
- New development exemptions for unhosted STRA within the Perth metropolitan area where the owner does not intend to rent their property out for more than 90 nights within a 12-month period;
- Flexibility for regional local governments (including Peel) to implement planning rules that suit the needs of their communities; and
- Revised tourism land uses that can be adopted into local planning schemes.

As such, the City has prepared an amendment to LPS 7 and an updated Local Planning Policy (LPP) to provide acceptable development standards and guide discretionary decision making in respect to STRA applications.

Comment

Scheme Amendment - Local Planning Scheme No. 7

LPS 7 contains the following STRA related land uses which have been superseded by the Regulations:

- Bed and breakfast;
- Holiday accommodation;
- Holiday house;
- Motel;
- Serviced apartment; and
- Tourist development.

The proposed amendments to the Regulations introduced 'Hosted Short-Term Rental Accommodation' and 'Unhosted Short-Term Rental Accommodation' land uses and removed former STRA land uses, and as such, an amendment to LPS 7 is required to ensure consistency with the Regulations.

The State Government has advised that all local governments will be expected to amend their local planning schemes to implement the changes, which will ensure determinations can be issued ahead of the 1 January 2025 STRA Registration Scheme becoming mandatory. A copy of the Scheme Amendment Report is contained as **Attachment (a)**.

In accordance with the Western Australian Planning Commission's Planning Bulletin 115/2024, the following amendments to LPS 7 are mandatory by 1 January 2026, although amendments are to be finalised preferably by mid-2025:

- Introduce new 'hosted short-term rental accommodation' deemed use class, to replace 'bed and breakfast' where applicable. Assign as a 'P' use in all zones where any type of dwelling is capable of approval, to reflect state-wide exemption.
- Introduce new 'unhosted short-term rental accommodation' deemed use class, to replace 'holiday house' and similar where applicable. Assign as a 'D' or 'A' use in all zones where any type of dwelling is capable of approval, 'P' in Tourism zones and 'X' in remaining zones, to reflect direction in the WAPC's Position Statement (November 2023).

Tourist and visitor accommodation permissibility is to best reflect previous designations for holiday accommodation, motel, serviced apartment and tourist development. LPS 7 has various land use permissibility for each of these uses and as such, the City has proposed tourist and visitor accommodation as an 'A' use within all zones with the exception of the Private Community Purpose zone where tourist development was previously an 'X' (i.e. not permitted use), to ensure consultation with the community will occur for any development applications. For the Centre zone, the applicable clause 18(6) in LPS 7 will continue to apply (i.e. deferring to the relevant Structure Plan).

In addition, and consistent with the Bulletin, it is proposed to replace superseded model traditional and tourist accommodation land uses with new 'tourist and visitor accommodation' use (note – 'hotel' is retained), introducing revised general definitions of 'cabin' and 'chalet' and delete general definition for 'short-term accommodation'.

The City has proposed all relevant changes as part of this amendment. Land use permissibility has been proposed consistent with the bulletin as follows:

Use and Development Class	Zones					
	Residential	Private Community Purposes	Mixed Use	Local Centre	Neighbourhood Centre	Centre
Hosted short term rental accommodation	P	P	P	P	P	Refer clause 18(6)
Unhosted short term rental accommodation	A	A	A	A	A	
Tourist and visitor accommodation	A	X	A	A	A	

Land within the Centre zone is subject to the applicable Structure Plans (Canning Bridge Activity Centre Plan and South Perth Activity Centre Plan (SPACP)).

In addition to the zoning table, Schedule C – Additional Centre Requirements – ACR2 – Land subject to the South Perth Activity Centre Plan in LPS 7 is also required to be amended as Table 1: Land Use Permissibility of this Schedule also contains land uses superseded by the Regulations. This table is proposed to be amended to delete reference to superseded STRA land uses and insert the following land use permissibility:

Land Uses	Character Area			
	Mends	Richardson	Hillside	Mill Point
Hosted short term rental accommodation	P	P	P	P
Unhosted short term rental accommodation	A	A	A	A
Tourist and visitor accommodation	D	D	A	A

Policy P350.18 – Short-Term Accommodation

Policy P350.18 – Short-Term Accommodation (Policy P350.18) was adopted by Council at its meeting held 27 March 2018 and seeks to facilitate self-contained visitor accommodation for short term occupancy, and guide decision making in respect to the appropriateness of various forms of tourism accommodation. A copy of P350.18 is contained as **Attachment (b)**.

It is recommended P350.18 be revoked for the following reasons:

- The Policy was prepared under Town Planning Scheme No. 6 (TPS 6), which has since been revoked by virtue of LPS 7 being gazetted. Various references are made to provisions within TPS 6 throughout the Policy;
- The Policy refers to various ‘hosted’ land uses, such as Bed and Breakfast and Hotel, which will be exempt from requiring development approval and therefore provisions of an LPP will not be applicable;
- The Policy refers to application of the Policy for a ‘retrospective development application’. Whilst the *Planning and Development Act 2005* provides for the local government to retrospectively approve development, retrospective approval does not negate prosecution proceedings and as such, is colloquial;
- The Policy provides that a condition shall be applied relating to provision of a Management Plan. Provision of a Management Plan should be provided in support of the initial application itself, with conditions applied ensuring compliance with the Management Plan; and
- The Policy refers to temporary approval for ‘use not listed’. LPS 7 has prescribed STRA land uses, with the amendments to the Regulations providing for STRA to be either hosted or unhosted (land uses) and therefore applications for STRA are no longer ‘use not listed’ under LPS 7 as they were under TPS 6.

Draft Local Planning Policy – Unhosted Short-Term Rental Accommodation

The draft LPP:

- Applies to Unhosted STRA (USTRA) only, and does not apply to ‘hosted’ accommodation, consistent with the amendments to the Regulations, or other temporary accommodation types such as house-sitting.
- Requires applicants to demonstrate that car parking in support of the USTRA can be provided on-site without reliance on visitor car parking bays where applicable. On-street parking is permitted in accordance with the City of South Perth Parking Local Law 2017 and the LPP therefore cannot prohibit use of the street for parking.
- Prescribes information to be included in Management Plans and a Code of Conduct in support of applications, including matters related to house rules, check-in and out procedures, waste management and compliance with strata by-laws where relevant.
- Limits the number of guests to six where the USTRA is in a multiple dwelling, and limits occupancy to no more than two persons per bedroom. It is noted that the land use will be a ‘Use Not Listed’ if the maximum number of guests exceeds 12, as defined in the Regulations.
- Typical locational criteria (such as within proximity to high frequency public transport, activity centres or areas of tourism significance) have not been included in the draft LPP. Given the size of the district, overlay of such criteria would result in the majority of the district being permitted for USTRA and as such, other criteria to instead manage the use of the USTRA is considered appropriate to address potential adverse amenity impacts associated with the use.

It is recommended that Council adopt the draft LPP for the purposes of advertising. A copy of the draft LPP is contained as **Attachment (c)**.

Consultation

An Elected Member workshop was held on 10 April 2023 to discuss the local planning framework, including LPPs and STRA. Various updates to Elected Members on the progression of STRA amendments to the Regulations have been provided via the Councillor Bulletin.

If the Scheme Amendment is initiated by Council as a 'Standard Amendment', it is required to be advertised in accordance with the Regulations for a minimum period of 42 days from the date of publication.

Should Council proceed with the draft Policy, the Regulations require public advertising for a minimum of 21 days.

Policy and Legislative Implications

The procedures for dealing with proposals to amend LPS 7, are in accordance with the *Planning and Development Act 2005* and are set out in the Regulations.

Under Regulation 35(2) a Council resolution must:

- "(a) specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment; and*
- (b) include an explanation of the reasons for the local government forming that opinion."*

10.3.1 **Scheme Amendment No. 1 to Local Planning Scheme No. 7 - Short Term Rental Accommodation, Draft Local Planning Policy - Unhosted Short-Term Rental Accommodation (Advertising) and Revocation of Policy P350.18 - Short-Term Accommodation**

The proposed amendment is considered as a standard amendment as:

1. The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
2. The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
3. The amendment is not considered a complex or basic amendment; and
4. The amendment introduces or changes permissibility for new Short Term Rental Accommodation uses and other scheme provisions, being Table 1: Land Use Permissibility of Schedule C – Additional Centre Requirements – ACR2 – Land subject to the South Perth Activity Centre Plan.

Under Regulation 35A, if a proposed amendment to a local planning scheme affects the area to which a structure plan approved under the scheme relates, the proposed amendment must include a statement that, when the proposed amendment takes effect:

- (a) *the approval of the structure plan is to be revoked; or*
- (b) *the structure plan is to be amended in accordance with the statement; or*
- (c) *the approval of the structure plan is not affected.*

The approval of the South Perth Activity Centre Plan and Canning Bridge Activity Centre Plan are not affected by the standard amendment.

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

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

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

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	Legislative Breach Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation.
Risk rating	Low
Mitigation and actions	Advertise local planning policies in accordance with the Regulations where required. Prepare Scheme Amendment and Resolution in accordance with <i>Planning and Development Act 2005</i> and Regulations.

Strategic Implications

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

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

Attachments

- 10.3.1 (a): Scheme Amendment No.1 to Local Planning Scheme No. 7 - Scheme Amendment Report
- 10.3.1 (b): Policy P350.18 - Short Term Accommodation
- 10.3.1 (c): Draft Local Planning Policy - Unhosted Short-Term Rental Accommodation

10.3.2 Canning Bridge Activity Centre Plan - Extension to Approval Timeframe

File Ref: D-24-41707
Author(s): Donna Shaw, Director Development and Community Services
Reporting Officer(s): Mike Bradford, Chief Executive Officer

Summary

The purpose of this report is to seek approval from Council to request the Western Australian Planning Commission to approve an extension to the approval period of the Canning Bridge Activity Centre Plan.

Officer Recommendation

That Council pursuant to Schedule 2, Part 4, Clause 28(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, requests the Chief Executive Officer apply to the Western Australian Planning Commission to obtain an extension to the period of approval of the Canning Bridge Activity Centre Plan for a period of 10 years.

Background

Structure plans (formally Activity Centre Plans) are the key planning instrument for the coordination of future zoning, subdivision, and development of an area of land. A structure plan is a guiding document that is given due regard in decision making, unlike local planning schemes which has statutory effect.

State Planning Policy 4.2 – Activity Centres (SPP 4.2), requires a precinct structure plan to be prepared for strategic, secondary, district and specialised activity centres unless the Western Australian Planning Commission (WAPC) is satisfied that one is not required. Canning Bridge is a district level activity centre under SPP 4.2 and therefore a structure plan is required.

The Canning Bridge Activity Centre Plan (CBACP) was endorsed by the WAPC on 18 April 2016. It applies to the Canning Bridge Activity Centre which covers areas within both the City of South Perth and the City of Melville.

Under the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), structure plans have effect for a period of 10 years from the day on which the WAPC approves the plan. As such, the CBACP expires on 18 April 2026.

Whilst Council has delegated authority to exercise of any of the City's powers or the discharge of any of the City's duties under the Regulations other than the power of delegation and in accordance with the conditions outlined in DC690, given the CBACP has previously been adopted by Council, it is considered appropriate that Council resolves to request the Chief Executive Officer obtain an extension of time for the structure plan.

Comment

Reviews

Since its approval in April 2016, the CBACP has been subject to several reviews. The most recent comprehensive review undertaken by the City was endorsed by the WAPC in September 2020 and introduced Parts 3 and 4 of the Residential Design Codes - Volume 2 and other built form changes to the requirements applicable to properties within the City of South Perth.

Given the WAPC released Guidance for Structure Plans (August 2023) which introduced a consistent manner and form for structure plans, and given the impending expiry of the CBACP, a comprehensive review of the structure plan is recommended in the 2025/26 financial year, subject to a budget allocation for this purpose. An extension to the period of approval is sought to ensure the structure plan remains valid until the City has completed this review.

The City of Melville are currently progressing an amendment to the CBACP for land within the City of Melville, which is anticipated to be finalised towards the end of 2024. It is understood an extension of time will also likely be sought as part of the amendments.

Duration of Approval

If there are no changes to the terms of the structure plan, the local government can apply to the WAPC to obtain an extension to the period of approval, before the structure plan expires. Relevant considerations when determining an extension to the approval period, include:

- The extent of subdivision and/or development uptake in the structure plan area, and whether the plan has been largely implemented;
- The plan's delivery progress based on its set purpose, vision, and objectives, and whether implementation of the plan is aligning with its set targets;
- Government priorities, any applicable planning strategy and policy framework, and whether significant changes to these have occurred since the plan was approved;
- If consultation with the community and key stakeholders should be undertaken to confirm and adjust the direction and next stages of the plan; and
- Whether important infrastructure has or will become available, and whether adjustments will need to be made to the plan as a result.

The City has discussed the above matters with the Department of Planning, Lands and Heritage (DPLH) and these matters will largely be addressed when the comprehensive review of the CBACP is undertaken. The DPLH has advised that it can progress the extension of time concurrent with the review of the CBACP currently being undertaken by the City of Melville.

Consultation

Nil.

Policy and Legislative Implications

In accordance with Schedule 2, Part 4, Clause 28(2) of the Regulations, if there are no changes to the terms of the structure plan, the local government can apply to the WAPC to obtain an extension to the period of approval.

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	<p>Legislative Breach</p> <p>Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation.</p>
Risk rating	Low
Mitigation and actions	Make a request to the WAPC to extend the approval period of the Canning Bridge ACP so it does not expire before the next comprehensive review.

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

Nil.

10.3.3 Proposed Three Storey Grouped Dwelling - Lot (1) No. 52A Leonora Street, Como

Location:	52A Leonora Street, Como
Ward:	Como Ward
Applicant:	Chindarsi Architects
File Reference:	D-24-41711
DA Lodgement Date:	29 June 2024
Author(s):	Fiona Mullen, Manager Development Services
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 Three Storey Grouped Dwelling on Lot 1, No.52A Leonora Street, Como.

The item is referred to Council as the proposed building height falls outside the delegation to Officers.

For the reasons outlined in the 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, this application for development approval for a Three Storey Grouped Dwelling on Lot 1, No. 52A Leonora Street, Como **be approved** subject to the following conditions:

1. The development shall be carried out only in accordance with the terms of the application as approved herein.
2. All works to be carried out under this development approval, including footings, are required to be contained within the boundaries of the subject lot.
3. The height of any wall, fence, vegetation or other structure, shall be no higher than 0.75m within 1.5m of where any driveway meets any public street or right of way, to the satisfaction of the City of South Perth.
4. Prior to or in conjunction with the submission of a building permit application, the applicant/owner is to comply with the City of South Perth Local Planning Policy - Developer Contributions for Public Art and Public Art Spaces through the contribution of a sum of 1% of the estimated cost of the development towards public art, being either:
 - (i) Payment to the City of South Perth the value of 1.0% of the construction value (with the contribution capped at \$500,000); or
 - (ii) The provision of public art on site to the minimum value of 1.0% of the construction value to the satisfaction of the City of South Perth.

If public art is being provided on site, the applicant must seek approval in writing from the City of South Perth for the public art concept, including the artist proposed to undertake the works to the satisfaction of the City of South Perth. The approved public art concept shall be implemented prior to occupation of the development and maintained in compliance with the conditions of approval for the public art proposal to the satisfaction of the City of South Perth.

5. External fixtures, including but not limited to, air conditioning units, clothes drying facilities, satellite dishes and non-standard television aerials, but excluding solar collectors, are to be integrated into the design of the building and shall be located so that they are not visible from the street to the satisfaction of the City of South Perth.
6. Prior to occupation or use of the development, the proposed driveway shall be constructed with brick paving or concrete and suitably drained to the satisfaction of the City of South Perth.
7. Prior to occupation or use of the development, all vehicle crossings are required to be upgraded, designed, and constructed to the satisfaction of the City of South Perth.
8. Prior to the occupation of the development, any redundant crossovers shall be removed and the verge and kerbing reinstated, at the expense of the applicant to the satisfaction of the City of South Perth.
9. Prior to or in conjunction with the submission of a building permit application, the applicant must be in receipt of an approved 'Stormwater Drainage Application' that confirms the design is to the satisfaction of the City of South Perth. All stormwater discharge from the development shall be contained and disposed of on-site unless otherwise approved by the City of South Perth.
10. Prior to or in conjunction with the submission of a building permit application, a detailed landscape plan demonstrating long-term viability of planting is to be submitted and approved in writing by the City of South Perth to address the following:
 - (i) Hard and soft landscaping areas;
 - (ii) The size (both height and pot size) and number of new trees and plants to be planted;
 - (iii) The location of any lawn areas to be established;
 - (iv) Reticulation details; and
 - (v) Details of any proposed verge landscaping and planting of street trees.

Prior to occupation or use of the development, landscaping is to be installed and maintained in accordance with that plan, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City of South Perth.

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

Applicant	Chindarsi Architects
Landowner	Mr D Crothers & Mrs G Crothers

Development Site Details

The development site details are as follows:

Zoning	Centre
Density coding	R-ACO
Lot area	618m ² (strata lot)
Building height limit	8 storeys (Maximum of 26.0m)

Comment

(a) Background

In June 2024, the City received an application for a Three Storey Grouped Dwelling on Lot 1, 52A Leonora Street, Como.

The site is zoned Centre and located within the Cassey Quarter (Q3) and is zoned H8 under the Canning Bridge Activity Centre Plan (CBACP).

(b) Description of the Surrounding Locality

The site has a frontage to Leonora Street to the west, located adjacent to a two-storey grouped dwelling to the east within the strata lot which abuts Lily Lane, grouped dwellings to the north and single house to the west opposite, as seen in **Figure 1** below:

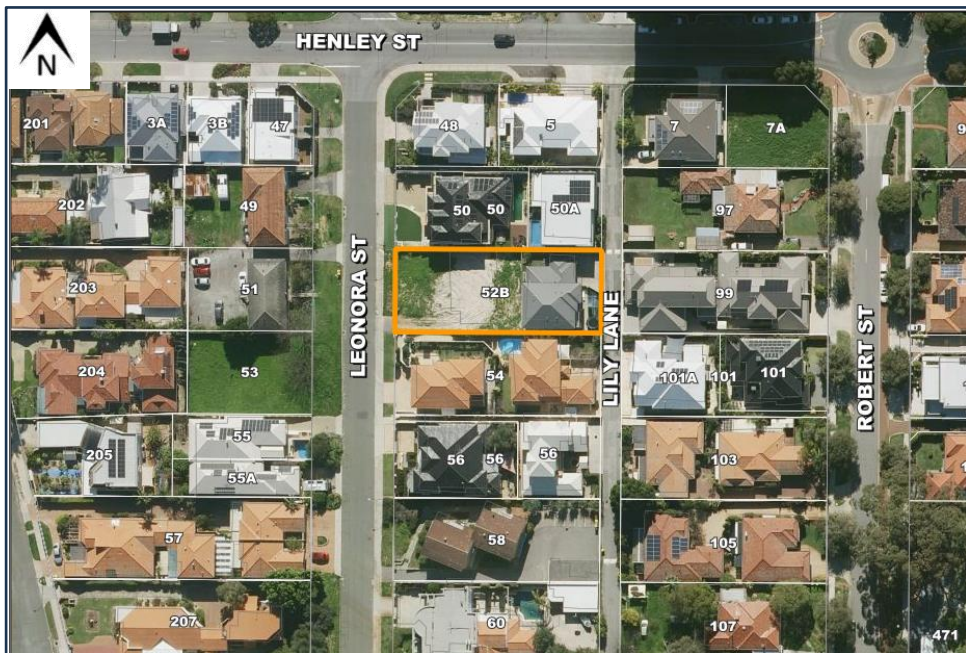


Figure 1: Aerial image of the subject site.

(c) Description of the Proposal

The proposal seeks approval for the construction of a Three Storey Grouped Dwelling on the existing vacant portion of the subject site, as depicted in the submitted plans at **Attachment (a)**. The strata lot also includes an existing Two Storey Dwelling to the rear of the site. The proposed development has a maximum height of three storeys or 10.14m.

(d) Canning Bridge Activity Centre Plan

The CBACP outlines the land use permissibility and built form requirements for the subject site. The CBACP requires the consideration of specific provisions of the Residential Design Codes Volume 2 (R-Codes) in its application, however, provides its own “Desired Outcomes” which are to be read in conjunction with the Element Objectives of the R-Codes in considering the exercise of discretion.

Land Use

The proposed land use of Grouped Dwelling is classified as a ‘Preferred’ land use in accordance with Q3 (Cassey Quarter) of the CBACP. In considering the proposed land use, it is observed that the site adjoins residential land uses, in a location with a residential streetscape. Accordingly, the use is regarded as being in accordance with the CBACP.

The following outlines those matters where the applicant is seeking discretion under the CBACP:

Matter	Comment
<p><u>Element 5 –</u></p> <p>5.6 – Side and rear setbacks</p> <p>Desired Outcome (DO 5)</p> <p><i>To provide a continuity of frontage at ground and podium levels to encourage activity whilst providing interest. To allow interest. To allow opportunities for tower elements to access sunlight ventilation and view corridors throughout the area from and between multi-level developments. To ensure that development opportunities throughout the precinct are maximised. Developers should consider the amenity of the precinct by minimising overlooking and overshadowing of adjacent and adjoining properties through appropriate design response supported by the setback provisions of this element.</i></p>	<p>A 4.0m side setback is required for lots which are equal or greater than 16.0m in width. The lot has a width of 20.12m. The development proposes a 1.8m setback to the northern lot boundary. The development proposes a 1.5m setback to the southern lot boundary.</p> <p>The proposed setbacks to the northern elevation are setback appropriately given it enables adequate separation of buildings, consistent with the existing streetscape pattern and will enable the provision of sunlight and ventilation to the subject and adjoining properties. In addition, given obscure glazing proposed to windows, no privacy issues will result.</p> <p>The proposed setbacks to the southern elevation are setback appropriately as the proposed setback enables adequate separation of buildings, are consistent with the existing streetscape pattern and will enable the provision of sunlight and ventilation to the subject and adjoining</p>

	properties. In addition, given obscure glazing being provided to windows, no privacy issues will result.
<p><u>Element 9 –</u> 9.1 -9.3 - Facades</p> <p>Desired Outcome (DO 9)</p> <p><i>Development of the centre should respond sensitively to the site and support a sense of place.</i></p> <p><i>Development should be pleasing to the eye, be interactive, and provide definition between public and private spaces. Maintaining a strong urban edge with the built form and provide a variety of high-quality architectural forms and features will attract people to the centre and establish a sense of place. Continuous frontages are required in all M15 and M10 zones with large amounts of clear glazing that will promote visual interest. Shopfronts at ground level should provide for attractive window displays and restrained signage. Activities at ground level shall aim to provide interest for pedestrians. Such activities include retailing, cafes and restaurants that encourage and are associated with activity in non-business hours.</i></p> <p>R-Codes Vol 2 – Clause 4.10 Façade Design</p> <p>Element Objective O4.10.1</p> <p>Building facades incorporate proportions, materials and design elements that respect and reference the character of the local area.</p>	<p>The proposed building façade incorporates significant window openings on the first and second floors with banding features providing relief in the amount of glazing. The two banding features in a white colour provide some scale and breaking up of the built form with materiality.</p> <p>The front façade is reflective of the character of existing dwellings on the eastern side of Leonora Street which also incorporate significant window openings and two storey appearance in their front façade with an under-croft garage below.</p> <p>Whilst the ground floor frontage of the subject development does not include any interaction with the street other than the staircase to the main entry, the significant amount of window openings on the first and second floors ensure that interaction with the street is maintained as well as significant passive surveillance.</p> <p>It is noted the intent of the provision is aimed at an apartment development typology rather than single house or grouped dwelling development.</p>

(f) Compatibility and Amenity

Clause 67(m) and (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.

The proposed development is considered satisfactory in relation to this matter given the proposed built form is compatible with its setting and will result in a retention of the existing and future character of the streetscape and is consistent with the objectives of the CBACP.

(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 29 July 2024 and 12 August 2024 in the following manner:

- A total of 23 letters were sent to owners and occupiers of properties within the vicinity; and
- A copy of the application was made available for review on the City’s website.

At the close of the consultation period, no submissions were received.

Policy and Legislative Implications

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

- granting development approval with no conditions; or
- granting development approval with conditions; or
- refusing to grant development approval.

Financial Implications

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

Key Risks and Considerations

Risk Event Outcome	Reputational Damage Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
Risk rating	Low
Mitigation and actions	Risk acceptable with adequate controls, managed by routine procedures and 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 meets the relevant objectives and provisions of the Scheme and CBACP and proposes a minor variation to R-Codes which is considered acceptable. The development has been designed having due regard to the objectives and provisions of the CBACP and is supported against the discretionary provisions under the CBACP as discussed in the report.

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

Attachments

10.3.3 (a): Development Plans

10.3.4 Proposed Change of Use - Grouped Dwelling to Unhosted Short-Term Rental Accommodation - Lot 1, No. 1/15 Angelo Street, South Perth

Location: 1/15 Angelo Street, South Perth
 Ward: Mill Point Ward
 Applicant: Let Go Pty Ltd
 File Reference: D-24-41713
 DA Lodgement Date: 12 June 2024
 Author(s): Fiona Mullen, Manager Development Services
 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 Grouped Dwelling to Unhosted Short-Term Rental Accommodation on Lot 1, 1/15 Angelo Street, South Perth.

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, the application for development approval for a Change of Use from Grouped Dwelling to Unhosted Short-Term Rental Accommodation on Lot 1, 1/15 Angelo Street, South Perth **be approved** subject to the following conditions:

1. A maximum of six guests are permitted on site at any one time.
2. The Management Plan prepared by Let Go Pty Ltd dated May 2024 shall be implemented and adhered to all times, to the satisfaction of the City of South Perth.

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

Applicant	Let Go Pty Ltd
Landowner	Matthew J Sullivan

Development Site Details

The development site details are as follows:

Zoning	Residential
Density coding	R40
Lot area	759m ²

Comment

(a) Background

In June 2024, the City received an application for Change of Use from a Grouped Dwelling to Holiday Accommodation on Lot 1, No. 1/15 Angelo Street, South Perth.

The Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) were amended and took effect on 19 September 2024. The change introduced ‘Unhosted Short-Term Rental Accommodation’ (Unhosted STRA) as a land use in the Deemed Provisions which automatically applies to local planning schemes. The land use term ‘Holiday Accommodation’ is therefore substituted with this term.

(b) Description of the Surrounding Locality

The existing development on site is three Grouped Dwellings, with the Grouped Dwelling subject of this application located at the front of the complex.

The site is located directly opposite Perth Zoo and 200m from Labouchere Road which includes high frequency bus routes and direct access to the Mends Street commercial strip and Jetty.

A range of dwelling types surround the site, with Grouped Dwellings, Multiple Dwellings, and Single Houses adjacent to the parent lot as seen in **Figure 1** below:



Figure 1: Aerial image of the subject site. The property subject of this application is outlined in yellow.

(c) Description of the Proposal

The applicant is seeking a Change of Use from a Grouped Dwelling to Unhosted STRA.

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

- Maximum of six guests;
- Minimum length of stay is two nights;
- Check-in time is from 3:00pm until late and check-out time is by 10:00am;
- The accommodation will be managed by a registered property management business;
- The nominated property manager is contactable 24/7 and typically able to attend properties in person within an hour in the event of an emergency;
- Guests are screened as part of the booking process;
- Guests are subject to a code of conduct (house rules) which is provided at the time of booking and within the guest handbook on site;
- Use of outdoor areas will not permitted between 10:00pm and 8:00am;
- Parties or gatherings are strictly prohibited;
- A noise monitoring device will be installed in the premises that actively monitors noise levels and notifies the guests and property manager, if specified noise levels are being exceeded; and
- A cleaning and housekeeping team will attend the site on checkout to ensure rubbish is disposed of appropriately and the dwelling is left in a clean and tidy condition.

The development plans submitted as part of this application and Management Plan for the development 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. Whilst land use permissibility is yet to be assigned to Unhosted STRA as an amendment to LPS 7 is first required, the City is treating the use as a 'D' use consistent with the previous land use definition, although it is noted that advertising was undertaken by the City given potential impacts to neighbouring properties.

(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 proposal complies with the City's Local Planning Policy P350.18 – Short Term Accommodation.

(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.

In accordance with clause 67(2)(e) of the Deemed Provisions of the Regulations, due regard is to 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 proposed Unhosted STRA is compatible with the wider character and amenity of the area as the development will still reflect a similar nature and land use intensity to that of the existing dwelling. Whilst the dwelling forms part of a Grouped Dwelling complex, it does not rely on any common property or facilities to operate, so the guests are unlikely to interact with long-term residents.

A Management Plan has been prepared for the Unhosted STRA to ensure that operation will not have any significant impact on the existing amenity of nearby properties of the locality generally. The Management Plan sets out clear expectations and responsibilities for both the property manager and guests and includes both proactive and reactive measures to address issues which may arise.

The accommodation is intended for small groups and families, with parties or large gatherings strictly prohibited. As the accommodation will be professionally managed, there will be a designated property manager available 24/7 to ensure that any issues which may arise are addressed in a timely matter.

The location and existing development on site are considered appropriate to facilitate Unhosted STRA and the Management Plan submitted includes satisfactory measures to mitigate potential issues. Ongoing adherence to the Management Plan will form a conditional requirement of the land use in the event of approval.

(h) Planning and Development (Local Planning Schemes) Amendment (Short-Term Rental Accommodation) Regulations 2024

On 18 September 2024 the State Government released amendments to the Regulations relating to Short-Term Rental Accommodation (STRA).

Whilst Unhosted STRA is exempt from the requirement to obtain development approval if the property is not used as an Unhosted STRA for no more than 90 nights in a relevant 12-month period, the applicant seeks approval for an unlimited number of nights in a 12-month period and development approval is therefore required.

10.3.4 Proposed Change of Use - Grouped Dwelling to Unhosted Short-Term Rental Accommodation - Lot 1, No. 1/15 Angelo Street, South Perth

Under the *Short-Term Rental Accommodation Act 2024*, all providers of STRA within Western Australia, both hosted and un-hosted, will be required to register their property by 1 January 2025.

(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 14 days between 16 August 2024 and 30 August 2024 in the following manner:

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

No submissions were received during the consultation period. It is noted that on lodgement of this application, the applicant provided a letter of signed consent from landowners of 2/15 and 3/15 Angelo Street, South Perth indicating support for the proposal.

Policy and Legislative Implications

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

- (a) granting development approval with no conditions; or
- (b) granting development approval with conditions; or
- (c) refusing to grant development approval.

Financial Implications

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

Key Risks and Considerations

Risk Event Outcome	Reputational Damage Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
Risk rating	Low
Mitigation and actions	Risk acceptable with adequate controls, managed by routine procedures and 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 site context is considered to be appropriate for Unhosted STRA, directly opposite a tourist attraction (Perth Zoo) and within walking distance of high-frequency bus services on Labouchere Road. The subject dwelling is located with direct frontage to Angelo Street and does not share any common property or facilities with the other two Grouped Dwellings.

The Unhosted STRA will be managed by a professional short-term accommodation management company and includes a comprehensive Management Plan with suitable measures to minimise risk of impact and address any issues should they arise.

No objections were received during the consultation period, and landowners of both other grouped dwellings within the strata have provided their support for the proposal.

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

Attachments

10.3.4 (a):	Development Plans
10.3.4 (b):	Management Plan
10.3.4 (c):	Strata Plan

10.3.5 Proposed Change of Use - Multiple Dwelling to Unhosted Short-Term Rental Accommodation - Lot 8, No. 8/5 Clarence Street, South Perth

Location: Lot 8, No. 8/5 Clarence Street, South Perth
 Ward: Mill Point Ward
 Applicant: Warwick Harry
 File Reference: D-24-41714
 DA Lodgement Date: 10 May 2024
 Author(s): Fiona Mullen, Manager Development Services
 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 Unhosted Short-Term Rental Accommodation on Lot 8, No. 8/5 Clarence Street, South Perth.

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, the application for development approval for a Change of Use from a Multiple Dwelling to Unhosted Short-Term Rental Accommodation on Lot 8, No. 8/5 Clarence Street, South Perth **be approved** subject to the following conditions:

1. A maximum of four guests are permitted on site at any one time.
2. The use must be undertaken in accordance with the submitted Management Plan dated September 2024, to the satisfaction of the City of South Perth.

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

Applicant	Warwick Harry
Landowner	Warwick Harry

Development Site Details

The development site details are as follows:

Zoning	Residential
Density coding	R60
Lot area	103m ²

Comment

(a) Background

In May 2024, the City received an application for a Change of Use from a Multiple Dwelling to Holiday Accommodation on Lot 8, No. 8/5 Clarence Street, South Perth following a complaint that the use was operating without development approval.

The Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) were amended and took effect on 19 September 2024. The change introduced 'Unhosted Short-Term Rental Accommodation' (Unhosted STRA) as a land use in the Deemed Provisions which automatically applies to local planning schemes. The land use term 'Holiday Accommodation' is therefore substituted with this term.

(b) Description of the Surrounding Locality

The existing development is a Multiple Dwelling complex, comprising of a total of 13 Multiple Dwellings. The Multiple Dwelling the subject of this application is located on the first floor of a three-storey building located in the north-eastern portion of the site.

The site is located at the corner of Clarence Street to the north and Onslow Street to the east. The surrounding locality is predominantly residential uses, with the exception of the Western Power substation directly opposite at Lot 3001 Clarence Street and the Perth Zoo to the west of Onslow Street, as shown in **Figure 1** below:



Figure 1: Aerial image of subject site. The property the subject of the application is outlined in red.

The property is within close proximity to the Perth Zoo and within 400m walking distance of Sir James Mitchell Park. The property is also located within 170m to Angelo Street, which contains several cafes, restaurants, retail shops, and supermarkets. These features are of a tourism significance.

(c) Description of the Proposal

The applicant is seeking a Change of Use from Multiple Dwelling to Unhosted STRA.

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

- Maximum of four guests;
- Check-in time is between 2:00pm – 8:00pm; check-out time is prior to 10:00am, or later if prior arrangement made;
- The use is to be managed directly by the landowner;
- Neighbouring owners and occupiers will be provided with the contact details of the owner-manager (as contained in the Management Plan);
- Bookings are made directly via the online booking platform and guests are required to provide photo identification at the time of booking;
- Activities including parties and large gatherings are prohibited;
- Guests and visitors must not create noise which has the potential to create a nuisance to occupiers of neighbouring properties between the hours of 9:00pm and 7:00am daily;
- A noise decibel monitoring device is to be installed, which will send automated notifications to the owner-manager’s phone if excessive noise is detected or if loud noise is detected during the specified quiet hours;
- A ‘Guest Code of Conduct’ will be provided at the property, which will specify rules and regulations, including on-site parking provision and noise nuisance mitigation measures;
- An emergency evacuation plan, including muster points and emergency contact numbers, will be provided at the property; and
- Guests will be advised that only one vehicle is to park within the premises in the designated bay for the exclusive use of Unit 8.

The development plans submitted as part of the application and Management Plan (including ‘Guest Code of Conduct’) 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. Whilst land use permissibility is yet to be assigned to Unhosted STRA as an amendment to LPS 7 is first required, the City is treating the use as a ‘D’ use consistent with the previous land use definition, although it is noted that advertising was undertaken by the City given potential impacts to neighbouring properties.

(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.

10.3.5 **Proposed Change of Use - Multiple Dwelling to Unhosted Short-Term Rental Accommodation - Lot 8, No. 8/5 Clarence Street, South Perth**

The proposal complies with the City's Local Planning Policy P350.18 – Short-Term Accommodation.

(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.

In accordance with Clause 67(2)(e) of the Deemed Provisions of 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 proposed Unhosted STRA is compatible with the wider character and amenity of the area as the proposed use is minor in scale and intensity, hosting a maximum of four guests and one vehicle which is consistent with the expected number of persons within a two-bedroom residential dwelling.

It is noted that at the time the initial complaint was received that resulted in the development application being lodged, the property was being managed by a third-party. The property is now proposed to be managed directly by the property owner and in accordance with the submitted Management Plan.

A Management Plan and Guest Code of Conduct has been provided, including measures to mitigate potential issues surrounding noise, parking and activity. Further, parties and large gatherings are prohibited, resulting in the dwelling not being used beyond the reasonable expectations of a low to medium density residential area.

Additionally, the use will be required to comply with the requirements of the Environmental Protection (Noise) Regulations 1997.

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

(h) Proposed Amendments to the Planning and Development (Local Planning Schemes) Regulations 2015 and Short-Term Rental Accommodation Act 2024

On 18 September 2024 the State Government released amendments to the Regulations relating to Short-Term Rental Accommodation (STRA).

Whilst Unhosted STRA is exempt from the requirement to obtain development approval if the property is not used as an Unhosted STRA for no more than 90 nights in a relevant 12-month period, the applicant seeks approval for an unlimited number of nights in a 12-month period and development approval is therefore required.

10.3.5 **Proposed Change of Use - Multiple Dwelling to Unhosted Short-Term Rental Accommodation - Lot 8, No. 8/5 Clarence Street, South Perth**

Under the *Short-Term Rental Accommodation Act 2024*, all providers of STRA within Western Australia, both hosted and un-hosted, will be required to register their property by 1 January 2025.

(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 14 days between 7 August 2024 and 21 August 2024 in the following manner:

- A total of 23 letters were sent to owners and occupiers of properties within the and in proximity to the Multiple Dwelling complex; and
- A copy of the application was made available for review on the City’s website.

At the close of the consultation period, four submissions were received. The submissions are provided in the table below, in addition to the Officer’s comments:

Matter	Comment
<p><u>Noise</u> The change of use at Unit 8 will result in noise nuisances to the existing apartment complex.</p>	<p>The submitted Management Plan outlines the times in which noise is to be limited and states that parties are not permitted. The submitted Management Plan outlines times whereby noise should be limited. A noise decibel monitoring device will be installed to automatically alert the owner-manager if excessive noise levels are detected.</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> The change of use at Unit 8 will result in an increased security risk to the complex and a potential for increased damage.</p>	<p>The proposed Unhosted STRA will be managed by the landowner. Guests will be vetted through the online booking platform prior to their booking request being accepted.</p> <p>The applicant has submitted a code of conduct and management plans detailing that complaints management procedure and that non-compliance will result in cessation of stay.</p>

<p><u>Preferred Use</u></p> <p>The change of use at Unit 8 will preclude long-term renters from accessing affordable housing.</p>	<p>Whilst it is acknowledged that the submitter seeks longer-term residents and access to affordable housing, Unhosted STRA is a use that can be considered within the Residential zone and, as such, the City is required to consider the application.</p>
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Policy and Legislative Implications

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

- (a) Granting development approval with no 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

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

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

Four objections were received during the consultation period and the City acknowledges the concerns raised by the submitters that the land use, if not managed appropriately, has the potential to result in adverse impacts to nearby residents. Notwithstanding, the proposal is a land use that can be considered within the Residential zone.

Notwithstanding, the proposal is small in scale and is consistent with the WAPC Position Statement. Therefore, the proposal is unlikely to result in ongoing adverse impacts to adjoining properties if managed appropriately in accordance with the submitted Management Plan.

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

Attachments

10.3.5 (a):	Management Plan
10.3.5 (b):	Floor Plan
10.3.5 (c):	Parking Plan
10.3.5 (d):	Strata Plan
10.3.5 (e):	Submissions

10.3.6 RFT 5/2024 - Provision of Various Minor Concrete Works

File Reference: D-24-41715
Author(s): Jan Augustin, Manager Engineering Services
Reporting Officer(s): Anita Amprimo, Director Infrastructure Services

Summary

This report considers the submission received from the advertising of Tender 5/2024 for the Provision of Various Minor Concrete Works.

This report will outline the assessment process used during evaluation of the tender received and recommend approval of the tender that provides the best value for money and level of service to the City.

Officer Recommendation

That Council:

1. Accepts the tender submitted by Axiis Contracting Pty Ltd for the Provision of Various Minor Concrete Works in accordance with Tender Number 5/2024 for the period of three years with two options to extend the contract, each being for another 12-months at the City's sole discretion;
2. Accepts the tender price included in **Confidential Attachment (a)**;
3. Notes that tender price will be included in the Ordinary Council Meeting Minutes; and
4. Authorises the Chief Executive Officer to execute the contract with Axiis Contracting Pty Ltd for the Provision of Various Minor Concrete Works.

Background

A Request for Tender (RFT) 5/2024 for the Provision of Various Minor Concrete Works was advertised in The West Australian on Saturday 27 July 2024 and closed at 2:00pm on 20 August 2024.

Tenders were invited as a Schedule of Rates basis. Pricing shall be fixed for the initial 12 months of the three year contract term. The Contract includes two options to extend the contract, each being for an additional 12 months, exercisable at the sole discretion of the City.

Comment

At the close of the tender advertising period one submission had been received and this is tabled below:

TABLE A – Tender Submissions

Tender Submission
Axiis Contracting Pty Ltd

The Tender was reviewed by an Evaluation Panel and assessed according to the qualitative criteria detailed in the RFT, as per Table B below:

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Relevant Experience	30%
2. Key Personnel, Skills and Resources	40%
3. Demonstrated Understanding and Methodology	30%
Total	100%

Based on the assessment of the submission received for Tender (RFT) 5/2024 Provision of Various Minor Concrete Works, it is recommended that the tender submission from Axiis Contracting Pty Ltd be accepted by Council.

Due to the lack of other tender submissions, the sole pricing provided by Axiis was evaluated against the previous contract rates and confirmed that it offers value for money for the City.

More detailed information about the assessment process can be found in the Recommendation Report – **Confidential Attachment (a)**.

Consultation

Public tenders were invited in accordance with the *Local Government Act 1995*.

Policy and Legislative Implications

Section 3.57 of the *Local Government Act 1995* - tenders for providing goods or services:

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provision about tenders.*

Regulation 11 of the Local Government (Functions and General) Regulations 1996 - when tenders have to be publicly invited:

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.*

The following Council Policies also apply:

- Policy P605 - Purchasing
- Policy P607 -Tenders and Expressions of Interest.

Financial Implications

The full cost of the works is included in the 2024/25 budget. The supply costs for the subsequent years will be sought in the future City operational budgets for the life of the contract.

Key Risks and Considerations

Risk Event Outcome	<p>Business Interruption</p> <p>Incorporates the impact of events which impinge upon the City's capacity to deliver expected services to the community. These interruptions can range from minor inconvenience requiring an alternative method of service delivery being employed through to forced loss of ability to provide multiple services to all or some of the community. Knowledge loss, technological failure and property damage will also contribute to this outcome</p>
Risk rating	Low
Mitigation and actions	Approval of the report at the October OCM.

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

10.3.6 (a):	RFT 5/2024 - Provision of Various Minor Concrete Works - Recommendation Report (<i>Confidential</i>)
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10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 Listing of Payments September 2024

File Ref: D-24-41717
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 September 2024 to 30 September 2024 for information. It also includes purchase card transactions between 1 August 2024 to 31 August 2024 in line with new legislative requirements. The City made the following payments:

EFT Payments to Creditors	(399)	\$6,393,136.28
Cheque Payment to Creditors	(3)	\$478.73
Total Monthly Payments to Creditors	(402)	\$6,393,615.01
EFT Payments to Non-Creditors	(79)	\$150,513.80
Cheque Payments to Non-Creditors	(8)	\$6,856.29
Total EFT & Cheque Payments	(489)	\$6,550,985.10
Credit Card Payments	(103)	\$24,119.67
Fleet Card Payments	(28)	\$2,019.95
Total Payments	(620)	\$6,577,124.72

Officer Recommendation

That Council receives the Listing of Payments for the month of September 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 September 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.

10.4.1 Listing of Payments September 2024

The report records payments are classified as:

- Creditor Payments

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

- Non-Creditor Payments

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

- Purchase Cards

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

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

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

The payment of authorised amounts is within existing budget provisions.

Key Risks and Considerations

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

Strategic Implications

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

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

Attachments

- 10.4.1 (a): Listing of Payments September 2024

10.4.2 Monthly Financial Statements September 2024

File Ref: D-24-41727
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 September 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 2024/25 budget adopted by Council at its meeting held 25 June 2024, 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 Local Government (Financial Management) Regulations 1996 requires that a Statement of Financial Position and a Statement of Financial Activity are produced monthly. The Statement of Financial Activity is a financial report unique to local government drawing information from other reports to include operating revenue, expenditure, capital income, expenditure, loan funding and transfers to and from reserves.

Monetary policy measures taken by the Reserve Bank of Australia (RBA) appears be achieving its objective of lowering inflation in Australia, seemingly the monthly weighted average for the eight capital cities are now confirmed to be trending downward. The August 2023 to August 2024 change of 2.7% compares favourably to the 3.5% for July 2023 to July 2024 and 3.8% for June 2023 to June 2024. Placing the September monthly weighted average inflation with 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 September meeting the RBA decided to leave the cash rate target unchanged once more.

The RBA also made the following statement at its Board meeting of 24 September 2024: “Inflation has fallen substantially since the peak in 2022, as higher interest rates have been working to bring aggregate demand and supply closer towards balance. But inflation is still some way above the midpoint of the 2–3 per cent target range.

In underlying terms, as represented by the trimmed mean, inflation was 3.9 per cent over the year to the June quarter, broadly as forecast in the May Statement on Monetary Policy (SMP). Headline inflation declined in July, as measured by the monthly CPI indicator. Headline inflation is expected to fall further temporarily, as a result of federal and state cost of living relief. However, our current forecasts do not see inflation returning sustainably to target until 2026. In year-ended terms, underlying inflation has been above the midpoint of the target for 11 consecutive quarters and has fallen very little over the past year.”

In framing the Annual Budget 2024/25, the City considered the continued economic uncertainty. The City continues to prudently manage its finances through this uncertain time whilst remaining conscious of the need to provide quality services to its community.

Actual income from operating activities for September year-to-date (YTD) is \$58.74m in comparison to budget of \$58.50m, favourable to budget by an insignificant \$0.24m or 0.42%. Actual expenditure from operating activities for September is \$16.15m in comparison to the budget of \$16.68m, favourable to budget by \$0.53m or 3.16%. The September Net Operating Position of \$42.59m is \$0.77m favourable in comparison to budget.

Actual Capital Revenue is lower than budget by \$0.23m, \$0.10m compared to budget of \$0.33m, revenue recognition is dependent on capital project completion. Actual Capital Expenditure YTD is \$1.33m in comparison to the budget of \$1.52m, lower than budget by \$0.19m or 12.18%. A variance analysis is provided within **Attachment (e)** titled Significant Variance Analysis.

Cash and Cash Equivalents amounted to \$99.92m. 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).

Banks have been pricing in an anticipated rate cut by the RBA, offering average interest rates of 4.75% 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 September 2024, the City held 37.67% of its investments in institutions that do not provide fossil fuel lending. The Summary of Cash Investments illustrates the percentage invested in each of the non-fossil fuel institutions and the short-term credit rating provided by Standard & Poors for each of the institutions.

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

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

Key Risks and Considerations

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

Strategic Implications

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

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

Attachments

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

10.4.3 City of South Perth Cats Local Law 2024

File Ref: D-24-41739
Author(s): Toni Fry, Manager Governance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report proposes that Council, in accordance with section 3.12(4) of the *Local Government Act 1995*, makes the City of South Perth Cats Local Law 2024.

This local law will repeal the City of South Perth Cats Local Law 2016 and was presented to Council at the Ordinary Council Meeting held 25 June 2024, at which time Council endorsed the proposed new local law and resolved to give local public notice.

This report considers the feedback received during this process and recommends the City of South Perth Cats Local Law 2024 be made.

Officer Recommendation

That Council:

1. Notes the public submissions contained in **Attachment (a)**;
2. In accordance with s3.12(4) of the *Local Government Act 1995*, adopts the City of South Perth Cats Local Law 2024, subject to:
 - a. Deletion of page numbers in the index;
 - b. Amendment of all instances of “shall” to “must”; and
 - c. Minor amendments as ‘marked up’ on **Attachment (b)**.
3. In accordance with s3.12 (5) of the *Local Government Act 1995*, resolves that the local law be published in the Government Gazette and a copy sent to the Minister for Local Government; Youth; Minister Assisting the Minister for Training and Workforce Development;
4. After gazettal, in accordance with s3.12(6) of the *Local Government Act 1995*, resolves that local public notice be given –
 - a. Stating the title of the local law;
 - b. Summarising the purpose and effect of the local law and the day on which it comes into operation; and
 - c. Advising that copies of the local law may be inspected or obtained from the City’s Civic Centre and is available online on the City’s website.

5. Following gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, resolves that a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

Absolute Majority required

Background

The City of South Perth Cats Local Law 2016 was gazetted on 4 November 2016 and complimented the provisions of the *Cat Act 2011* (Cat Act) and subsidiary regulations of the time, with the primary objective of establishing the number of cats that can be kept without obtaining approval from the City. Following gazettal in 2016 this local law was amended as gazetted on 8 December 2017 to correct a typographical error in clause 3.2 of the Local Law, referring to the Cat Regulations 2012.

The City is required under s3.16 of the *Local Government Act 1995* (the Act) to review its local laws every eight years; subsequently a review of the City of South Perth Cats Local Law 2016 was carried out in 2024. The objective of this review was to ensure that the City's local law complies with legislation and provides the City with the ability to adequately manage cats in accordance with the expectations of the community and within the power available.

To accommodate the significant changes proposed it was recommended to Council that a new City of South Perth Local Law 2024 be made which would repeal the City of South Perth Cat Local Law 2016. Council subsequently resolved to accept the recommendation at its meeting held 25 June 2024. The proposed City of South Perth Cat Local Law 2024 was advertised for public comment; copies were made available for inspection and a copy sent to the Minister for Local Government; Youth; Minister Assisting the Minister for Training and Workforce Development.

Comment

The management of cats in Australia is a shared responsibility with the primary laws which govern the control of cats being held at state and territory level. At a national level, the *Environment Protection and Biodiversity Conservation Act 1999* provides for matters which may threaten a native species or ecological community, with predation by feral cats being listed as a key threatening process. There has recently been publicity in the media relating to a 'draft updated threat abatement plan for predation by feral cats' which will establish a national framework to guide and coordinate Australia's response to the impacts of feral cats on biodiversity. The Australian Government is currently considering the feedback received and while this plan may result in some changes to the control of cats in the community, at this point in time the City is limited to the powers available within the Cat Act.

Section 79 of the Cat Act provides local governments with the power to make a cat local law in order to perform any of their functions under the Cat Act. When it comes to the regulation and control of cats each local government has different needs and preferences. In 2016 it was considered by the City that a local law was required to set a standard number of cats that may be kept at a premises. This provided the ability for the City to effectively deal with cases where numerous cats may be kept at a premise to the extent that they may present a nuisance to the community.

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

The key inclusions in the City of South Perth Cats Local Law 2024 are:

- a) Standard Number of Cats
- b) Licensing of Cat Management Facilities
- c) Cat Control
 - (i) Cat Not To be a Nuisance
 - (ii) Cat Prohibited Areas
- d) Enforcement
 - (i) Schedule 2 - Prescribed Offences and Modified Penalties
 - (ii) Infringement Notices

Consultation

Local Public Notice

The process to make a local law is set out in s3.12 of the Act. In this respect, s3.12(3) requires a local government to give local public notice stating that it proposes to make a local law, the purpose and effect of which is summarised in the notice for a period of six weeks after it first appears.

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

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

Feedback from this consultation must be considered by Council before it resolves to make the local law. The proposed City of South Perth Cats Local Law 2024 was advertised for public comment in the following ways:

- Public notice in PerthNow Southern on 25 July 2024.
- Public notice on the City's website.
- Public notice on the City's notice boards including the Civic Centre and the two public libraries between 23 July 2024 to 6 September 2024.
- Request for submissions on the City's 'Your Say' online engagement website.
- Request for submissions circulated within the district via the City's 'mySnapshot' electronic newsletter on 8 August 2024.

In total, 29 submissions were received from members of the public who are all located within the district, details of the comments from the respondents and the City's response are detailed in **Attachment (a)**. Of the submissions received the majority support the local law, with a couple of respondents having concerns related to the number of cats that can be kept at a residence without specific approval of the City and the ability for a cat to leave a residence during daylight hours.

Among those who support the proposed local law, the majority have urged the City to take further action to increase the control of cats and the responsibilities placed on the owners of cats.

Minister for Local Government; Youth; Minister Assisting the Minister for Training and Workforce Development.

In accordance with s3.12 (3)(b) a copy of the proposed local law was sent to the Minister of Local Government for review. This review was carried out by the Department of Local Government and Cultural Industries (the Department) on behalf of the Minister. The Department reviews all local laws developed by local governments and the Joint Standing Committee of Delegation Legislation (the Committee) encourages local governments to accept the advice being provided by the Department prior to a local law being published in the *Government Gazette*.

Following the review, the Department recommended the following minor edits:

- a) Removal of page numbers on the contents page.
- b) Replace all instances of “shall” with “must.”
- c) Some minor edits in relation to the appearance and formatting of the local law.

The proposed changes are ‘marked up’ on the copy of the local law at **Attachment (b)** and are considered to be minor in nature as they do not amend the rights, privileges or liabilities which the local law would otherwise have conferred.

Considerations

A major consideration for the City in making a local law is the head of power which enables the local law to be created; in relation to cats, the Cat Act provides local governments with this power. Outside of a local law the Cat Act controls the management of cats in Western Australia and provides for the registration, microchipping and sterilisation of domestic cats and gives the City the power to administer and enforce the legislation. While the Cat Act gives the City the power to make a local law to assist in the management of cats in the district, this power is restricted to the limits of the Cat Act.

As subsidiary legislation, all local laws are subject to scrutiny by the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation (the Committee) whose role is to ensure that the local law does not contradict state or federal legislation and is not exceeding the powers of the local government. As such, full consideration has been given to cat local laws which have previously been presented to the committee by other local governments and for specific reasons have not been accepted either in full or in part.

Multiple local governments have attempted to implement cat local laws which restrict the movement of cats in their district such as:

- Expanding the definition of nuisance to restrict a cat from excreting or urinating on properties where the cat does not normally reside.
- Expanding the definition of nuisance to include where a cat is, or is likely to be, injurious or dangerous to the health of any person or domestic or native fauna.
- Restricting the movement of cats as detailed below:
 - Not allowing cats in places that are not public unless consent has been given by the owner or occupier of the premises.
 - Prohibit cats from all local government property.

10.4.3 City of South Perth Cats Local Law 2024

- Allowing a cat to enter or remain for any time on any public place except for the use of the public place as a thoroughfare and unless it is led, ridden or driven.
- Each cat shall be contained on the premises unless under the effective control of a person in all public areas.

All the above proposed clauses were not accepted by the Committee as they exceeded the power available or were inconsistent with the Cat Act. The relevant local government was subsequently required to make an undertaking to the Committee that action would be taken within a specified time period to remove the clause, and that it would not be enforced by the local government. All undertakings are publicly available on the Committee's [website](#). In addition to the information available via the undertakings given by local governments, further information is available by way of the Committees annual reports.

The [JSCDL annual report 2022](#) specifically addresses the matter of multiple local governments who attempted to restrict the movement of cats in their respective cat local laws. One local government attempted to include a clause stating that a cat shall not be in any place that is not a public place unless consent to it being there has been given by the owner or occupier of the premises, or a person who has been authorised to consent on behalf of the owner or occupier. The second mentioned council attempted to prevent cats from wandering.

Following review by the Committee it was considered that the clauses were inconsistent with or exceeded the powers of the Cat Act. It was also considered that it was impractical to obtain the consent of every private property owner in the district, or even in close vicinity to the cat owner, making consent illusory.

Of the comments received by the City from the public consultation process, a common theme was the request for the City to take further action in the control of cats. Some suggestions received were:

- Owners to keep cats confined indoors overnight.
- Nuisance cat laws to be strengthened to include any cat found beyond the boundaries of the owner's property.
- Introduction of significant fines for the owners of cats who are found outside their place of residence.
- Cats should always be contained on their property (inside or in enclosures) and under the control of the owner if off the property (i.e. on a lead).
- Introduce mandatory desexing of all cats registered within the confines of City of South Perth and actively encourage neighbouring councils to do the same.
- All cats need to be sterilised and owners must only keep cats indoors. Like dogs they are not allowed to roam the suburb freely days and nights.
- Mandatory identification tags, microchips, collars and bells for all cats (not just those older than six months).
- The maximum number of cats to be kept on a property should be lowered to two cats without approval. There should be a punishment for cats who are caught destroying native wildlife.

While it is acknowledged the majority of respondents wished for the City to take further action to increase the control of cats and the responsibilities placed on the owners of cats, the City is limited to powers available in legislation. It is understood that the Cats Local Law 2024 will not resolve all issues in relation to the behaviours of cats within the district, it has however been developed to meet the expectations of the community by maximising the control of cats, within the statutory power available. Further information related to the City's response to individual comments can be found in **Attachment (a)**.

Following all comments received, for the reasons detailed in this report, no major changes to the proposed local law are recommended. Of note, the proposed Cats Local Law has been reviewed by the Department with only minor edits being requested and no major amendments being recommended.

Should Council form a different view to this and wish to make more than minor edits, the draft local law will likely require re-advertising for public submissions as this is a requirement if it is significantly different from what was originally advertised.

Policy and Legislative Implications

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

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

Financial Implications

The costs associated with the statutory publication in the government gazette and advertising is contained within the adopted 2024/25 Annual Budget.

Key Risks and Considerations

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

Strategic Implications

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

Strategic Direction:	Leadership
Aspiration:	A local government that is receptive and proactive in meeting the needs of our community
Outcome:	4.3 Good governance
Strategy:	4.3.4 Maintain a culture of continuous improvement

Attachments

10.4.3 (a):	Submissions
10.4.3 (b):	City of South Perth Cats Local Law 2024

10.4.4 City of South Perth Fencing Local Law 2024

File Ref: D-24-41741
Author(s): Toni Fry, Manager Governance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report proposes that Council, in accordance with section 3.12(4) of the *Local Government Act 1995*, makes the City of South Perth Fencing Local Law 2024 which will establish the minimum requirements for fences within the district.

This report considers the feedback received during this process and recommends the City of South Fencing Local Law 2024 be made.

Officer Recommendation

That Council:

1. Notes the public submissions contained in **Attachment (a)**;
2. In accordance with s3.12(4) of the *Local Government Act 1995*, adopts the City of South Perth Fencing Local Law 2024 subject to
 - a. Deletion of page numbers in the index;
 - b. Inclusion of new definition for “Barbed Wire Fence;”
 - c. Replace all instances of “shall” with “must”;
 - d. Schedule 1 – Item 14 – amended from 2.13(a)(c)(i)(ii) to 2.13(1)(a)(c)(i)(ii); and
 - e. Minor amendments as ‘marked up’ on **Attachment (b)**.
3. In accordance with s3.12 (5) of the *Local Government Act 1995*, resolves that the local law be published in the Government Gazette and a copy sent to the Minister for Local Government; Youth; Minister Assisting the Minister for Training and Workforce Development;
4. After Gazettal, in accordance with s3.12(6) of the *Local Government Act 1995*, resolves that local public notice be given –
 - a. Stating the title of the local law;
 - b. Summarising the purpose and effect of the local law and the day on which it comes into operation; and
 - c. Advising that copies of the local law may be inspected or obtained from the City’s Civic Centre and is available online on the City’s website.

5. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, resolves that a copy of the local law and a duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

Absolute Majority required

Background

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

It is therefore considered appropriate to develop a Fencing Local Law to assist the City in the management and control of fences within the district. At its meeting held 25 June 2024 Council resolved to accept the officer recommendation, with an amendment to include provision for Division 4 – Home recreational sports fencing. The proposed City of South Perth Fencing Local Law 2024 was advertised for public comment, copies were made available for inspection and a copy was sent to the Minister for Local Government; Youth; Minister Assisting the Minister for Training and Workforce Development and Minister for Finance; Commerce; Women's Interests and Leader of the Government in the Legislative Council.

Comment

The City of South Perth Fencing Local Law 2024 at **Attachment (b)** is a newly introduced local law for the City and contains the following key provisions:

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

10.4.4 City of South Perth Fencing Local Law 2024

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

Consultation

Local Public Notice

The process to make a local law is set out in s3.12 of the Act. In this respect, s3.12(3) requires a local government to give local public notice stating that it proposes to make a local law, the purpose and effect of which is summarised in the notice for a period of six weeks after it first appears.

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

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

Feedback from this consultation must be considered by Council before it resolves to make the local law. The proposed City of South Perth Fencing Local Law 2024 was advertised for public comment in the following ways:

- Public notice in Perth Now Southern on 25 July 2024.
- Public notice on the City's website.
- Public notice on the City's notice boards including the Civic Centre and the two public libraries between 23 July 2024 to 6 September 2024.
- Request for submissions on the City's 'Your Say' online engagement website.
- Request for submissions circulated within the district via the City's 'mySnapshot' electronic newsletter on 8 August 2024.

In total 11 submissions were received from members of the public who are all located within the district, details of the comments from the respondents and the City's response are detailed in **Attachment (a)**. Of the submissions received the majority were seeking clarification or offered suggestions on how the local law could be amended. Clarification and/or explanation has been provided in the schedule of submissions, including comments which relate to matters which are outside of the local law and are a civil matter between the parties involved.

Minister for Local Government; Youth; Minister Assisting the Minister for Training and Workforce Development.

In accordance with s3.12 (3)(b) a copy of the proposed local law was sent to the Minister of Local Government for review. This review was carried out by the Department of Local Government and Cultural Industries (the Department) on behalf of the Minister. The Department reviews all local laws developed by local governments and the Joint Standing Committee of Delegation Legislation (JSCDL) encourages local governments to accept the advice being provided by the Department prior to a local law being published in the *Government Gazette*.

Following review the Department recommended the below minor edits:

- a. Removal of page numbers on the contents page.
- b. Inclusion of new definition for “Barbed Wire Fence.”
- c. Replace all instances of “shall” with “must.”
- d. Schedule 1 – Item 14 – amended from 2.13(a)(c)(i)(ii) to 2.13(1)(a)(c)(i)(ii).
- e. Minor amendments in relation to the appearance and formatting of the local law.

The proposed changes are ‘marked up’ on the copy of the local law at **Attachment (b)** and are considered to be minor in nature as they do not amend the rights, privileges or liabilities which the local law would otherwise have conferred.

Considerations

A major consideration for the City in making a local law is the head of power which enables the local law to be created; in relation to fencing, the *Local Government Act 1995* provides local governments with this power. This local law has been developed primarily to prescribe a sufficient fence and the standard for the construction of fences within the district.

Following receipt of all comments received, no major changes to the proposed local law are recommended. Of note, the proposed Fencing Local Law has been reviewed by the Department with only minor edits being requested and no major amendments being recommended.

Should Council form a different view to this and wish to make more than minor edits, the draft local law will likely require re-advertising for public submissions as this is a requirement if it is significantly different from what was originally advertised.

Policy and Legislative Implications

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

Dividing Fences Act 1961

Financial Implications

The costs associated with the statutory publication in the government gazette and advertising is contained within the adopted 2024/25 Annual Budget.

Key Risks and Considerations

Risk Event Outcome	<p>Legislative Breach</p> <p>Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation</p>
Risk rating	Low
Mitigation and actions	Folling the requirements of S3.12 of the <i>Local Government Act 1995</i> .

Strategic Implications

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

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

Attachments

10.4.4 (a):	Submissions
10.4.4 (b):	City of South Perth Fencing Local Law 2024

10.4.5 Local Government Elections - Review of WALGA Advocacy Positions

File Ref: D-24-41762
Author(s): Toni Fry, Manager Governance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report is to consider WALGA's request for Council to consider the current and alternative Elections Advocacy Positions and provide a response back to WALGA for the December 2024 State Council meeting.

Officer Recommendation

That the City of South Perth recommends that WALGA adopt the following Local Government Election Advocacy Positions:

1. PARTICIPATION – Council support advocacy position (a).
2. TERMS OF OFFICE – Council support advocacy position (b).
3. VOTING METHODS - Council support advocacy position (a).
4. INTERNAL ELECTIONS – Council support advocacy position (a).
5. VOTING ACCESSIBILITY – Council support advocacy position (a), (b) and (c).
6. METHOD OF ELECTION OF MAYOR – Council support advocacy position (a).

Background

The *Local Government Amendment Act 2003* introduced a range of electoral reforms that came into effect prior to the 2023 Local Government ordinary elections, including:

- The introduction of Optional Preferential Voting (OPV);
- Extending the election period to account for delays in postal services;
- Changes to the publication of information about candidates;
- Backfilling provisions for extraordinary vacancies after the 2023 election;
- Public election of the Mayor or President for larger Local Governments;
- Abolishing wards for smaller Local Governments; and
- Aligning the size of councils with the size of populations of each Local Government (change to representation).

Following requests from several Zones, WALGA undertook a comprehensive review and analysis of five ordinary election cycles up to and including the 2023 Local Government election against the backdrop of these legislative reforms. The review and report focussed on postal elections conducted exclusively by the Western Australian Electoral Commission (WAEC), with the analysis finding evidence of the rising cost and a reduction in service of conducting Local Government elections in Western Australia.

Comment

The Elections Analysis Review and Report was presented to State Council on 4 September 2024, with State Council supporting a review of WALGA’s Local Government Elections Advocacy Positions.

WALGA is requesting Councils consider the current and alternative Elections Advocacy Positions and provide a response back to WALGA for the December 2024 State Council meeting.

WALGA State Council current advocacy positions:

The following is a summary of WALGA’s current Advocacy Positions in relation to Local Government Elections:

2.5.15 ELECTIONS

Position Statement	<p>The Local Government sector supports:</p> <ol style="list-style-type: none"> 1. Four year terms with a two year spill 2. Greater participation in Local Government elections 3. The option to hold elections through: <ul style="list-style-type: none"> • Online voting • Postal voting, and • In-person voting 4. Voting at Local Government elections to be voluntary 5. The first past the post method of counting votes <p>The Local Government sector opposes the introduction of preferential voting, however if ‘first past the post’ voting is not retained then optional preferential voting is preferred.</p>
Background	<p>The first past the post (FPTP) method is simple, allows an expression of the electorate’s wishes and does not encourage tickets and alliances to be formed to allocate preferences.</p>
State Council Resolution	<p>February 2022 – 312.1/2022</p> <p>December 2020 – 142.6/2020</p> <p>March 2019 – 06.3/2019</p> <p>December 2017 – 121.6/2017</p> <p>October 2008 – 427.5/2008</p>
Supporting Documents	<p>Advocacy Positions for a New Local Government Act</p> <p>WALGA submission: Local Government Reform Proposal (February 2022)</p>

2.5.16 METHOD OF ELECTION OF MAYOR

Position Statement	Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.
State Council Resolution	February 2022 – 312.1/2022 March 2019 – 06.3/2019 December 2017 – 121.6/2017

2.5.18 CONDUCT OF POSTAL ELECTIONS

Position Statement	The <i>Local Government Act 1995</i> should be amended to allow the Australian Electoral Commission (AEC) and any other third party provider including Local Governments to conduct postal elections.
Background	Currently, the WAEC has a legislatively enshrined monopoly on the conduct of postal elections that has not been tested by the market.
State Council Resolution	May 2023 – 452.2/2023 March 2019 – 06.3/2019 December 2017 – 121.6/2017 March 2012 – 24.2/2012

WALGA has requested the following advocacy positions be considered by Councils:

1. PARTICIPATION

- (a) The sector continues to support voluntary voting at Local Government elections.
- OR
- (b) The sector supports compulsory voting at Local Governments elections.

2. TERMS OF OFFICE

- (a) The sector continues to support four-year terms with a two year spill;
- OR
- (b) The sector supports four-year terms on an all in/all out basis.

3. VOTING METHODS

- (a) The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the 'proportional' part of the voting method for general elections
- OR
- (b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for general elections.

4. INTERNAL ELECTIONS

(a) The sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections.

OR

(b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method

for all internal elections.

5. VOTING ACCESSIBILITY

The sector supports the option to hold general elections through:

(a) Electronic voting; and/or

(b) Postal voting; and/or

(c) In-Person voting.

6. METHOD OF ELECTION OF MAYOR

The sector supports:

(a) As per the current legislation with no change – Class 1 and 2 local governments directly elect the Mayor or President (election by electors method), with regulations preventing a change in this method.

(b) Return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.

(c) Apply current provisions to all Bands of Local Governments – apply the election by electors method to all classes of local governments.

Consultation

WALGA is currently consulting with all local governments to provide a Council decision on WALGAs advocacy positions as they relate to Local Government Elections, to evaluate if the positions are still current.

Policy and Legislative Implications

Nil.

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	Reputational Damage Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
Risk rating	Low
Mitigation and actions	Participation through providing WALGA with responses on local government election advocacy positions.

Strategic Implications

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

Strategic Direction:	Leadership
Aspiration:	A local government that is receptive and proactive in meeting the needs of our community
Outcome:	4.3 Good governance
Strategy:	4.3.4 Maintain a culture of continuous improvement

Attachments

Nil.

10.5 MATTERS REFERRED FROM COMMITTEE MEETINGS

Item 10.5.1 Policy Review was deferred to the October Ordinary Council Meeting at the Ordinary Council Meeting held 24 September 2024.

10.5.1 Policy Review

File Ref: D-24-41763
Author(s): Toni Fry, Manager Governance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

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

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Ms Shona Zulsdorf

Seconded: Mr Warwick Gately

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

1. Adopts the following revised policies with amendments as shown in

Attachment (a):

P102	Community Funding Program
P104	Community Awards
P106	Use of City Reserves and Facilities
P110	Financial Support of Community Organisations and Sporting Clubs
P118	Library Collection Development
P603	Investment of Surplus Funds
P605	Purchasing
P677	State Administrative Tribunal

2. Revokes the following policies as shown in **Attachment (b):**

P105	Cultural Services Activities
P117	Library Services and Programs
P119	City of South Perth Local History Collection
P205	Tree Preservation
P208	Ecologically Sustainable Building Design
P687	Development of Council Owned Land

CARRIED (6/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Jennifer Nevard and Bronwyn Waugh, Mr Warwick Gately and Ms Shona Zulsdorf.

Against: Nil.

Background

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

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

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

During this review, there were no new policies drafted for consideration.

Amended Policies

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

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

P102 Community Funding Program

It is proposed that the maximum grant amount for Individual Development Grants be removed from the policy. The content proposed to be removed from this policy is operational in nature; and so, it is more relevant to be outlined in the associated Management Practice (M102). Council considers the funding allocation for the Individual Development Grants as part of the approval process for the City's annual budget.

P104 Community Awards

The content proposed to be removed from this policy relates to some community awards that are no longer operational/obsolete. This includes Volunteer of the Year Awards, the Dr Ted Maslen Memorial University Exhibition Award and the High School Scholarship Awards.

P106 Use of City Reserves and Facilities

The content proposed to be removed from this policy is operational in nature; and so, it is more relevant to be outlined in the associated Management Practice (M106).

In addition to the removal of content within this policy, it is recommended that the following additions be included:

- Provisions for the City to assess applications for the use of fireworks.
- A description of an act that is considered to be busking has been included along with the provision that it will be assessed in accordance with M106 Use of City Reserves and Facilities.
- Large scale events have been updated to be events with over 2,000 people.

10.5.1 Policy Review

Events like charity walks can exceed 500 people. Changing the definition of a large scale event provides the City with the ability to facilitate more of these low risk events. This is to provide the City with clear guidelines of the requirements for these applications.

P110 Financial Support of Community Organisations and Sporting Clubs

The proposed new policy content is aimed to enhance the oversight of the provision of funding to local community organisations and sporting clubs.

Capital improvements to City owned or managed land that are initiated by the City are excluded from this policy.

Community Funding Program has been included and provides groups with the option to apply for minor capital upgrades. These applications will be assessed in accordance with the eligibility requirements of the assessment criteria.

P118 Library Collection Development

In April 2024, the 'Library Services' Business Unit updated their name to be 'Community Learning and Libraries' and restructured the department to have three streams of service. This policy has been updated to reflect the new department name and to reflect the role specific duties of the City's Collection and Development Librarian. This is in relation to overseeing the selection of resources and materials for the City.

P603 Investment of Surplus Funds

It is proposed that the policy be updated to allow the City to place 30% of total funds invested, as opposed to the current 25% with one institution. This change is needed as there are instances where only some of the largest banks in Australia are currently offering competitive rates above the general market averages. The change will allow the City to place more funds with these larger higher rated banks (typically the big 4 Australian Banks) with an improved return on investment with very little increase in risk.

P605 Purchasing

The purchasing thresholds have been amended to reflect the general price increases of the goods and services due to rising input costs and wage increases in businesses. In increasing the thresholds, the City will be able to maintain administrative efficiency.

P677 State Administrative Tribunal

P677 provides guidance for ensuring that such Council decisions are appropriately defended in the event of an application for review being lodged with the State Administrative Tribunal.

P677 has been updated to:

- Clarify that no appointment of legal representation can be made in certain circumstances in accordance with Section 239 of the *Planning and Development Act 2005*; and
- Provide criteria in relation to seeking an order relating to costs against an applicant.

Policies to be revoked

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

P105 Cultural Services Activities

Council considers the funding allocation for community events and cultural projects as part of the approval process for the City's annual budget. It is proposed that this policy be revoked as community events and cultural services delivered by the City are based on community feedback and then subsequently approved by Council through the budget process.

P117 Library Services and Programs

This policy is operational in nature; and so, it is more relevant to be outlined in the associated Management Practice (M117).

P119 City of South Perth Local History Collection

This policy is operational in nature; and so, it is more relevant to be outlined in the associated Management Practice (M119).

P205 Tree Preservation

P205 encourages Officers and residents to recommend trees, considered to be of City-wide significance, for inclusion in the Register of Significant Trees, relating to Tree Preservation Orders created under former Town Planning Scheme No. 6.

In considering Local Planning Scheme No. 7 (LPS7) for final adoption, the Minister for Planning required that the Tree Preservation Orders be deleted, on the basis that the State Government is undertaking a strategic review of tree retention.

The proposed supplemental provisions in draft LPS7 effectively as Tree Preservation Orders are no longer provided in LPS 7, P205 is redundant and is recommended for revocation.

P208 Ecologically Sustainable Building Design

P208 seeks to endorse and embrace the principles of Ecologically Sustainable Development through building design guidelines for City buildings and related projects including greenfield and brownfield developments. It provides that the City will agree to support sustainable development in its building design - by utilising environmentally sustainable design (ESD).

The Policy refers to incorrect references and obsolete strategies. Given section 3.1 of the *Local Government Act 1995* requires Council to (i) promote the economic, social and environmental sustainability of the district; (ii) to plan for, and to plan for mitigating, risks associated with climate change; and (iii) in making decisions, to consider potential long-term consequences and impacts on future generations; and that the City would comply with ESD requirements of the National Construction Code and the principles of the Green Building Council of Australia in any instance, the Policy is considered suitable for revocation.

P687 Development of Council Owned Land

This policy is intended to cover applications involving significant developments on Council owned or controlled land for commercial purposes (rezoning and development of land) and provides for the appointment of an independent, appropriately qualified professional to assess any proposals to this effect.

The City has in-house expertise related to planning and land administration and the requirement to always appoint an external consultant to prepare and assess such proposals is not considered an effective use of resources. The City can seek independent expert advice where required.

Proposals involved rezoning, development assessment or undertaking a major land transaction or trading undertaking require statutory processes to be undertaken in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 and the *Local Government Act 1995*, including public consultation. This legislation requires a Council resolution to proceed with such proposals and as such, Council has oversight of these decisions.

It is recommended that P687 be revoked to enable the City to prepare proposals for development of Council owned land for Council's consideration.

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

Nil.

Key Risks and Considerations

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

Strategic Implications

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

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

Attachments

- 10.5.1 (a): Policies to be Amended
- 10.5.1 (b): Policies to be Revoked

11. APPLICATIONS FOR LEAVE OF ABSENCE



12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 NOTICE OF MOTION - COUNCILLOR MARY CHOY - INVESTIGATING OPPORTUNITIES TO ADDRESS DERELICT HOUSES AND UNTIDY BLOCKS ON CANNING HIGHWAY

File Ref: D-24-41764
Author(s): Donna Shaw, Director Development and Community Services
Reporting Officer(s): Mike Bradford, Chief Executive Officer

Summary

Councillor Mary Choy submitted the following Notice of Motion prior to the Council Agenda Briefing held 17 September 2024.

Notice of Motion Recommendation

That Council, with respect to the properties owned by State Government agencies along Canning Highway, South Perth, requests the Chief Executive Officer to:

- (i) Write to the Western Australian Planning Commission and Main Roads Western Australia, as landowners of the properties, to:
 - a. remove debris and make good the land where demolition activity has occurred; and
 - b. maintain and tidy properties where dwellings are retained; and
- (ii) Investigate future redevelopment opportunities for the properties.

Background

Councillor Mary Choy submitted a Notice of Motion regarding addressing derelict houses and land. The reasons for the Notice of Motion are as follows:

1. *A number of properties along Canning Highway are identified as being in a very poor state if not derelict condition. A number of long-term, often untidy looking, empty blocks are also beginning to dominate the highway. It is understood most, if not all, of these properties are owned by the State Government through the Department of Communities – Housing, Western Australian Planning Commission and/or Main Roads WA, with a long-term road widening plan in place. The timeline for this plan remains unknown however, with the process requiring the State to acquire the necessary land for the widening and which is also dependent on State Government funding, it is envisaged this will take a number of years to complete. In the meantime, complaints are being received by residents as to the impact of these dilapidating properties on surrounding homes and suburbs, and not only from an aesthetic point of view, but also from an environmental health and safety perspective. Abandoned homes have knowingly been accessed by trespassers, even when completely fenced off, increasing the likelihood of fire, injury and anti-social behaviour. It is the view, the increasingly neglected feel of certain sections of Canning Highway and reported anti-social incidents is starting to bring the district down.*

Notice of Motion - Councillor Mary Choy - Investigating Opportunities to Address Derelict Houses and Untidy Blocks on Canning Highway

This motion seeks for the City to liaise with the relevant State Government entities to make good the affected properties where practicable on a request basis, as it is understood that local government does not have the legislative authority to direct government agencies or instrumentalities to repair the houses or have them removed and Council can only seek to influence such actions.

2. *Pursuant to the above, as it is reported that Perth's housing market is still facing significant challenges due to population growth outpacing dwindling property availability, an opportunity may also exist through this motion, for the City to liaise with the State Government in respect to some of the land along Canning Highway to be used for other purposes that would better serve the community than the present situation. This may include the potential to amalgamate blocks and explore development opportunities, pursuant to the new Local Planning Scheme 7, and/or at least create some temporary useable public open space. This motion thereby gives the City a green light to concurrently open dialogue with the relevant State Government entities to investigate what other opportunities may exist in respect to the affected land, that could be mutually beneficial for all parties concerned.*

Comment

Derelict Houses

Housing risks to health in dwellings are currently managed under several pieces of legislation. The *Health (Miscellaneous Provisions) Act 1911* (HMP Act) is the key piece of legislation related to dwellings and provides for authorised officers to:

- declare a house unfit for habitation;
- require a condemned building to be amended or removed and the cleanup of land after it has been removed;
- where an owner fails to comply with a notice, act in default;
- prevent conversion of buildings into dwellings; and
- order a house or its contents to be cleansed.

These provisions may be enacted in situations of abandoned or derelict housing, and frequently in cases of hoarding and squalor where conditions pose a significant risk to the occupants. Exercising this power is a last resort and occurs when housing conditions are so poor that the physical health and safety of the occupants or people in surrounding areas is in danger and other options have been exhausted.

The local government can issue a notice declaring a house unfit for habitation and direct the owner to remove a condemned building, however, the landowner can make an application to the State Administrative Tribunal (SAT) or if no action is taken, the City then act in default of the landowner(s) (including up-front costs of demolition for which the City would need to recover from the landowner(s) in future).

In the case of State managed properties, the City has the option of issuing improvement notices, however, would not typically do so given the limited ability to enforce the notice on the Crown. The City considers that a collaborative approach with State Government agencies to improve properties is mutually beneficial and a more effective use of resources to address the issue and can write to the relevant State Government agencies in this respect.

12.1 **Notice of Motion - Councillor Mary Choy - Investigating Opportunities to Address Derelict Houses and Untidy Blocks on Canning Highway**

Untidy Land

Section 3.25 of the *Local Government Act 1995* (the Act) provides the ability for the local government to issue a notice requiring the landowner to do anything specified in the notice in accordance with the Schedule in the Act. This includes ensuring that overgrown vegetation, rubbish, or disused material, as specified, is removed from land that the local government considers to be untidy. The landowner(s) owner can make an application to the SAT to review the notice.

The Act does not bind the Crown except where expressly stated and as such, the City cannot use these provisions for properties owned by the Crown on Canning Highway. The City can, however, write to the relevant State Government agencies requesting the properties be tidied.

Investigating future redevelopment opportunities

Given the poor condition of some properties owned and managed by State Government agencies along Canning Highway, and the current limited ability for redevelopment given existing lot sizes and configuration in relation to the encroachment of the Primary Regional Road reserve for future widening of Canning Highway into the lots, a coordinated approach to redevelopment of these sites is recommended.

This could include opportunities for amalgamation of lots, rear access being provided to remove the need for additional crossovers onto Canning Highway and potential built form outcomes.

Consultation

Should Council proceed with the Notice of Motion, the City will write to the relevant State Government agencies that own and manage the properties along Canning Highway.

Policy and Legislative Implications

Section 135 of the HMP Act provides that any local government may, of its own motion, and shall, when required by order of the Chief Health Officer by notice in writing, declare that any house, or any specified part thereof, is unfit for human habitation.

With respect to a condemned building to be amended or removed, section 137 of the HMP Act provides that a notice may be served by the local government upon the owner of such house directing him, within a time limited by such notice, either to amend the same in some specified manner or take down and remove the same.

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	Reputational Damage Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
Risk rating	Low
Mitigation and actions	The City does not own or manage the properties and as such, there is low reputational risk associated with the current maintenance regime of the properties. Notwithstanding, the City has a responsibility to uphold the amenity of the district and can therefore write to the relevant State Government agencies requesting maintenance and tidying the properties.

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:	4.2 Advocacy
Strategy:	4.2.1 Advocate for State and Federal Government investment to improve public infrastructure and to address community issues

Attachments

Nil.

Councillor Nic Coveney withdrew Item 12.2 Notice of Motion - Councillor Nic Coveney - Political Register prior to the Ordinary Council Meeting to be held 22 October 2024.

12.2 NOTICE OF MOTION - COUNCILLOR NIC COVENEY - POLITICAL REGISTER

File Ref: D-24-41766
Author(s): Toni Fry, Manager Governance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

Councillor Nic Coveney submitted the following Notice of Motion prior to the Council Agenda Briefing held 15 October 2024.

Notice of Motion Recommendation

1. That the City of South Perth Councillor Code of Conduct be amended to remove Clause 10A. Disclosure of Political Party Associations.
2. That the City of South Perth Public Register of Disclosure of Political Party Associations (Elected Members) be discontinued and removed from the City's website.

Background

Councillor Nic Coveney submitted a Notice of Motion regarding the Elected Members' Disclosure of Political Party Associations Register. The reasons for the Notice of Motion are as follows:

The previous Council adopted a public political register whereby Councillors are required to disclose whether they are a member of a political party.

The register in its current form may lead to inaccurate assumptions. Respectfully, it ought to either be expanded for accuracy or abolished. Given the register is already inconsistent with local government recommendations, I move a motion for the latter.

The register may lead to the following inaccurate assumptions:

1. *That those on the register serve on Council to represent that party, akin to the eastern states, notwithstanding no candidate has been endorsed by, or sought endorsement by, the party for local government elections, nor are they making decisions on Council for the purpose of the party. It would be akin to suggesting every West Coast Eagles supporter is a West Coast Eagles player.*
2. *That those on the register who are members of the same party are known to each other and/or aligned. Again, that would be akin to suggesting all West Coast Eagles members are known to each other and make decisions in the same way because of that membership. It should come as no surprise that local government councillors may take an interest in broader politics, but it doesn't mean that's the capacity in which they sit on Council.*

3. *That those not on that register do not have broader political affiliations or leanings. By way of a few examples:*
- a. *The list excludes political donations. That may be of interest to some members of the community. As an observation, not a criticism, it's on public record a particular Councillor has donated money to the Greens.*
 - b. *The list excludes attendance at events hosted by political parties. That may be of interest to some members of the community. As an observation, not criticism, another Councillor has attended an event hosted by the state and federal Labor MPs.*

If residents were interested in the register, and I'm convinced that 99% are not, that would be during elections when they can vote for their preferred candidate. During the last election, there was only one sitting Councillor on the political register, notwithstanding one candidate was the founder of the No Mandatory Vaccination Party, one candidate has donated to the Greens, one candidate subsequently attended a Labor Party event, two candidates were Liberal Party members, and one candidate subsequently became a Liberal Party member. Respectfully, this demonstrates the register is not, and never was, fit for purpose.

This is local government in WA, not State or Federal government. I would hope everyone on Council sits in this Chamber and dedicate hours of their time outside of it, in their personal capacity. I don't want local government to have the perception of being some broader political playground that it isn't by virtue of a register that has the ability to mislead the public.

Comment

At its meeting held 26 April 2022, Council resolved as follows:

1. *That the Chief Executive Officer present to Council for endorsement by May 2022, an updated Councillor Code of Conduct that includes a requirement for all Elected Members and Elected Member Candidates to advise the Chief Executive Officer of the following, if applicable:*
 - a) *Membership of a political party;*
 - b) *Employment by a political party.*
2. *That Council request the Chief Executive Officer to create a 'Political Interest Register' to include the above information and to make this publicly available on the City's website.*

At its meeting held 24 May 2022, Council resolved as follows:

*That Council amends the Councillor Code of Conduct as contained within **Attachment (a)**, to require Elected Members and Committee Members to disclose:*

- *Membership of a political party;*
- *Employment by a political party.*

As such the Councillor Code of Conduct was amended to include the following clause:

10A. Disclosure of political party associations

- (1) A council member or committee member who is a member of a political party or who is employed by a political party must disclose the membership or employment.
- (2) The disclosure must be made in a written notice to the CEO –
 - (a) within 14 days of the council member or committee member becoming a member of, or being employed by, the political party; or
 - (b) within 14 days of this clause being adopted by the Council as an amendment to this Councillor Code of Conduct,whichever is the later.

A City of South Perth – Public Register of Disclosure of Political Party Associations (Elected Members) was also created and placed on the City’s website. To date four disclosures have been made and are included on the Register.

It should be noted that the Department of Local Government, Sport and Cultural Industries (DLGSC) does not support the need for Council members to disclose their membership of political parties given

- It is not mandated by the *Local Government Act 1995*;
- Was explicitly ruled out in the current local government reforms; and
- Candidates are not required to do so, nor are party names printed on the ballot paper.

DLGSC raised this with the City in a letter dated 21 December 2022. This letter along with others were included in the Council Minutes from its meeting held 18 April 2023.

In accordance with the advice of DLGSC, City administration supports the proposed motion to remove the Clause 10A of the City of South Perth Councillor Code of Conduct.

Consultation

Nil.

Policy and Legislative Implications

Local Government Act 1995

Local Government (Model Code of Conduct) Regulations 2021.

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	Reputational Damage Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
Risk rating	Low
Mitigation and actions	Association with a current political party does not impinge on the City's reputation.

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.

12.3 NOTICE OF MOTION - COUNCILLOR NIC COVENEY - EXPRESSION OF INTEREST FOR AN E-SCOOTER TRIAL

File Ref: D-24-41768
Author(s): Anita Amprimo, Director Infrastructure Services
Reporting Officer(s): Anita Amprimo, Director Infrastructure Services

Summary

Councillor Nic Coveney submitted the following Notice of Motion prior to the Council Agenda Briefing held 15 October 2024.

Notice of Motion Recommendation

That Council Requests the Chief Executive Officer to:

1. Invite Expressions of Interest (EOI) for an e-scooter share system trial to operate within the City of South Perth; and
2. Investigate opportunities with the Town of Victoria Park that provides connectivity between the City of South Perth and the City of Perth.

Background

Councillor Nic Coveney submitted a Notice of Motion regarding an e-scooter trial. The reasons for the Notice of Motion are as follows:

Background

1. *Late last year, I indicated my desire for the City to invite expressions of interest for an e-scooter trial, as had already commenced in the neighbouring inner-city local governments of the City of Perth and the City of Vincent.*
2. *I understand there is general support from the administration for an e-scooter trial, but at least late last year, there was a preference to commence the trial concurrently with the Town of Victoria Park to ensure that the same e-scooter operator is engaged so users can travel around the Swan River in a loop without needing to change operators.*
3. *There appears to be only two e-scooter operators in the neighbouring inner-city local governments, being Beam and Neuron, and neither have exclusive contracts, but rather they operate concurrently.*
4. *Whilst in an ideal world, the Town of Victoria Park would also commence an e-scooter trial, respectfully, we should not delay our trial and the associated benefits to our residents that come with being able to travel to and from the other direction (the Perth CBD) and within the City of South Perth itself.*

Benefits

5. *E-scooters are safe, convenient, easy to use, ecofriendly, reduce congestion on our roads and in our precinct carparks, and promote outdoor activity and exploration for our residents and tourists.*
6. *Such a trial seems inevitable in the context of:*
 - a. *the traffic congestion issues in the South Perth Peninsula;*
 - b. *the number of our residents who work in the Perth CBD;*
 - c. *the limited car parking available in our precincts;*
 - d. *our proximity to the residents and tourists in the City of Perth and City of Vincent who might otherwise visit our precincts more often if it were more convenient;*
 - e. *our proximity to and from Optus Stadium, and the inflexibility of the current bus route during events which only travels along Canning Highway;*
 - f. *the foreshore has separate bicycle and walking paths; and*
 - g. *the foreshore forms part of a loop between the Narrows and Causeway Bridges.*

Geo fenced zones can be used to restrict where e-scooters can be parked, and lower their speed in particular areas. Feedback from the community can be sought during/after the trial.

Consistency with plans/strategies

7. *Below is a summary of the relevant plans/strategies of which this motion is consistent.*
 - a. *The City's Foreshore Management Plan of 2015 states that one of the four whole of foreshore strategies is "transport and access", which includes creating a highly accessible and connected public open space with improved access and connectivity and identifying transport considerations aimed to reduce car use. One of the specific transport and access actions is to liaise with existing bike hire (and presumable e-scooter) operators in the City of Perth and Town of Victoria Park to extend services to the City of South Perth.*
 - b. *The City's Parking Strategy of 2016 states that we must support and encourage alternate forms of transport to minimise vehicle congestion. The City's Transport and Access Strategy of 2016 states that there will be considerable pressure on our roads by 2031, particularly around the South Perth freeway exit and entry unless there is a significant change in travel behaviour.*
 - c. *The City's Transport Plan of 2021 states:*
 - i. *The City's vision for transport is a safe, easily accessible and convenient transport network that meets the needs of the community and enables sustainable transport choices. Our transport network plays an integral role in the liveability of the city and there is an increasing need to reduce reliance on private vehicles and focus on shifting travel behaviours to active transport modes, including amongst other things, e-scooters.*

- ii. *Between the major activity centres and key destinations within or nearby to the City of South Perth, travel times by cars are the fastest, buses are generally the slowest, and bicycles (and e-scooters) are competitive with car times. The City's foreshore paths were good comparable with industry standards.*
 - iii. *71% of residents are employed outside our City, with the largest number employed within the City of Perth and the second largest being employed within our City. Presently, 65% of residents commute to work by car versus only 5% of by activate transport.*
- d. *The City's Strategic Development Plan of 2021 has four directions, three of which, being community, economy and environment, are relevant. In this regard:*
- i. *The community aspiration is to be connected. The strategies include facilitating and fostering a healthy and connected community, and developing, facilitating and supporting opportunities for activity in our City.*
 - ii. *The economy aspiration is to be a thriving City activated by attractions and opportunities that encourage investment and economic development. The strategies include using innovation and technology to benefit the community, promoting attractions and destinations, and ensuring that the City is an attractive place for commercial activity.*
 - iii. *The environment aspiration is to have liveable, diverse and welcoming neighbourhoods. The strategies include facilitating a safe, efficient, accessible and reliable transport network that encompasses alternative forms of transport and supportive infrastructure, and developing and implementing integrated transport and infrastructure plans that encourage alternative forms of transport.*
8. *The City's Economic Development Plan of 2023 has four objectives, one of which is "activation", which includes increasing the number of visitors to our City, and supporting a networking of neighbourhoods hubs.*
9. *In June 2024, Council endorsed the CEO's KPI's for FY24/5 to include activating the foreshore and precincts. This motion is consistent with same.*

Comment

The City is currently working with the Perth Inner City Group members who currently have or are interested in considering an e-scooter share system. Both the Cities of Perth and Vincent have such a system in place and can provide valuable feedback on the most advantageous approach to any expression of interest (EOI) process.

Increasing access to e-scooter and other active transport modes aligns with the City's adopted plans and strategies.

Consultation

Broad consultation was undertaken for the related plans and strategies. Community feedback would be sought following any trial period.

Policy and Legislative Implications

Section 3.57 of the *Local Government Act 1995* will be complied with, where applicable.

Financial Implications

The EOI will be completed using internal resources. The financial implications of any EOI process will be known once responses are received.

Key Risks and Considerations

Risk Event Outcome	Reputational Damage Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
Risk rating	Medium
Mitigation and actions	Management of the expression of interest process will be conducted to manage the risk.

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.

12.4 NOTICE OF MOTION - COUNCILLOR BRONWYN WAUGH - MENDS STREET JETTY SOUTH PERTH SEAPLANES

File Ref: D-24-41769
Author(s): Garry Adams, Director Corporate Services
Donna Shaw, Director Development and Community Services
Reporting Officer(s): Mike Bradford, Chief Executive Officer

Summary

Councillor Bronwyn Waugh submitted the following Notice of Motion prior to the Council Agenda Briefing held 15 October 2024.

Notice of Motion Recommendation

That Council:

1. Recognises the need to activate nodes, and in particular the Mends Street node, with additional business interests being focused on the node, and for that reason provides 'in principle' support to the South Perth seaplanes to relocate and establish a jetty adjacent to the existing Mends Street jetty for the purposes of the use by their seaplanes;
2. Recognises the need for increased connectivity within the City of South Perth, in particular in respect to the Ferry Terminals; and
3. Requests the Chief Executive Officer to write to the Minister for Lands, the Department for Biodiversity, Conservation and Attractions, and the Swan River Trust, indicating Council 'in principle' support for the proposal of the South Perth seaplanes to relocate to and establish a jetty closer to the Mends Street jetty.

Background

Councillor Bronwyn Waugh submitted a Notice of Motion regarding the establishment of a jetty for the South Perth seaplanes. The reasons for the Notice of Motion are as follows:

Summary

The purpose of this Notice of Motion is to indicate Council support of the activation of the Mends Street node through the establishment of a jetty for South Perth seaplanes. The activation of the Mends Street node is intended to enhance connectivity and business interests within the precinct.

Reasons for the Motion

The South Perth Foreshore Management Plan focuses on the Mends Street Precinct, the Perth Zoo, and public transport connections such as ferry services and the future train station near Richardson Park and the Kwinana Freeway.

The success of the Mends Street Precinct is dependent on its connectivity with surrounding areas, making it an integral part of South Perth's strategic planning and development framework.

The Mends Street Precinct is identified as a priority location within the South Perth Foreshore Management Plan. The Plan sets out a strategy to develop the Mends Street node as an active piazza and promenade, offering day and night activities and serving as a gateway for the Main Street precinct. The strategy envisions a vibrant area with connections to the zoo, the river, and other heritage sites, supported by an integrated transport node utilizing the river to connect the Mends Street Precinct with surrounding areas.

The proposal to establish a jetty for South Perth seaplanes adjacent to the existing Mends Street jetty is consistent with the objectives of the South Perth Foreshore Management Plan, as well as the Perth Water Plan produced by the DBCA and the Swan River Trust. The proposed jetty will support the activation of the Mends Street node, encouraging tourism to the precinct and providing a valuable transport link, enhancing the area's accessibility and appeal to visitors.

The expansion of water use, as defined in the N1 node strategy on page 44 of the Foreshore Management Plan, includes developing the Mends Street node as an active piazza and promenade. The strategy aims to provide a welcoming arrival place with day and night activities, connections to local stories and heritage, and an integrated transport node utilizing the river.

The node strategies also include improving the connection between the jetty and Mends Street. The establishment of a jetty for South Perth seaplanes at this location aligns with the Plan's goal to increase diversity of commercial activity at the jetty, provide opportunities for boating, mooring, and berthing, and support jetty extensions.

The proposal also aligns with the City of South Perth's local planning strategy and town planning scheme, which aim to activate key spaces and promote business development. Encouraging businesses like South Perth seaplanes to operate within the City of South Perth, and within the identified nodes, supports economic growth and community engagement, and enhances the connectivity and vibrancy of the precinct.

Comment

It is assumed the motion is referring to the 'Swan River Seaplanes', which currently operate from the Queen Street jetty.

Statutory Process

Expansion of a jetty is considered development which requires approval under Part 5 of the *Swan and Canning Rivers Management Act 2006*. Whilst the City has no objection to Council providing its 'in-principle' support, it is acknowledged that the City would be a referral agency in any subsequent development application process for an expanded jetty given the land is within the Swan Canning Development Control Area, and therefore needs to remain impartial.

The Department of Biodiversity, Conservation and Attractions (DBCA) would assess an application, including input from relevant agencies such as the City and the Swan River Trust, before preparing a report on the matter for the Minister for Environment to consider before determining the application.

In providing its response, the City will consider matters including but not limited to amenity (light, noise, fumes), access and impacts on existing infrastructure. Depending on the future application, the City may or may not support such a proposal based on its technical assessment.

Ferry Terminals

There are currently three Transperth ferries that operate between Elizabeth Quay and Mends Street Jetty in South Perth, every 15 minutes during peak hours. The City welcomed the State Government's announcement in March 2024 to expand the ferry service operating in the Swan River.

The City continues to advocate to upgrades to Mends Street Jetty to create a seamless transport link for visitors and residents. The proposed upgrade will improve functionality and accessibility of the jetty to encourage greater usage and improve safety.

Consultation

Nil.

Policy and Legislative Implications

Nil.

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	Reputational Damage Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
Risk rating	Low
Mitigation and actions	Should an application be lodged by the Swan River Seaplanes, the City will prepare its statutory referral response to the DBCA independent of Council providing 'in-principle' support for the seaplanes being relocated to Mends Street Jetty.

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:	4.2 Advocacy
Strategy:	4.2.1 Advocate for State and Federal Government investment to improve public infrastructure and to address community issues

Attachments

Nil.

12.5 NOTICE OF MOTION - COUNCILLOR BRONWYN WAUGH - PAYMENT IN LIEU OF PARKING PLAN

File Ref: D-24-41770
Author(s): Donna Shaw, Director Development and Community Services
Reporting Officer(s): Mike Bradford, Chief Executive Officer

Summary

Councillor Bronwyn Waugh submitted the following Notice of Motion prior to the Council Agenda Briefing held 15 October 2024.

Notice of Motion Recommendation (Suggested Officer Recommendation page 104)

That Council:

1. Acknowledges the deficiency in parking within the City of South Perth.
2. Acknowledges the deficiency in the current Payment In Lieu of Parking Plan adopted in October 2023, which does not address locational specific characteristics and needs.
3. Requests the CEO present, by the December 2024 Ordinary Council Meeting:
 - a. A report to Council on the actions taken by the City pursuant to the current Parking Strategy and Parking Management Action Plan over the past two years and actions it intends to undertake in furtherance of the recommendations included within the Parking Strategy over the coming two years.
 - b. An amended Payment in Lieu of Parking Plan that includes locational specific criteria and characteristics for different precincts, such as South Perth, Canning Bridge, and Manning. Where appropriate, the revised plan should also establish a plan that takes into account the mode shift potential and unique characteristics of each location.

Background

Councillor Bronwyn Waugh submitted a Notice of Motion regarding improvements to the Payment in Lieu of Parking Plan. The reasons for the Notice of Motion are as follows:

Summary

The purpose of this motion is to develop an improved Payment In Lieu of Parking Plan that includes locational specific criteria and characteristics or methods by which mode shift may be achieved. The revised plan should be focused on establishing an appropriate method of using the funds received under the plan, taking into account the unique needs and characteristics of different precincts within the City of South Perth.

Reasons for the Motion

Parking continues to be an alive issue for businesses, the community and visitors to our City.

In a planning environment that is presently significantly affected by the State Government's infill development policies, it is appropriate that Council turn its attention to ensuring that appropriate plans and strategies are in place to ensure that our infrastructure, plans and policies are sufficient and that steps are being taken to manage the increase in demand for parking and / or provide suitable alternatives to encourage mode shift and use of alternative transport methods.

At the October 2023 Ordinary Council Meeting, Council was presented with, and adopted a Payment in Lieu of Parking Plan that did not address locational specific characteristics and needs. At that time, I requested this be addressed as a deficiency within the policy. The response was that the policy was urgently required as it ought to have been in place by June of 2023.

As a consequence of the need to have in place a Payment in Lieu of Parking Plan to enable a payment to be received the City in lieu of parking shortfalls within developments, council passed the plan.

The City of South Perth website presently states that:

"Payment in lieu of parking (also called 'cash-in-lieu') is an option available for non-residential development proposals where there is a parking shortfall to the City's minimum non-residential car parking requirements of at least two car bays.

The City can use the funds generated from these payments to construct public car parking bays in a particular area, or to spend the funds on other transport-related infrastructure (for example, cycling or pedestrian paths)."

However, the current Payment in lieu of Parking plan falls short of ensuring that the funds are spent on areas within close proximity to developments where payment has been received for a shortfall in parking. This was a matter raised by members of the public in consultation and is appropriate.

In the 12 months subsequent, no improved policy or planning frameworks identifying locational specific criteria and characteristics have been presented to the Council. This is a considerable gap in our strategic planning framework and does not differentiate between areas such as South Perth, Canning Bridge, or Manning, nor does it address how and where funds may be spent, or how mode shift may be implemented or supported through the Payment in Lieu of Parking Plan.

Effective plans and strategies, including an effective Payment in Lieu of Parking Plan should recognize the diverse characteristics and demands of different areas within the City of South Perth. The current policy does not adequately address these variations, resulting in a one-size-fits-all approach that may not be suitable for all locations. By implementing a revised plan that considers locational characteristics, the Council will be better positioned to manage parking effectively and support strategic planning goals for each area.

CommentParking within the City of South Perth

Former Town Planning Scheme No. 6 (TPS 6) was gazetted in April 2003 and included minimum car parking ratios for various land uses. Car parking has been provided in accordance with these prescribed ratios or as varied by Council or the Development Assessment Panel when considering development applications.

Parking provision in the City prior to operation of TPS 6 was in accordance with former schemes and standards of parking of the day.

Parking ratios were removed by the Minister for Planning prior to gazettal of Local Planning Scheme No. 7 (LPS 7) on 27 March 2024. Council subsequently adopted Local Planning Policy – Non-Residential Parking at its meeting held 28 May 2024. The purpose of the policy is to guide car and bicycle parking supply, end-of-trip facilities, design and vehicle access for non-residential development within the City, which includes minimum number of on-site car parking bays based on zone and land use. These ratios were based on a City of South Perth parking review undertaken by Stantec engineering (previously Cardno) which considered best practice and development of car parking reduction factors for inclusion in recommended rates. Car parking for residential development is applied in accordance with the Residential Design Codes.

Successful travel mode shift initiatives deliver reduced parking demand through change to travel choice and, are supported by appropriate infrastructure and services. There is a strong relationship between provision of car parking bays, preference for use of private vehicles and increased traffic.

Flyt Transport Consultancy has also previously been commissioned by the City as part of the preparation of the Integrated Transport Plan (ITP) to undertake a traffic and congestion forecast. The forecast was informed by an analysis of the road network's performance, crash information, and the City's public transport and active transport networks. The forecast also analysed outputs from MRWA's road network (ROM24) model and provided a capacity assessment and modelling outputs to inform recommended actions specific to road transport. Other sources of data included real time travel time surveys (online and recorded timings) and SCATS (Sydney Coordinated Adaptive Traffic System) intersection vehicle and signal timing data.

In respect to infill density, the City will consider the increase in traffic generated by population growth as part of future reviews and upgrading of road infrastructure and ongoing traffic management, having regard to the outcomes of the LPS 7 and recommendations of the ITP.

Implementing actions to reduce reliance on private vehicles and focus on shifting travel behaviours to active (pedestrian and cyclist) and public transport modes is supported by the infrastructure items contained within the Payment in Lieu of Parking Plan (the Plan).

Payment In Lieu of Parking Plan

Payment in Lieu of Parking Plans must be drafted consistent with the manner and form approved by the Western Australian Planning Commission under the provisions of clause 77J(3) of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations).

The Plan has been prepared and adopted by Council in the Manner and Form approved by the WAPC and is therefore compliant with the Regulations.

In respect to location, the Regulations and Manner and Form enable Plans to cover:

- an entire local planning scheme area;
- one specific area; or
- multiple individual areas.

Council resolved to advertise and subsequently adopt the draft Plan covering the entire local planning scheme area (the entire district) instead of one specific or multiple individual map areas. This was to ensure that any future non-residential proposals in residential areas that result in a two or more bay shortfall will be captured. The following information is provided to further explain this rationale:

- Provisions about car parking in the Regulations do not apply to developments to which the Residential Design Codes apply. For example, the City is not permitted to impose a payment in lieu of parking condition for shortfall of car parking within multiple dwelling developments occurring within the Canning Bridge Activity Centre Plan or South Perth Activity Centre Plan areas.
- For non-residential development where the imposition of a payment in lieu of parking condition can be imposed, it can only be imposed where the parking space shortfall for the development is at least two.
- Unlike some local governments with significant areas of Commercial or Industrial zoned land, the City is predominantly zoned Residential, with some Local and Neighbourhood centres, or Centre zoned land which defer to requirements of Structure Plans. Residential and mixed-use development typically occurs in these zones, and there are limited circumstances where wholly commercial development will occur that would otherwise enable the City to impose a payment in lieu of parking condition.
- The instances where the City is likely to receive a commercial application that results in a shortfall are for non-residential developments within Residential zones, such as Child Care Premises. Given the majority of land zoned in the district is zoned Residential, these uses could be considered in any Residential zone across the district, and the Plan therefore covers the entire district to ensure all instances of such development are captured.
- This approach ensures the Plan has:
 - The greatest likelihood of capturing circumstances where a shortfall in parking would warrant imposition of a condition; and
 - The 'pooling' of funds from the entire district, to ensure there are sufficient funds to meet the cost of delivering infrastructure.
- If the Plan was created for a specific area or multiple specific areas, it is unlikely that sufficient funds would be collected within each area to cover the cost of developing new car parking areas, and the funds would then need to be returned at the end of the 10-year lifespan of the plan. This is further explained below.

Expenditure of Funds Collected

In considering expenditure of funds collected and matters pertaining to proximity, the following is relevant.

- In accordance with the gazetted method of calculation for payment in lieu of parking conditions, the City must use a 15m² area. The 15m² area represents a 50% discount to a car parking space and manoeuvring area of 30m². The infrastructure cost lump sum established in the Plan is based on the cost per sqm to construct a car parking space and manoeuvring area of 30m².

- The City has determined that the infrastructure cost per square metre to construct a car parking bay within the City is \$380, which was based on construction values for on-street bays undertaken within the City. The financial contribution per car parking bay is therefore $\$380 \times 15\text{m}^2 = \$5,700$ per bay.
- This calculation does not capture land value, and the City will otherwise be required to fund the cost of land acquisition for parking infrastructure where bays are not provided in the verge/ City owned land.
- Further, the cost of constructing decked (multi-storey) car parking is approximately \$1,500 per m^2 (\$45,000 per bay) or approximately \$2,500 per m^2 (\$75,000 per bay) for basement car parking, excluding manoeuvring areas. It is unlikely the Plan will collect sufficient funds in the 10-year lifespan of the Plan to cover the costs of constructing these parking structures.
- Clause 771(5) of the Regulations requires that any unexpended money and interest on that money must be repaid to the relevant payer when the Plan expires. It is therefore in the interest of the City to ensure low-cost infrastructure is available in the Plan to expend the funds.
- The South Perth and Canning Bridge Activity Centre Plans are also predicated on mode shift and discouraging private vehicle travel and as such, infrastructure to encourage active transport is preferred over infrastructure for private vehicle use such as construction of additional car parking bays.
- For these reasons, whilst the Plan provides for the construction of at-grade car parking, use of funds collected to acquire land and subsequent development of additional car parking spaces is not considered an efficient use of the funds.
- The adopted Plan therefore provides for:
 - At grade car parking bays;
 - Technology to increase efficiency and turnover of bays;
 - Electric charging facilities;
 - Footpath infrastructure, including new connections and upgrades;
 - Street lighting;
 - Provision of, or upgrades to, bicycle networks;
 - Shade trees; and
 - CCTV.
- With the exception of at-grade car parking bays, the above items are relatively low-cost infrastructure items that are appropriate to be implemented across the district. The cost of the items would be commensurate to the amount of funds likely collected given the limited circumstances in which a condition can be imposed to collect funds.
- The above infrastructure items are capital works. Monies collected under the Plan are required to be held in a Reserve for this purpose. As such, Council determines how and where funds will be spent, as it determines the capital works program through the annual budget setting process.

Parking Strategy and Parking Management Action Plan

In workshops for the preparation of the 2024/25 Annual Budget, Council was advised that the estimated cost to review the South Perth Activity Centre Plan, Integrated Transport Plan and Parking Management Action Plan with respect to parking and traffic issues (assessing operation performance of the road network and traffic modelling and intersection performance analysis) was estimated to cost between \$125-\$150,000).

The adopted budget provided \$160,000 for engineering consultancy services, which included \$30,000 towards review of the actions contained in the above documents. The City has prepared a project brief for this review, which includes the assessment of current and future supply, demand and utilisation of parking facilities within precincts and the preparation of a Parking Strategy to provide a tool for Council to make informed decisions with respect to parking in future.

The City anticipates this body of work will be completed in the next 12 months. Elected Member bulletin items will be provided with interim progress updates over the following year before completion of the report.

Consultation

Nil.

Policy and Legislative Implications

Nil.

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	<p>Reputational Damage</p> <p>Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.</p>
Risk rating	Low
Mitigation and actions	<p>The City will continue to administer the Payment in Lieu of Parking Plan in accordance with the Regulations.</p> <p>Future actions with respect to management of parking following the review will be presented to Council for decisions.</p>

Strategic Implications

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

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

Suggested Officer Recommendation

That Council:

1. Notes the Payment in Lieu of Parking Plan will continue to be administered in accordance with the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015, and that expenditure of funds collected will be determined by Council as part of future annual budgets.
2. Notes that the City is progressing the review of parking throughout the district following the allocation provided in the 2024/25 Annual Budget, with updates and outcomes to be presented to Council.

Reason for Alternative Recommendation

The Payment in Lieu of Parking Plan has been prepared in accordance with the manner and form approved by the Western Australian Planning Commission and the City is required to administer the Plan in accordance with the Regulations.

Council has already allocated funds towards the review of parking throughout the district, and the City is undertaking this review.

Attachments

Nil.

12.6 NOTICE OF MOTION - COUNCILLOR BRONWYN WAUGH - MAYORAL REPORTING

File Ref: D-24-41771
Author(s): Garry Adams, Director Corporate Services
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

Councillor Bronwyn Waugh submitted the following Notice of Motion prior to the Council Agenda Briefing held 15 October 2024.

Notice of Motion Recommendation (Suggested Officer Recommendation page 109)

That Council:

1. Requests the Chief Executive Officer to prepare a policy requiring the Mayor to present a regular report at the commencement of each Ordinary Council Meeting. The policy to be presented to Council at the November 2024 Ordinary Council Meeting.
2. The terms of the proposed policy to include:
 - a. A summary of the persons met with by the Mayor in his/her capacity as Mayor, since the last Council meeting, specifically noting interactions with members of the community relevant to matters that have been or are likely to come before Council;
 - b. Details of interactions with senior employees within the City of South Perth, including any discussions that have a direct bearing on Council matters;
 - c. Any meetings or discussions with Politicians, donors to the Mayoral Campaign, lobbyist persons or groups, or any other person seeking to influence the outcome of any decision to be taken by Council whether subject of a motion or not; and
 - d. An overview of the key issues, initiatives, and matters that the Mayor has been addressing in his/her capacity as Mayor since the last Council meeting.

Background

Councillor Bronwyn Waugh submitted a Notice of Motion regarding preparation of a policy for Mayoral reporting. The reasons for the Notice of Motion are as follows:

Summary Background

Every local government is expected to ensure that the Mayor reports regularly to the council regarding those persons he/she has met, his/her interactions with members of the community relevant to the Council, his/her engagements with senior staff members, and any other matters that he/she has been dealing with between the Council meetings.

This practice is considered essential for maintaining transparency, fairness, and accountability, allowing both councillors and the community to be fully informed of the Mayor's activities, and enabling them to participate more effectively in Council deliberations.

However, whilst many local governments have this practice in place, the City of South Perth does not. A review of the City of South Perth website has revealed that our former mayor, Sue Doherty, previously undertook such reporting on a voluntary basis, but no formal practice has ever been implemented by the City of South Perth.

The lack of regular Mayoral reporting creates an information gap and could potentially hinder the Councillors' ability to perform their roles effectively.

The proposed motion seeks to address this gap by instituting a straightforward reporting requirement, which will enable the Councillors and the community to have better visibility of the activities and engagements carried out by the Mayor in his/her official capacity.

The introduction of a regular reporting requirement is considered appropriate for the context of local government operations. It aligns with the principles of transparency, fairness, and accountability, ensuring that:

- 1. Councillors and the community are kept properly informed of relevant matters and activities undertaken by the Mayor; and*
- 2. An additional level of transparency is introduced regarding the work being undertaken by the Mayor on behalf of the Council.*

In cases where the Mayor has engaged in discussions or interactions of a confidential nature, a separate briefing may be scheduled with the Councillors to discuss these matters in detail. Such briefings should be held in confidence and documented appropriately.

This motion seeks to establish a simple, yet effective, framework for the Mayor to report on his/her activities and engagements. It aims to provide greater transparency to the Councillors and the community, fostering a culture of accountability and information-sharing within the City of South Perth.

Comment

Of the 31 Perth Metropolitan local governments, there are currently a small number (six) where the Mayor regularly tables a report to Council. Predominantly these reports enable the Mayor to report on the public engagements and civic events they have attended. A review of these local government websites did not locate any policy documents outlining the requirements for these reports.

Of the local government's reviewed, the City of Gosnells appears to have one of the most formalised processes for Mayoral reporting with the Mayor's Public Engagement Summary published on its website.

The position of Mayor is a high-profile position within Local Government, however, the requirements of the role are often not well understood by the communities they serve. Implementing a regular reporting requirement for the Mayor will enhance the ability of the community to understand how much time is spent by the Mayor in fulfilling the role and serving the community. In particular the Mayor's attendance at community and civic events would be of interest. This report would be well placed being tabled by the Mayor under the section of the City of South Perth Standing Orders Local Law, Announcements by the Presiding Member (Clause 5.2 (1) 3).

There would appear to be little need for a policy to be developed in order for such a report to be required of the Mayor. A simple resolution of Council should only be required.

If a policy is to be developed and presented to Council for adoption, to ensure good governance, the recommended process would be to hold a workshop with all Elected Members and then present the policy to the Audit, Risk and Governance Committee (ARGC) in accordance with their terms of reference. This could not be achieved within the timeframe proposed by the Notice of Motion, given the short period between the November and December meetings and the fact that the ARGC meets quarterly. Therefore, the Ordinary Council Meeting to be held 25 March 2025 would be the earliest such a policy could be presented.

In drafting a policy, City officers would not recommend the inclusion of the requirements outlined in parts 2 (b) and (c) of the Notice of Motion and would recommend that only part 2 (a) be prescribed together with the Mayor's summary of public engagements.

Part 2 (b) would appear to be particularly onerous and unreasonable, given that under Section 2.8 (f) of the *Local Government Act 1995* (the Act), part of the Mayor's role is to liaise with the CEO on the local government's affairs and performance of its functions. This can involve frequent meetings and interactions with City Officers on operational matters of little significance or interest to the general community. Similarly, all Elected Members will at various points have contact with the CEO and City Officers to discuss various matters, some of which may be of interest to the broader community but many of which would not.

It could also be argued that if such requirements are made of the Mayor, then such requirements should also apply to the Deputy Mayor - as in accordance with Section 2.9 of the Act, *"The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34."* This being the case, then the reasons as outlined in the Notice of Motion regarding openness and transparency would equally apply to the work being undertaken by the Deputy Mayor.

With regard to Part 2 (c) of the Notice of Motion, the Mayor is only one of nine elected members and has one vote (excluding the casting vote when required), therefore it would seem unreasonable that only one elected member would be required to report on such interactions. If there is a concern about Elected Members being influenced, it would seem reasonable that all Elected Members would be covered by the same reporting requirements.

It should also be noted that the City already has in place Policy P700 Developers and Lobbyists. The stated objectives of this Council-adopted policy are:

"This policy provides guidance to Elected Members on disclosing their association with developers and lobbyists to ensure the highest levels of openness and transparency are maintained ensuring integrity in the Council's decision-making. This policy also requires the CEO to develop and maintain a register of the declarations which is to be publicly available."

Given this policy is already in place, applies to all elected members and the stated public register is available on the City's website, there would be no apparent reason to report the same information for one elected member at every Council meeting.

Regulation 30G of the Local Government (Elections) Regulations 1997 requires all candidates and donors in an election to disclose gifts and the CEO is required to publish an up-to-date electoral gift register on the City's website.

A donor would be classed as a closely associated person in accordance with the Act. Any item for consideration by Council would be then subject to disclosure of interest requirements and if the item under consideration was of a financial or proximity nature to the closely associated person, the Mayor would be required to disclose this and not be permitted to participate in the discussion or vote on the matter so couldn't influence a decision.

It should be noted that a failure to adhere to Council Policy, the Act or Regulations would result in a breach of the Councillor Code of Conduct or a potential serious breach of the Act. Therefore, the implementation of such an onerous policy would require careful consideration of definitions and requirements to ensure that there is clarity and little room for unintentional breaches.

Consultation

Discussions with WALGA regarding the practices of other local governments and the implications of the proposed motion.

Policy and Legislative Implications

City of South Perth Policy P700 Developers and Lobbyists
Local Government Act 1995
 Local Government (Elections) Regulations 1997

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	Reputational Damage Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
Risk rating	Low
Mitigation and actions	The City will continue to maintain the current reporting regime in accordance with Policy P700.

Strategic Implications

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

Strategic Direction:	Leadership
Aspiration:	A local government that is receptive and proactive in meeting the needs of our community
Outcome:	4.3 Good governance
Strategy:	4.3.4 Maintain a culture of continuous improvement

Suggested Officer Recommendation

That Council resolves that:

1. At each Ordinary Council Meeting, the Mayor will present a report of the Mayor's engagements and meetings attended by the Mayor in his/her capacity as Mayor, since the last Council meeting.
2. At each Ordinary Council Meeting, the Deputy Mayor will provide a report of the Deputy Mayor's engagements and meetings attended by the Deputy Mayor in their capacity as Deputy Mayor, since the last Council meeting.
3. Such reports will be presented at Item 3 (Announcements from the Presiding Member) on the Ordinary Council Meeting agenda in accordance with the City of South Perth Standing Orders Local Law, Clause 5.2 (1) Order of Business.

Reason for Alternative Recommendation

There is merit in the community being aware of the engagements and meetings undertaken by the Mayor and Deputy Mayor in performing their duties, particularly regarding matters of community interest and importance. Such reporting is done at some metropolitan local governments. There appears to be no significant value, however, in extending this to include day to day interactions with City Officers as this would be particularly onerous and would be of little interest to the general community. It could also be seen as somewhat inequitable to impose this requirement on only one Elected Member when all Elected Members have interactions with the CEO and senior staff to fulfill their roles as Councillors.

Additionally, there is already a Policy in place that requires the Mayor and all other Elected Members to disclose any contact with lobbyists and developers. There are also Regulations in place that deal with donations to electoral campaigns.

Note: This report has been updated since the Agenda Briefing to include Mandurah as a metropolitan local government, hence the number of metropolitan governments has been amended from 30 to 31.

Attachments

Nil.

12.7 NOTICE OF MOTION - COUNCILLOR NIC COVENEY - EXPRESSION OF INTEREST FOR FLOATING VENUE TRIAL AT COODE STREET JETTY

File Ref: D-24-41772
Author(s): Garry Adams, Director Corporate Services
Donna Shaw, Director Development and Community Services
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

Councillor Nic Coveney submitted the following Notice of Motion prior to the Council Agenda Briefing held 15 October 2024.

Notice of Motion Recommendation

That Council:

1. Requests the Chief Executive Officer to write to the Department of Biodiversity, Conservation and Attractions (DBCA) and other relevant government agencies expressing Council's support for the advertising of an Expression of Interest (EOI) for a temporary floating food and beverage venue to be moored at Coode Street jetty and seeking their in principle support for the same.
2. If support is forthcoming, prepare an EOI document and present it back to Council for endorsement and approval for advertising.
3. Regardless of the outcome, requests the Chief Executive Officer to provide a report back to Council updating the progress on 1 and 2 above at the 25 February 2025 Ordinary Council Meeting.

Background

Councillor Nic Coveney submitted a Notice of Motion for Expressions of Interest for a Floating Venue Trail at Coode Street Jetty. The reasons for the Notice of Motion are as follows:

1. *There is overwhelming community support to activate Node 2 Coode Street (see **Annexure A** for pictures of Node 2 at present). Part of that activation involves additional food and beverage options. In this regard:*
 - a. *The City of South Perth's Foreshore Strategy and Management Plan 2015 states that one of the strategies for Node 2 is a choice of food and beverage outlets.*
 - b. *The DBCA's Perth Water Action Plan 2021 states the City of South Perth should investigate permanent café/restaurant offerings at Coode Street.*
 - c. *The City of South Perth's Coode Street Engagement Outcomes Report 2022 ("the Outcomes Report") states that one of the priorities for Node 2 is increased food and beverage options for all times and all budgets.*

- d. *The City of South Perth's Council resolved in August 2024 to develop concept plans for Coode Street consistent with the Outcomes Report.*
2. *The administration and I have a difference of opinion as to whether the Outcomes Report suggests the community supports permanent or non-permanent food and beverage options. I respectfully submit they support both. In this regard:*
- a. *At the time of the Outcomes Report, the Boatshed café/restaurant, the Acai Corner, and strEATS, were already operational, meaning the community told us they want more food and beverage options than what's already on offer;*
- b. *Of the 9 stakeholder events which guided the findings in the Outcomes Report, only 3 of those events had more than 15 participants, being the Community Survey with 853 responses, the Design Forum with 221 responses, and the Pop-Up Event with 160 responses. In this regard:*
- i. *In relation to the Community Survey, 88.5% of the respondents live in the City of South Perth and 75.5% visit the foreshore daily or weekly. The community is in favor of an additional café, restaurant and/or kiosk 3:4 per this table –*

<i>Description</i>	<i>Want</i>	<i>Don't care</i>	<i>Don't want</i>
<i>Pop-up vans run all year rather than just seasonally</i>	<i>81.1</i>	<i>8.9</i>	<i>10.1</i>
<i>Additional café</i>	<i>74.7</i>	<i>8.9</i>	<i>16.3</i>
<i>Additional kiosk</i>	<i>71.7</i>	<i>11</i>	<i>17.3</i>
<i>Additional restaurant</i>	<i>64.4</i>	<i>10</i>	<i>25.4</i>
<i>Mini-mart kiosk</i>	<i>46.4</i>	<i>11</i>	<i>42.7</i>
<i>Nothing else</i>	<i>34.9</i>	<i>6.5</i>	<i>58.6</i>

- ii. *Comments from the Community Survey refer to the fondness of Embargo and the desire to have a casual drink with a view.*
- iii. *In relation to the Online Design Forum, 95% of the respondents live in the City of South Perth and 83% visit the foreshore daily or weekly. The only food and beverage question put to them was whether they supported "food trucks and other non-permanent and low-cost food options." In other words, anything permanent was dropped entirely. For completeness, the response to that question was 85% are supportive, 4% indifferent, and 11% against.*
- iv. *In relation to the Pop-Up Event, the only food and beverage option put to the respondents was whether they "like the food-trucks and other non-permanent and low-cost food options". Again, anything permanent was dropped entirely. For completeness, 78% said yes, and 22% said no.*

3. *There are limitations on the existing offerings at Node 2 which do not address the community expectations as outlined in the Outcomes Report. In this regard:*
 - a. *strEATS food trucks are seasonal, have limited operating hours (evenings only), do not serve alcohol and do not protect patrons from the weather. They do not have the same fixed overheads as local businesses (rent, wages, and rates etc) so it is understandable why they do not and will not operate year-round.*
 - b. *The Acai Corner has limited operating hours (mornings and lunch only), specific offerings (acai bowls and coffee) and cannot protect patrons from the weather.*
 - c. *The Boatshed is not open for lunch and dinner every day. It appears they applied for an alfresco extension in 2019, were given approval with conditions, and then an extension of approval, but have not actioned the extension.*
4. *Residents tell me they want another casual dining restaurant/café by the water at Node 2. For example, the Rowing Pavilion in Mt Pleasant, the Shorehouse in Swanbourne, Oddysea in City Beach, Bathers Beach House in Fremantle, and Samphire on Rottnest (see Annexure B for pictures).*
5. *The competitive advantage of Node 2 to those venues is the superior view of the Perth CBD skyline, its location approximately halfway between the Peninsula and Optus Stadium, the pre-existing separate bike/e-scooter and pedestrian pathways, the pre-existing carpark, and it being situated sufficiently away from residents so as to not cause noise concerns or blocks views.*
6. *This motion only calls for the CEO to write to the DBCA and other relevant agencies to seek their support to advertise for a temporary floating food and beverage venue to be moored at the Coode Street jetty. Examples of floating food and beverage venues include The Raft in Perth, The Island in Sydney, and Arbory Afloat in Melbourne (see Annexure C for pictures).*
7. *This motion is consistent with the Outcomes Report in any event because what is sought is a temporary non-permanent structure. But it will also enable the City to better gauge whether there is community support for a permanent café/restaurant at Node 2. That's important because it will form part of the concept plans to be completed in FY25/26.*

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

Comment

Statutory Process

Development of food and beverage facilities on or over the Swan River requires a commercial activities permit within the Swan Canning Development Control Area. Whilst the City has no objection to Council providing its 'in-principle' support, it is acknowledged that the City may be a referral agency in any permit application process and therefore needs to remain impartial. Any letter would therefore need to make it clear that this is a Council position.

In providing its response, the City will consider matters including but not limited to amenity (light, noise, fumes), access and impacts on existing infrastructure. Relevant considerations in accordance with the Department of Biodiversity, Conservation and Attractions' (DBCA) Corporate Policy Statement 46 - Planning for Commercial Operations in The Swan Canning Development Control Area include:

- Restricting the development of food and beverage facilities on or over waters to existing commercial jetties or new purpose-built facilities only;
- Requiring applications for food and beverage facilities on or over waters to demonstrate that:
 - Where possible, dredging of the river system has been avoided, or where dredging is necessary, it has been minimised and impacts will be mitigated and managed;
 - General public access for recreational purposes to existing jetties is retained or provided. For new purpose-built jetties/structures, a public benefit is provided by enabling general public access to a portion not used by the commercial operation;
 - Effluent from food preparation areas, kitchens and ablutions will not enter the river system or unacceptably affect the foreshore;
 - Proper and adequate storage is provided within the development footprint for foods, goods, wastes, cleaning products and chemicals. Waste receptacles are to be covered to prevent rainwater entry, and the waterway and foreshore areas will be protected from spills and discharges;
 - Best practice marine grade plumbing and fittings are utilised, and advice is sought from the Department of Transport;
 - Any purpose-built structure has been assessed as structurally sound and satisfies the requirements of the Department of Transport;
 - The proposal meets the requirements of DBCA's Corporate Policy Statement 44 – Planning for Jetties in the Swan Canning Development Control Area; and
 - Maintenance and management will be undertaken in accordance with a River reserve lease. The lease will likely require a management plan or Environmental Management System to address environmental and pollution risks.

Should modification or expansion of the jetty be required, development approval under Part 5 of the *Swan and Canning Rivers Management Act 2006* must be obtained. The DBCA would assess an application, including input from relevant agencies such as the City and the Swan River Trust, before preparing a report on the matter for the Minister for Environment to consider before determining the application.

Depending on the future application, the City may or may not support such a proposal based on its technical assessment.

Consultation

Significant community consultation has been held with the community regarding South Perth Foreshore Node 2 developments.

Policy and Legislative Implications

Nil.

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	Reputational Damage Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
Risk rating	Low
Mitigation and actions	The City will keep the community informed of any outcomes. Communication with existing businesses in the Node 2 area will be undertaken.

Strategic Implications

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

- Strategic Direction: Economy
- Aspiration: A thriving City activated by attractions and opportunities that encourage investment and economic development
- Outcome: 2.1 Local business and activated places
- Strategy: 2.1.5 Promote City attractions and destinations

Attachments

- 12.7 (a): Annexure A, B and C

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

Nil.

13.2 QUESTIONS FROM MEMBERS: 22 OCTOBER 2024

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

15. MEETING CLOSED TO THE PUBLIC

Nil.

16. CLOSURE