

# AGENDA.

## Ordinary Council Meeting

25 February 2025

### Notice of Meeting

Mayor and Councillors

The next Ordinary Council Meeting of the City of South Perth Council will be held on Tuesday 25 February 2025 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

21 February 2025

# 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

The Mayor (or Deputy Mayor acting in the position of Mayor) will present a report of the Mayoral engagements and meetings attended in the Mayor's capacity since the last Council Meeting. A summary of the report will be provided in the Minutes.

## 4. ATTENDANCE

### 4.1 APOLOGIES

### 4.2 APPROVED LEAVE OF ABSENCE

- Councillor Bronwyn Waugh for the period 28 January 2025 to 10 March 2025, inclusive.
- Councillor Glenn Cridland for the period 9 February 2025 to 28 February 2025, inclusive.

## 5. DECLARATIONS OF INTEREST

- Councillor Nic Coveney - Impartiality Interest in Item 10.2.1 as 'as a local, I eat at Nextdoor from time to time, as I do at almost every other hospitality business on Angelo Street.'
- Mayor Greg Milner - Impartiality Interest in Item 10.3.4 as 'I have previously worked for a law firm that has acted for Bourkes Real Estate. I also know a director of the applicant.'
- Councillor Mary Choy - Impartiality Interest in Item 10.3.4 as 'some nearby landowners or residents are or may be known to me.'
- Mayor Greg Milner - Impartiality Interest in Item 10.3.7 as 'I know one of the residents of a neighbouring property.'
- Mayor Greg Milner - Impartiality Interest in Item 10.4.1 as 'this item potentially affects a number of community organisations that I:
  - currently serve as patron;
  - have previously served as patron;
  - have previously served on the board of;
  - am a member of;
  - am an honorary member of; and/or
  - have otherwise developed relationships with during my time on Council.'

- Councillor Mary Choy – Impartiality Interest in Item 10.4.6 as ‘my seat is up for re-election in October 2025.’
- CEO Mike Bradford – Impartiality Interest in Item 10.5.1 as ‘this Item relates to my contract of employment.’

## 6. PUBLIC QUESTION TIME

### 6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

### 6.2 PUBLIC QUESTION TIME: 25 FEBRUARY 2025

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

### 7.1 MINUTES

#### 7.1.1 Ordinary Council Meeting Held: 10 December 2024

##### Officer Recommendation

That the Minutes of the Ordinary Council Meeting held 10 December 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
11 February 2025	Old Mill First Nations Interpretative Materials Project Workshop	Mayor Greg Milner and Councillors Glenn Cridland, Blake D'Souza, André Brender-A-Brandis, Nic Coveney, Jennifer Nevard, Hayley Prendiville.
11 February 2025	Karawara Pedestrian Cycle Access Plan Workshop	Mayor Greg Milner and Councillors Glenn Cridland, Blake D'Souza, André Brender-A-Brandis, Nic Coveney, Jennifer Nevard, Hayley Prendiville.

#### Attachments

Nil.

### 7.2.2 Council Agenda Briefing - 18 February 2025

Officers of the City presented background information and answered questions on Items to be considered at the February Ordinary Council Meeting at the Council Agenda Briefing held 18 February 2025.

#### 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 - 18 February 2025

## **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 18 February 2025.

## **9. METHOD OF DEALING WITH AGENDA BUSINESS**



## 10. REPORTS

### 10.2 STRATEGIC DIRECTION 2: ECONOMY

#### 10.2.1 Parklet Licence (Nextdoor Restaurant) - Angelo Street Road Reserve (abutting No.79 Angelo Street, South Perth)

File Ref: D-25-4983  
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 a new licence for the existing parklet adjacent of Nextdoor Restaurant abutting No.79 Angelo Street, South Perth, as the existing 12-month licence period has expired.

The applicant seeks to retain the structure as is for a three-year licence period.

##### Officer Recommendation

That Council authorises the Chief Executive Officer to issue a licence in accordance with Clause 8.2 (1) of the City of South Perth Public Places and Local Government Property Local Law 2011 for the proposed parklet adjacent Nextdoor Restaurant within the Angelo Street Road Reserve abutting No. 79 Angelo Street, South Perth, subject to the following conditions:

1. The licence is valid for 36 months only, following which the parklet and associated infrastructure must be removed at the applicant's cost, and the parking bays reinstated to the satisfaction of the City of South Perth.
2. The Licensed Area is to be shown in an agreed Licence Plan annexed to the licence.
3. The applicant must hold a current Public Liability Insurance Policy with indemnity of not less than \$20,000,000. If requested, the Applicant is to provide a Certificate of Currency to the City of South Perth prior to the construction activity commencing.
4. The applicant is to indemnify the City in connection with the death of or injury to any person or damage to property caused by or contributed to by the installation, operation, testing, maintenance, repair, replacement, alteration, removal or disposal of the Equipment.
5. The applicant may not assign, sublicense, share or part with possession of the Licensed Area without the City of South Perth's prior written consent, which is to be withheld or given at the City of South Perth's sole discretion.
6. The applicant must ensure that no damage or obstruction is caused to a manhole, inspection pit, fire hydrant, water, gas, electrical or communications infrastructure, drainage or other service, within the location of parklet.
7. The applicant does not have exclusive or uninterrupted use of the area. The parklet must be publicly available at all times.

8. The road and footpath pavement areas must be kept clean and free of litter at all times.
9. All furniture shall be durable, waterproof, rustproof and weather resistant, be maintained in good condition and be designed so that corners and fastenings do not create potential hazards for patrons and pedestrians. All furniture must be removed from the public realm at the close of business each day.
10. Pergolas shall be maintained to a high standard and securely anchored in accordance with Australian Standard AS1170.2-2002 – Structural Design Actions – Wind Actions and/or any recommendations provide by the manufacturer.
11. Alcohol consumption shall only be permitted where the necessary approvals have been obtained from the Department of Local Government, Sport and Cultural Industries (Racing, Gaming and Liquor).
12. Smoking is not permitted within the Licensed Area. The applicant is required to provide appropriate non-smoking signage to ensure compliance.
13. The parklet must be accessible from the footpath via an unobstructed section with a minimum width of 1.8m.
14. Blinds installed on the parklet are to be transparent and must only be used during the trading hours prescribed in the application, being:
  - Wednesday and Thursday: 3:00pm – 10:00pm
  - Friday: 12:00pm – 11:30pm
  - Saturday: 12:00pm – 11:30pm
  - Sunday: 12:00pm – 6:00pmAt all other times the blinds must remain open.

### Background

At its meeting held 12 December 2023, Council authorised the Chief Executive Officer to issue a licence in accordance with Clause 8.2 (1) of the City of South Perth Public Places and Local Government Property Local Law 2011 (Local Law) for a proposed parklet adjacent Nextdoor Restaurant and Olsen Butchers within the Angelo Street Road Reserve abutting No. 79 Angelo Street, South Perth, subject to conditions.

The Parklet Licence was subsequently executed on 19 January 2024, commencing on 12 February 2024 and expiring on 11 February 2024. A Building Permit was issued for the parklet on 11 March 2024. A copy of the parklet plans is contained at **Attachment (a)**.

At its meeting held 26 March 2024, Council adopted amendments to Council Policy P402 – Alfresco Dining and Parklets to include location and design criteria for parklets.

On 21 November 2024, the applicant confirmed they sought to extend the licence period.

As advised in the Councillor bulletin, the Chief Executive Officer issued a temporary licence in accordance with his powers, pursuant to Clause 8.2 (1) of the Local Law, to ensure the licence remained valid in the interim period from the end of the approved licence period to consideration of this item by Council, given that no Ordinary Council Meeting was scheduled in January.

**Comment**

*Proposal*

The applicant (Nextdoor Restaurant) seeks approval for a licence for a three-year term, with all other terms and conditions of the previous licence remaining the same and no modifications to the approved parklet structure.

The parklet provides alfresco dining opportunities for the businesses and permanent bench seating for the public. Additional furniture (small tables and chairs) is added to the space during restaurant opening hours to allow for approximately 20 patrons. The operating hours of Nextdoor Restaurant which formed the conditions of the licence are:

- Wednesday and Thursday: 3:00pm – 10:00pm
- Friday: 12:00pm – 11:30pm
- Saturday: 12:00pm – 11:30pm
- Sunday: 12:00pm – 6:00pm

*P402 – Alfresco Dining and Parklets*

The following provides an assessment of the existing structure against the requirements of P402 – Alfresco Dining and Parklets, which did not include location and design requirements for parklets when the application was previously considered by Council in December 2023.

Location Requirements	Comment
In existing on-street car parking bays (not loading, taxi, or bus or accessible car parking bays) on a local distributor road with a speed limit of no greater than 50kph.	Compliant. The parklet is constructed within two existing on-street car parking bays on Angelo Street, which has a speed limit of 40kph.
So as to cause no damage or obstruction to a manhole, inspection pit, fire hydrant, water, gas, electrical or communications infrastructure drainage or other service within the location of a parklet.	Compliant. The parklet is located in existing car parking bays and is free of infrastructure.
At least one car parking space (or a minimum of 6.0m) from a corner and at least 0.3m from the edge of the traffic lane.	Compliant. The parklet is located more than 6.0m from the corner and is setback 0.3m from the edge of the traffic lane.
Design Criteria	Comment
Any pergola constructed within the parklet must be freestanding, have an overhead clear height of a minimum 2.0m and not require fixtures to adjacent structure of buildings.	Compliant. The pergola has a clear height of 3.51m, is freestanding and not attached to the adjacent awning.

The pergola must be maintained to a high standard and securely anchored in accordance with Australian Standard AS 1170.2-2022- Structural Design Actions – Wind Actions and/or any recommendations provided by the manufacturers.	Compliant. A Building Permit has been issued for the existing structure which complies with the relevant standards.
The floor of the parklet is to be flush with the abutting kerb and the parklet must be accessible from the footpath via an unobstructed section with a minimum width of 1.8m.	Compliant. The parklet is designed to be flush with the kerb to provide for universal accessibility and is free of the existing footpath.  The City is liaising with the applicant regarding adjusting the structure to ensure drainage issues are addressed as further discussed below, which may require minor modifications in this respect.
The ends of the parklet must be protected by wheel stops with retro reflective material (or similar to the satisfaction of the City).	Not compliant. No wheels stops or retro reflective material have been provided, however, a bollard is located at the end of the parklet and is clear of the adjacent bay. There have been no reported issues with manoeuvrability to the adjacent bay and as such, the existing structure is considered satisfactory.

As demonstrated above, the proposal is generally compliant with the requirements of the Policy.

#### *Monitoring*

The City has been monitoring any correspondence received related to the parklet since installation, a summary of which is provided below:

Date	Summary
04-Oct-2024	Concerns regarding drainage under the parklet and flooding.
19-Aug-2024	Concerns regarding flooding adjacent 81B Angelo Street, South Perth, believed to be caused by blocked drain under the parklet.
14-Aug-2024	Concerns regarding drainage under the parklet and flooding causing issues for pedestrians and motorists.
30-Jul-2024	Concerns regarding flooding along Angelo Street, South Perth, believed to be caused by blocked drain under the parklet.
23-Jul-2024	Enquiry regarding who was responsible for waiving fees for parklet application.

07-Jul-2024	Enquiry regarding parklet installing blinds that do not provide for visibility and potential safety hazard due to obstructed views.
03-Jul-2024	Enquiry regarding parklet installing blinds that do not provide for visibility and potential safety hazard due to obstructed views.

In regard to flooding, the City liaised with the applicant to move the structure approximately 50mm off the kerb line to enable water to pass to prevent future flooding. The City will monitor the situation in future storm events to determine if further modifications are required.

The applicant installed solid blinds without the prior approval of the City, as these blinds were not shown on the approved plans. The City agrees that blinds installed on the parklet should be transparent and otherwise open when the business is not trading, to ensure the streetscape remains open and the parklet does not present as a closed space. Should Council grant a licence, a condition has been recommended to ensure compliance in this respect.

In respect to parking availability, the City's Ranger Services reviewed general availability of car parking bays during day-to-day inspections and noted there did not appear to be parking or traffic concerns beyond what was typically being experienced on Angelo Street near the parklet. Whilst a lack availability of parking bays has been experienced on Angelo Street, as detailed in some submissions received, the existence of the parklet is not considered to materially impact car parking availability beyond what was previously being experienced.

Since the matter was previously considered by Council, the City has commenced a holistic review of parking across the district and recognises that parking within the Angelo Street neighbourhood centre will likely require changes to parking restrictions in the locality to provide a higher turnover of bays. Once this review has been finalised, measures to assist in additional car parking availability will be considered for implementation, subject to budget allocations.

### Consultation

The City advertised the proposal for a period of 15 days from 2 December 2024 to 17 December 2024. The City sent letters to 120 owners and occupiers within a 100m radius of the site, and in addition provided letters to local business tenants along Angelo Street. Public submissions were also available online via Your Say South Perth.

At the close of the submission period, 72 submissions (including one late submission) were received, with 14 (19.44%) opposed and 58 (80.55%) in support. A schedule of submissions is contained as **Attachment (b)**.

### Policy and Legislative Implications

*Public Places and Local Government Property Local Law 2011*

A licence is valid for one year from the date on which it is issued, unless it is:

- (a) otherwise stated in the local law or in the licence; or
- (b) suspended or cancelled under the relevant division of the local law.

The applicant seeks approval for a three-year licence, which, if approved by Council, would be stated in the licence.

**Financial Implications**

There is no fee for parklets within the adopted 2024/25 Annual Budget.

**Conclusion**

The parklet is consistent with the Economic Development Plan and will continue to be used by Nextdoor Restaurant to enhance the dining experience and create interest and activation of a space. The location of the parklet has not caused obstructions to vehicle sight lines or safety to pedestrians. It is therefore recommended that Council authorise the Chief Executive Officer to conditionally issue the licence for a 36-month period.

**Key Risks and Considerations**

<b>Risk Event Outcome</b>	<b>Legislative Breach</b> Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation.
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	Appropriate conditions imposed on the licence to indemnify the City of ongoing management, maintenance and public liability for the structure. Conditions will be placed which provide for removal of the structure at the conclusion of the licence at the applicant’s cost.

**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: 2.1.3 Support local business and local employment opportunities

**Attachments**

- 10.2.1 (a): Parklet Plans
- 10.2.1 (b): Schedule of Submissions - Parklet Licence (Nextdoor Restaurant)

## 10.2.2 Response to Notice of Motion - Expression of Interest for Floating Venue Trial at Coode Street Jetty

File Ref: D-25-4984  
Author(s): Donna Shaw, Director Development and Community Services  
Reporting Officer(s): Mike Bradford, Chief Executive Officer

### Summary

This report presents the feedback from the Department of Biodiversity, Conservation and Attractions and the Department of Transport with respect to advertising an Expression of Interest (EOI) for a temporary floating food and beverage venue to be moored at Coode Street jetty.

### Officer Recommendation

That Council notes the advice received from the Department of Biodiversity, Conservation and Attractions in respect to advertising an Expression of Interest (EOI) for a temporary floating food and beverage venue to be moored at Coode Street jetty.

### Background

In response to a Notice of Motion from Councillor Nic Coveney, at its meeting held 22 October 2024, Council resolved as follows:

*“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, requests the CEO 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 feedback to Council updating the progress on 1 and 2 above at the 25 February 2025 Ordinary Council Meeting.”*

### **Comment**

The City wrote to the relevant agencies (**Attachment (a)** and **Attachment (b)**), being DBCA and the Department of Transport (DoT). A summary of the advice is provided below, with a copy of the response contained in **Attachment (c)**.

#### DBCA Advice

In summary, the advice from the DBCA is as follows:

- The desired outcome for the Coode Street jetty area is to continue as a space for community recreation and events. It seeks expanded opportunities for water-based recreation and environmental conservation, facilitating direct interaction with and appreciation of the river.
- It does not consider additional significant entertainment and dining opportunities at the Coode Street jetty area.
- The introduction of a floating barge and entertainment venue represents a high-intensity activity that does not align with the intended use of this area and could lead to increased noise, traffic, and congestion, affecting the amenity of the area for both local residents and users of the foreshore.
- The location of a floating barge and entertainment venue at Coode Street jetty is not appropriate.
- The proposal would be more appropriately located at Mends Street.

#### DoT Advice

The DoT did not provide a response.

#### EOI

Given support was not provided by the DBCA, the City has not prepared an EOI.

### **Consultation**

The City wrote to the DBCA and the DoT as detailed above.

### **Policy and Legislative Implications**

Nil.

### **Financial Implications**

Nil.



### Key Risks and Considerations

<b>Risk Event Outcome</b>	<b>Reputational Damage</b> Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	Should Council proceed with an EOI contrary to the advice of DBCA, the City will keep the community informed of any outcomes and 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:	2.1.1 Ensure that the City is an attractive place for commercial activity

### Attachments

- 10.2.2 (a):** Letter to the Department of Biodiversity, Conservation and Attractions
- 10.2.2 (b):** Letter to the Department of Transport
- 10.2.2 (c):** Response - Department of Biodiversity, Conservation and Attractions

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

### 10.3.1 Draft Karawara Pedestrian and Cycle Access Plan (Final Adoption)

File Ref: D-25-4985  
Author(s): Fiona Mullen, Manager Development Services  
Reporting Officer(s): Donna Shaw, Director Development and Community Services

#### Summary

The purpose of this report is for Council to adopt the draft Karawara Pedestrian and Cycle Access Plan following advertising. This report presents the outcome of the advertising period and recommended modifications to the draft Plan.

#### Officer Recommendation

That Council adopts the draft Karawara Pedestrian and Cycle Access Plan as contained at **Attachment (a)**.

#### Background

At its meeting held 24 September 2024, Council resolved to advertise the draft Karawara Pedestrian and Cycle Access Plan (draft Plan).

#### Comment

##### Pedestrian Access Way (PAW) Classifications

The Department of Planning, Lands and Heritage (DPLH) Procedure for the Closure of Pedestrian Access Way Planning Guidelines (the Guidelines) require the information obtained from the assessments of Pedestrian Access Ways (PAWs) and submissions to be compiled into a draft Plan which identifies the PAWs and provides a classification for the role of each PAW in respect to its functionality using the following criteria:

- Essential (E) - the pedestrian access way should be retained and kept open because it plays an essential role in the local movement network.
- Non-Essential (NE) - the pedestrian access way could be closed without causing significant disadvantage to local residents because it is not essential to the local movement network.

As a result of submissions received during the consultation period, it is recommended that the following modifications are made to the draft Plan:

PAW No.	Modification
3 (between Lenna Ct and Crana Pl)	<p>Change classification to 'Essential'. The City reviewed the urban design, the potential vulnerability of the PAW to crime, and its role in connecting locations within the local movement network and on balance recommends support for PAW No. 3 given the straightness of the PAW providing better sightlines for users.</p> <p>A trial to reduce use of indentations within the PAW for concealment by installing temporary fencing for 12 months will further improve the PAW.</p>
7 (between Woonan Pl and Boongala Cl)	<p>Change classification to 'Essential'. A trial to reduce use of indentations within the PAW for concealment by installing temporary fencing for 12 months will further improve the PAW.</p>
14 (between Bunderra Cl and Chica Ct)	<p>Change classification to 'Essential'. The City reviewed the urban design, the potential vulnerability of the PAW to crime and its role in connecting locations within the local movement network and on balance recommends support for PAW No. 7 given the straightness of the PAW contributing towards better sightlines for users.</p>
22 (between Melinga Ct and public open space)	<p>Change classification to 'Non-Essential' to reflect community feedback on low levels of pedestrian use and perceived design flaws which include a 90 degree corner and non-legible eastern entry from Melinga Court.</p>
26 (between Koolunda Ct and Miamba Ct)	<p>Change classification to 'Essential'. The City reviewed the urban design, the potential vulnerability of the PAW to crime, and its role in connecting locations within the local movement network and on balance recommends support for PAW No. 26 given the relative short length of the PAW when compared with other PAWs that connect to Gillon Street.</p> <p>A trial to reduce use of indentations within the PAW for concealment by installing temporary fencing for 12 months will further improve the PAW.</p>
30 (between Beenan Cl and Yallabee Pl)	<p>Change classification to 'Essential'. The City reviewed the urban design, the potential vulnerability of the PAW to crime, and its role in connecting locations within the local movement network and on balance recommends support for PAW No. 30 given the relative straightness of the PAW which does not include a concealment indentation, providing better sightlines for users.</p>
32 (between Abjornson St and Beenan Cl)	<p>Change classification to 'Essential'. A trial to reduce use of indentations within the PAW for concealment by installing temporary fencing for 12 months will further improve the PAW.</p>

A plan showing the PAW recommendations, including as modified as above, is contained at **Attachment (a)**.

The final recommendations for each PAW are provided below, with modifications as detailed in the table above in bold:

PAW No.	Original PAW Recommendation	Proposed PAW Recommendation	Recommended Infrastructure Improvements
1	Essential	Essential	Recommend new directional signage for both entries and 1.5m footpath extension around bollards.
2	Non-Essential	Non-Essential	No improvements as currently inaccessible.
3	Non-Essential	<b>Essential</b>	Recommend new directional signage, 1.5m footpath extension around bollards and trial fencing-off concealment indentation.
4	Essential	Essential	Recommend new directional signage and 1.5m footpath extension around bollards.
5	Essential	Essential	Recommend new directional signage, 1.5m footpath extension around bollards and trial fencing off concealment indentation.
6	Non-Essential	Non-Essential	No improvements as currently inaccessible.
7	Non-Essential	<b>Essential</b>	Recommend new directional signage, 1.5m footpath extension around bollards and trial fencing off concealment indentation.
8	Essential	Essential	Recommend new directional signage and 1.5m footpath extension around bollards.
9	Non-Essential	Non-Essential	Recommend new directional signage, 1.5m footpath extension around bollards and trial fencing off concealment indentation.
10	Essential	Essential	Recommend new directional signage and 1.5m footpath extension around bollards.
11	Non-Essential	Non-Essential	Recommend new directional signage, 1.5m footpath extension around bollards and trial fencing off concealment indentation.
12	Essential	Essential	Recommend new directional signage and 1.5m footpath extension around bollards.

PAW No.	Original PAW Recommendation	Proposed PAW Recommendation	Recommended Infrastructure Improvements
13	Essential	Essential	Recommend new directional signage and 1.5m footpath extension around bollards.
14	Non-Essential	<b>Essential</b>	Recommend new directional signage and 1.5m footpath extension around bollards.
15	Essential	Essential	Recommend new directional signage and 1.5m footpath extension around bollards.
16	Essential	Essential	Recommend new directional signage and 1.5m footpath extension around bollards.
17	Essential	Essential	Recommend new directional signage and 1.5m footpath extension around bollards.
18	Non-Essential	Non-Essential	Recommend new directional signage and 1.5m footpath extension around bollards.
19	Essential	Essential	Recommend new directional signage and 1.5m footpath extension around bollards.
20	Essential	Essential	Recommend new directional signage and 1.5m footpath extension around bollards.
21	Non-Essential	Non-Essential	Recommend new directional signage and 1.5m footpath extension around bollards.
22	Essential	<b>Non-Essential</b>	Recommend new directional signage, 1.5m footpath extension around bollards and lighting along east-west path.
23	Essential	Essential	Recommend new directional signage and 1.5m footpath extension around bollards.
24	Essential	Essential	Recommend new directional signage and 1.5m footpath extension around bollards.
25	Essential	Essential	Recommend new directional signage and 1.5m footpath extension around bollards.
26	Non-Essential	<b>Essential</b>	Recommend new directional signage, 1.5m footpath extension around

PAW No.	Original PAW Recommendation	Proposed PAW Recommendation	Recommended Infrastructure Improvements
			bollards and trial fencing off concealment indentation.
27	Essential	Essential	Recommend new directional signage and 1.5m footpath extension around bollards.
28	Non-Essential	Non-Essential	No improvements recommended as subject to closure application.
29	Essential	Essential	Recommend new directional signage, 1.5m footpath extension around bollards and additional path connecting PAW and road.
30	Non-Essential	<b>Essential</b>	Recommend new directional signage and 1.5m footpath extension around bollards.
31	Essential	Essential	Recommend new directional signage and additional path connecting PAW and road.
32	Non-Essential	<b>Essential</b>	Recommend new directional signage, 1.5m footpath extension around bollards and trial fencing off concealment indentation.

A copy of the draft modified Plan is contained at **Attachment (b)**.

#### PAW Closure Process

The City had previously advised that whilst the draft Plan will provide the City with a framework against which future requests to alter or close PAWs will be considered, it is not intending to progress individual closures.

Landowners seeking to alter or close PAWs will be required to initiate the request and incur costs associated with the closure process in accordance with the processes established in the Guidelines and the *Land Administration Act 1997* (LA Act).

A budget allocation would be required should Council seek to progress closures on behalf of landowners, which is further discussed in the financial implications section of this report.

#### PAW No. 2 and No. 6 – Informal Closure

During assessment, it was noted that PAW No. 2 located between Nos. 7 and 12 Lenna Court and PAW No. 6 located between Nos. 11 and 16 Woonan Place were inaccessible and had been informally closed (fenced and incorporated into the adjacent land) without formal closure being undertaken in accordance with the LA Act. The City also received submissions in relation to these PAWs.

Both PAWs are owned by the State of Western Australia and contain Water Corporation mains infrastructure. The owners of the adjoining properties cannot apply for adverse possession of the land given the PAWs are Crown land.

### 10.3.1 Draft Karawara Pedestrian and Cycle Access Plan (Final Adoption)

At its meeting held 28 August 2012, Council considered the closure of selected PAWs within Karawara, and resolved the following with respect to PAW No. 2 and PAW No. 6:

- “- *the POS that runs between Meathcare and the rear of the four houses in Lenna Court be retained and that there be no requirement for the re-opening of the PAW between number 7 and 12 Lenna Court; and*
- *no action be taken to require the owners of number 11 and 16 Woonan Place to reopen the PAW between their properties.”*

Should Council seek to formally close these PAWs, a motion to change the previous Council decision is recommended.

During consultation, the City liaised with the Water Corporation seeking feedback on a proposal to formally close the PAWs. The Water Corporation advised it did not support cutting and capping the water main infrastructure and also advised the City that existing fences may remain in situ subject to uninterrupted access by the Water Corporation to the infrastructure.

The City also liaised with the DPLH who considered the PAWs as unvested facilities under the control of the City, pursuant to section 3.53 of the *Local Government Act 1995*, and that it was at the City’s discretion as to whether the boundaries are enforced, or whether longer term actions (such as closure and rationalisation) are pursued.

The Department of Lands advised that if formal closure was pursued, the agreement of the Water Corporation for closure would be required, which would likely require asset relocation or protection, as well as the preliminary agreement of the adjoining landowners to acquire all/ a portion of the PAWs in accordance with the Guidelines and the LA Act.

Given the above, it is recommended that the status quo remain, however, should any transactions occur to the properties, the City can notify prospective owners of the existence and requirements of the PAWs.

### Consultation

Following Council’s resolution on the matter, the draft Plan was advertised for public comment between 10 October 2024 and 11 November 2024 in the following manner:

- Consultation with relevant State Government agencies as required by the Guidelines, including but not limited to the DPLH, Public Transport Authority, Department of Education, Disability Services Commission and Crime Prevention and Community Liaison and Kensington Police;
- Consultation with Service Utility providers;
- A project specific page on the City’s Your Say page and e-news;
- Mail out letters to landowners, occupants and businesses owners;
- Mail out to local resident/ interest groups, including:
  - Manning Community Association Inc.
  - Karawara Action Group.
  - City of South Perth Environment Association.
  - South Perth Bicycle Users’ Group.
  - Inclusive Community Advisory Group.
  - South Perth Youth Network.

### 10.3.1 Draft Karawara Pedestrian and Cycle Access Plan (Final Adoption)

- Aboriginal Community Leaders.
- Public Health Reference Group.
- Community Safety and Crime Prevention Group.
- HOME Karawara.
- Befriend Group.
- Decal stickers on the pavement of each PAW and core-flute signs in the Kwel Court Playground; and
- Community drop-in information session at the Village Green Shopping Centre (Karawara) on 16 October 2024 between 12:00 noon and 2:00pm.

At the close of public consultation period 237 submissions were received on the draft Plan. This number includes 48 submissions provided as two types of proforma forms separate to the City's project feedback forms.

Key matters raised in submissions are summarised as follows:

- Provides clearer framework for decisions regarding PAWs.
- Closure is tantamount to a 'land grab.'
- The PAWs are part of Karawara's character.'
- The PAW's provide habitat for birds and space for trees.
- Safe and easy access to schools and shopping centres.
- Support for active pedestrian movement.
- PAWs result in antisocial behaviour and crime.
- Support for upgrades to PAWs, including fencing improvements, artwork, furniture, naming the PAWs, graffiti removal and wayfinding signage.

A schedule of submissions for the draft Plan received via the City's Your Say page and directly to the City are contained at **Attachment (c)** and for the proforma forms at **Attachment (d)**.

#### Policy and Legislative Implications

Section 87 of the *Land Administration Act 1997* provides for the sale etc. of Crown land for amalgamation with adjoining land.

Whenever the Minister for Lands considers that a parcel of Crown land is —

- (a) unsuitable for retention as a separate location or lot, or for subdivision and retention as separate locations or lots, because of its geographical location, potential use, size, shape or any other reason based on good land use planning principles; but
- (b) suitable for —
  - (i) conveyance in fee simple to the holder of the fee simple; or
  - (ii) disposal by way of lease to the holder of a lease granted by the Minister under this Act, of land adjoining that parcel,

The Minister may, with the consent of that holder and on payment to the Minister of the price, or of the initial instalment of rent, as the case requires, agreed with that holder, by order convey that parcel in fee simple or lease that parcel to that holder and amalgamate that parcel with the adjoining land.



### Financial Implications

Nil, however, should Council seek to progress closures of individual PAWs in lieu of the landowners, costs would include administrative time to undertake consultation and prepare individual closure reports, as well as the costs associated with the sketch plan and acquisition costs as determined by the Valuer-General.

Acquisition costs are only provided by the Valuer-General following the closure process being undertaken and submitted to the DPLH for consideration and as such, up-front costs of acquisition cannot be determined in advance.

The City could also advocate to the State Government to waive costs associated with closure and provide assistance towards infrastructure replacement/ upgrading, given public support for the recommendations included in the draft Plan and the beneficial outcomes to the community in implementing the recommendations of the draft Plan.

### Key Risks and Considerations

<b>Risk Event Outcome</b>	<b>Legislative Breach</b> Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation.
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	The City has prepared the Karawara Pedestrian and Cycle Access Plan in accordance with the Guidelines. Future closures would be undertaken in accordance with the requirements of the <i>Land Administration Act 1997</i> .

### Strategic Implications

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

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

### Attachments

- 10.3.1 (a): Draft Karawara Pedestrian and Cycle Access Plan (as amended)
- 10.3.1 (b): Draft Karawara PAW Plan
- 10.3.1 (c): Schedule of Submissions
- 10.3.1 (d): Schedule of Submissions (Pro Forma Responses)

### 10.3.2 Draft Local Planning Policy - Waste Management (Final Adoption)

File Ref: D-25-4986  
Author(s): Fiona Mullen, Manager Development Services  
Reporting Officer(s): Donna Shaw, Director Development and Community Services

#### Summary

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

#### Officer Recommendation

That Council, pursuant to Schedule 2, Part 2, Clause 4 (3) of the Planning and Development (Local Planning Schemes) Regulations 2015 adopts draft Local Planning Policy – Waste Management as contained within **Attachment (a)**.

#### Background

At its meeting held 24 September 2024, Council resolved to advertise draft Local Planning Policy – Waste Management (draft Policy). A copy of the draft Policy is contained as **Attachment (a)**.

#### Comment

It is recommended that the following amendments are made to the draft Policy:

Modification	Rationale
<p>Insert new clause 5.5.7:</p> <p><i>5.5.7 Where it is demonstrated that site constraints for a proposed development impede the ability for the design to accommodate the City's standard rear loader waste collection vehicle, the applicant may propose that waste is collected by a private contractor.</i></p>	<p>The City's position is that waste for residential properties are to be collected by the City's contracted waste collection provider.</p> <p>Following comparison against proposed developments, it was noted that collection by the City's contracted waste collection provider vehicles may result in inferior urban design outcomes due to the heights required to achieve the necessary clearances. Private collection enables the use of small waste collection vehicles.</p>
<p>Insert new clause 5.5.8:</p> <p><i>5.5.8 For development where waste is collected by a private contractor, the applicant shall demonstrate the proposal can accommodate the specifications of the proposed waste collection vehicle.</i></p>	<p>As the City's waste service provider has limited access to small waste collection vehicles, applicants have currently limited opportunities to use them as a method of waste collection through the City.</p>

	<p>Inserting a clause to enable private collection where appropriate is therefore recommended.</p> <p>Including these clauses ensures that a constrained site does not propose a sub-optimal design to meet waste collection requirements. Therefore, if an applicant can demonstrate that a private contractor can adequately service the proposed development, the City will have a clear position to provide an assessment.</p>
<p>Modification of clause 5.8.2 (b):</p> <p><i>(b) Designed with walls not less than 1.8m in height and access point with self-closing gate of not less than 1.0m in width.</i></p>	<p>Including 'in width' provides more clarity on the specific minimum dimensions for bin storage access.</p>

#### Referral to Western Australian Planning Commission

The City provided a copy of the draft Policy to the Western Australian Planning Commission (WAPC) for comment, as the draft Policy varies acceptable outcomes of the Residential Design Codes - Volume 2 – Apartments, in that the waste generation rates differ to the WALGA Guidelines referred to the R-Codes and additional criteria is provided in the draft Policy with respect to integrated communal waste storage into the design of the development. The WAPC had no objections to the draft Policy.

#### **Consultation**

Following Council's resolution on the matter, the draft Policy was advertised for public comment between 1 October 2024 and 23 October 2024 (21 days) in the following manner:

- On the City's Your Say South Perth website;
- An article was included in the mySnapshot (e-newsletter) on 17 October 2024; and
- Copies of the draft Policy and hard copy feedback forms were made available at the City's Civic Centre, South Perth Library and Manning Library.

At the close of advertising period, two submissions providing comment were received on the draft Policy. A schedule of submissions is contained as **Attachment (b)**.

#### **Policy and Legislative Implications**

In accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations), after the expiry of the period within which submissions may be made, the local government must –

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

*(b) resolve to –*

*(i) proceed with the policy without modification; or*

*(ii) proceed with the policy with modification; or*

*(iii) not to proceed with the policy.”*

10.3.2 Draft Local Planning Policy - Waste Management (Final Adoption)

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

**Financial Implications**

Nil.

**Key Risks and Considerations**

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

**Strategic Implications**

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

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

**Attachments**

- 10.3.2 (a): Draft Local Planning Policy - Waste Management
- 10.3.2 (b): Schedule of Submissions - Draft Local Planning Policy - Waste Management

### 10.3.3 RFT 10/2024 - Provision of Supply of Plant with Skilled Operator for Minor Works Services

File Reference: D-25-4987  
Author(s): Jan Augustin, Manager Engineering Services  
Reporting Officer(s): Anita Amprimo, Director Infrastructure Services

#### Summary

This report considers submissions received from the advertising of Tender 10/2024 for the Provision of Supply of Plant with Skilled Operator for Minor Works Services.

This report will outline the assessment process used during evaluation of the tenders 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 MMM (WA) Pty Ltd for the Provision of Supply of Plant with Skilled Operator for Minor Works Services in accordance with Tender Number 10/2024 for an initial contract term of three years with an option to renew for a further two one-year periods at the City's sole discretion;
2. Accepts the estimated tender price included in **Confidential Attachment (a)**;
3. Notes that the tender price will be included in the Ordinary Council Meeting Minutes; and
4. Authorises the Chief Executive Officer to execute the contract with MMM (WA) Pty Ltd for the Provision of Supply of Plant with Skilled Operator for Minor Works Services.

#### Background

A Request for Tender (RFT) 10/2024 for the Provision of Supply of Plant with Skilled Operator for Minor Works Services was released via Tenderlink and the West Australian on 25 September 2024 and closed at 4pm (AWST) on 11 October 2024.

Tenders were invited as a Schedule of Rates.

The contract spans for five years with an initial contract term of three years. The City reserves the right to extend the contract for up to two additional one-year periods at its sole discretion.

### Comment

At the close of the tender advertising period two submissions had been received and these are tabled below:

TABLE A – Tender Submissions

Tender Submission	
1.	Citywide Civil Contractors
2.	MMM (WA) Pty Ltd

The Tenders were 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. Skills and experience of key personnel	30%
3. Demonstrated understanding of the required tasks	30%
4. Sustainability	10%
<b>Total</b>	<b>100%</b>

Based on the assessment of all submissions received for Tender 10/2024 for the Provision of Supply of Plant with Skilled Operator for Minor Works Services, it is recommended that the tender submission from MMM (WA) Pty Ltd be accepted by Council.

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* (the Act).

### Policy and Legislative Implications

Section 3.57 of the Act - 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 annual 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**

<b>Risk Event Outcome</b>	<b>Project Cost</b> This relates to any project exceeding the project budget. Ranging and exceeding the budget by up to 10% to 30% and over.
	<b>Project Time</b> This relates to any project exceeding the project deadline. Ranging from exceeding the deadline by up to 10% to 30% and over.
	<b>Property Damage</b> Relates to damage or destruction of City assets. Causes include but are not limited to theft, vandalism, fire or water damage and failure to adequately insure buildings, property and assets.
<b>Risk rating</b>	Medium
<b>Mitigation and actions</b>	Establish a contract for the provision of plant and skilled operators to increase efficiency and quality of minor maintenance works.

**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**

10.3.3 (a): Recommendation Report (*Confidential*)

### 10.3.4 Third Party Digital Advertising Signage - Lot 182, No. 272 Canning Highway, Como

Location: 272 Canning Highway, Como  
Ward: Moresby Ward  
Applicant: Pinnacle Planning  
File Reference: D-25-4988  
DA Lodgement Date: 28 August 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 Third Party Digital Advertising Signage on Lot 182, No. 272 Canning Highway, Como.

The item is referred to Council as the development is located entirely within a Primary Regional Road Reserve under the Metropolitan Region Scheme and therefore falls outside 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 Clause 30(1) of the Metropolitan Region Scheme, this application for development approval for Third Party Digital Advertising Signs on Lot 182, No. 272 Canning Highway 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. The signs shall only operate between 6:00am and 10:00pm.
3. The illuminance of the signs shall comply with Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting. Within 30 days of installation of the signs, the applicant shall supply a report to the City of South Perth completed by a suitably qualified consultant, confirming that the illuminance of the installed signs meets the requirements of Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting, to the satisfaction of the City of South Perth.
4. Prior to the submission of a building permit application, the landowner/applicant is required to enter into a Deed of Agreement with the Commissioner of Main Roads and the Western Australian Planning Commission to the satisfaction of the City of South Perth, binding on all successor in title, providing written acknowledgement and agreement by the landowner/applicant that the approval is granted on the basis that:



- (i) No compensation will be sought by the landowner or the landowner's successors in respect of the loss, removal or relocation of any improvements arising out of this approval that are within the portion of the land reserved for road purposes under the Metropolitan Region Scheme (including, without limitation, the large format digital signs), if and when the identified portion of the land is acquired for any works consistent with the purpose of that reservation (including, without limitation, the upgrading of Canning Highway or intersection improvements); and
  - (ii) All modifications and additions to the existing building will be removed at the landowner's cost upon 120 days written notice by Main Roads Western Australia or the Western Australian Planning Commission that the reserved land is required for the upgrading of Canning Highway or intersection improvements and that the works will necessitate removal of the original building.
5. In the event the site where the signs have been erected is needed for future road works, the landowner/applicant shall upon receipt of a notice from Main Roads, relocate or remove the signs at their own expense, to the satisfaction of the City of South Perth.
  6. The minimum dwell time for any advertisement displayed on the signs shall be set to 20 seconds at all times.
  7. Any proposed illumination of the signage devices shall be in accordance with the requirements below at all times:
    - (i) During daytime, the maximum luminance level shall be 6000 cd/m<sup>2</sup>.
    - (ii) During dusk/dawn, the maximum luminance level shall be 600 cd/m<sup>2</sup>.
    - (iii) During night, the maximum luminance level shall be 250 cd/m<sup>2</sup>.
  8. The signage devices must not contain fluorescent, reflective, or retro-reflective colours or materials.
  9. The signage devices shall not flash, pulsate or chase during all hours.
  10. Vegetation within the Canning Highway Road Reserve shall not be removed or trimmed to improve visibility of the proposed advertising signs.

<b>Applicant</b>	Pinnacle Planning
<b>Landowner</b>	Bourke Instalment Company Pty Ltd

### Development Site Details

The development site details are as follows:

<b>Local Planning Scheme 7</b>	No zone or reserve
<b>Metropolitan Region Scheme</b>	Primary Regional Road Reserve
<b>Density coding</b>	N/A
<b>Lot area</b>	1,260m <sup>2</sup>
<b>Building height limit</b>	N/A

### Comment

#### (a) Background

In August 2024, the City received an application for Third Party Digital Advertising Signs on Lot 182, No. 272 Canning Highway, Como. The City requested a specialist report confirming the proposed Signs complied with Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting (AS4282), which was received in January 2025.

The western portion of the site where the development is proposed is reserved for Primary Regional Roads under the Metropolitan Region Scheme (MRS). The eastern portion of the site which does not include any proposed works is zoned Mixed Use with a density code of R-AC4 under the City of South Perth Local Planning Scheme No. 7 (LPS7).

The current MRS was gazetted in 1963. The Planning and Development Amendment (Metropolitan Region Scheme) Bill 2024 seeks to modernise the MRS and has passed through State Parliament and is now the *Planning and Development Amendment (Metropolitan Region Scheme) Act 2024* which will become operational on 31 March 2025 (draft MRS). Due regard is required for the purposes of development assessment.

Being wholly located within an MRS reserve, the City’s LPS7 and associated local planning policies do not apply to the proposed development.

#### (b) Delegation

The *Planning and Development Act 2005* – Instrument of Delegation – Del 2022/03 – Powers of Local Governments Metropolitan Region Scheme (Del 2022/03) empowers local governments to determine development applications on regional road reserves where:

- The determination is not inconsistent with advice received from Main Roads Western Australia (MRWA); and
- Due regard has been given to relevant Western Australian Planning Commission (WAPC) and MRWA policy and guidelines.

With respect to relevant WAPC and MRWA policies, Del 2022/03 makes specific reference to Development Control Policy 5.1 – Regional roads (vehicular access), the WAPC Transport Impact Assessment Guidelines and MRWA Driveways Policy.

As the proposal does not involve any changes to traffic intensity or vehicular access these documents are not relevant to the proposed development. Relevant policies and guidelines are addressed in this report.

In respect to determination, if the local government intends to approve the development under Del 2022/03, the approval must include all conditions recommended by MRWA.

If MRWA support the proposal, the local government may still refuse the application under Del 2022/03, provided the reasons for refusal do not relate to MRWA comments (i.e. road safety reasons).

In the event the conditions for Del 2022/03 are not met, the application, together with all recommendations provided by public authorities consulted and the reasons why the recommendation is not acceptable to the local government, shall be referred immediately to the WAPC for determination.

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

The site is located at the northern corner of the Canning Highway and Hobbs Avenue intersection. The existing development forms part of a cluster of commercial premises including the site on the southern corner of the intersection, and multiple properties extending north along Canning Highway to Birdwood Avenue and beyond.

Surrounding the commercial premises is a range of residential developments including single, grouped, and multiple dwellings as shown in **Figure 1** below:



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

**(d) Description of the Proposal**

The proposal involves the construction of two third party digital advertising signs and an associated supporting structure above the existing single-storey commercial premises. The signs will be oriented towards northbound and southbound lanes on Canning Highway. The development plans are included in **Attachment (a)**.

**(e) Land Use**

Third party advertising signage is not a defined land use in the MRS. The MRS does not have a land use permissibility table or objectives for its zones and reserves.

The draft MRS provides a purpose for Primary Regional Road reserve as follows:

*‘to provide a regional road network to accommodate current and future transport needs on roads declared under the Main Roads Act 1930.’*

The proposal is not considered to impact on the purpose of the Primary Regional Road reserve given that the structure will be located above an existing building and therefore not interfere with the road network or future acquisition for road widening purposes if required. A Road Traffic Safety Assessment was undertaken to identify and address safety concerns resulting from the proposal, a copy of the assessment is included in **Attachment (b)**.

**(f) WAPC Development Control Policy 1.2 – Development Control**

This policy outlines that the WAPC must have regard to a range of matters when determining applications for approval to commence development on reserved land under the MRS, including the purpose for which land is reserved.

The proposal is considered to address all relevant considerations of this policy, however the following comment is made in respect of clause 3.1.

Requirement	Assessment
<p>Clause 3.1</p> <p>The WAPC will have regard to the following relevant planning considerations in making decisions on development applications:</p> <ul style="list-style-type: none"> <li>• Compatibility with relevant planning policies, strategies and development control criteria;</li> <li>• Integration of development into the site and its surroundings;</li> <li>• Transport and traffic impacts;</li> <li>• Vehicular and non vehicular access, circulation and car parking;</li> <li>• Relevant environmental, economic and social factors;</li> <li>• Relevant factors of amenity and sustainability.</li> </ul>	<p>The proposed development is located amongst an existing commercial strip on Canning Highway which includes other existing third party digital advertising signs. The streetscape does not present a cohesive residential character, rather it is highly variable with a considerable commercial presence. Residential character is further compromised by impacts associated with high volumes of vehicle traffic, including visual, acoustic, and light impacts.</p> <p>A Lighting Impact Assessment has been undertaken demonstrating compliance with AS4282 to ensure that nearby residential land uses are not unduly impacted by light spill. A copy of this assessment is included in <b>Attachment (c)</b>. The applicant is also proposing to</p>

	<p>turn off the signs from 10:00pm to 6:00am to ensure no impact during this period.</p> <p>Whilst there is considerable residential development surrounding this area, the signage is not considered to result in any substantial impact on the residential character or light spill beyond within the immediate vicinity of the proposal.</p> <p>Accordingly, the signage in this context and subject to appropriate controls through conditions of approval, is considered acceptable.</p> <p>Matters related to other relevant policies and traffic impacts are discussed elsewhere in this report.</p>
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**(g) WAPC Development Control Policy 5.4 – Advertising on Reserved Land**

Development Control Policy 5.4 – Advertising on Reserved Land seeks to address the impact proposal may have on amenity, safety and efficiency of roads, and protection of the reservation. The proposal is considered to satisfactorily address all criteria of this policy given:

- The sign will be integrated into a supporting structure which will screen the sign infrastructure.
- The sign will comply with the requirements of AS4282.
- The City and MRWA have not identified safety concerns relating to the proposal.
- The applicant acknowledges that the development is required to be temporary in nature and removed if required for future road works.

**(h) MRWA Policy and Assessment Guidelines for Digital Advertising Signs**

The proposal was assessed against the requirements of this policy by MRWA, who have recommended that the proposal be conditionally approved. The MRWA's recommendation is included in **Attachment (d)**. All conditions recommended by MRWA have been incorporated into the officer recommendation.

**(i) Community Consultation**

The application was advertised for a period of 14 days between 16 October 2024 and 30 October 2024 in the following manner:

- A total of 79 letters were sent to owners and occupiers of properties within the vicinity and those which were considered likely to have direct line of sight to the proposed signs; and
- A copy of the application was made available for review on the City's website.

At the close of the consultation period, three submissions were received as contained as **Attachment (e)**. The key themes raised in the submissions are provided in the table below, in addition to the Officer's comments:

Matter	Comment
<p><u>Light spill</u></p> <p>Concerns in respect of light pollution projecting into bedrooms of nearby dwellings at night time. Light spill from other existing illuminated signs of businesses near the proposal already impact on amenity of nearby dwellings.</p> <p>The variable nature of the proposed digital illuminated signs is considered more detrimental on amenity than the existing static illuminated signs located nearby.</p>	<p>At the request of the City, the applicant prepared a Lighting Impact Assessment undertaken to demonstrate compliance with AS4282. The study concludes that the sign will achieve compliance with AS4282.</p> <p>MRWA has recommended conditions of approval which will limit the luminance of the signs at various times of the day, and the applicant has also modified their proposal to turn the signs off between 10:00pm and 6:00am in response to the concerns raised.</p> <p>The above measures are considered to satisfactorily ensure that the impacts of light spill have been adequately considered and addressed by the proposal.</p>
<p><u>Safety</u></p> <p>The north facing sign in particular will be distracting for drivers using the slip lane into Farmer Jacks, noting that there is constant flow of pedestrian traffic at many points to access Farmer Jacks.</p> <p>There has been an increase in accidents near the Farmer Jacks since opening, and this sign will exacerbate the risk.</p>	<p>The proposal has been reviewed by the City and MRWA who do not consider that the signs present an undue risk to safety.</p>

<p><u>Local Planning Policy</u></p> <p>Non-compliance with Local Planning Policy 7.1 – Advertising Signage.</p>	<p>Local Planning Policies are created under the Planning and Development (Local Planning Schemes) Regulations 2015 and are only applicable to land zoned or reserved under the local planning scheme.</p> <p>The proposed development is located on land wholly reserved under the Metropolitan Region Scheme and therefore Local Planning Policy 7.1 – Advertising Signage is not applicable.</p>
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### Policy and Legislative Implications

In accordance with Clause 30(1) of the MRS, the Commission or a local authority exercising the powers of the Commission so delegated to it under the *Planning and Development Act 2005* may consult with any authority that in the circumstances it thinks appropriate; and having regard to the purpose for which the land is zoned or reserved under the Scheme, the orderly and proper planning of the locality and the preservation of the amenities of the locality may, in respect of any application for approval to commence development, refuse its approval or may grant its approval subject to such conditions if any as it may deem fit.

### Financial Implications

Nil.

### Key Risks and Considerations

<b>Risk Event Outcome</b>	<p><b>Reputational Damage</b></p> <p>Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.</p>
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	<p>Should the application be refused by Council, the application will be determined by the WAPC.</p> <p>Approval of the application in accordance with the officer recommendation.</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

On assessment against the relevant planning framework, the proposal is considered to address the necessary considerations. Suitable analysis has been undertaken to ensure that light spill and safety impacts are satisfactorily addressed.

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

### Attachments

10.3.4 (a):	Development Plans
10.3.4 (b):	Road Safety Assessment
10.3.4 (c):	Lighting Impact Assessment
10.3.4 (d):	Main Roads Western Australia Advice
10.3.4 (e):	Schedule of Submissions - Lot 182, No.272 Canning Highway, Como



### 10.3.5 Proposed Change of Use - Single House to Unhosted Short-Term Rental Accommodation - Lot 3, No.50 Canavan Crescent, Manning

Location: Lot 3, No.50 Canavan Crescent Manning  
 Ward: Manning Ward  
 Applicant: Sylvia's Guest House  
 File Reference: D-25-4989  
 DA Lodgement Date: 22 October 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 Single House to Unhosted Short-Term Rental Accommodation on Lot 3, No.50 Canavan Crescent, Manning.

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 a condition.

#### Officer Recommendation

That pursuant to the provisions of the City of South Perth Local Planning Scheme No. 7, the application for development approval for a Change of Use from a Single House to Unhosted Short-Term Rental Accommodation on Lot 3, 50 Canavan Crescent, Manning **be approved** subject to the following condition:

1. The Management Plan 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.

<b>Applicant</b>	Sylvia's Guest House
<b>Landowner</b>	Jae W Jung

#### Development Site Details

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R30
<b>Lot area</b>	541m <sup>2</sup>

**Comment**

**(a) Background**

On 22 October 2024, the City received an application for a Change of Use from a Single House to Unhosted Short-Term Rental Accommodation (Unhosted STRA) at Lot 3, No. 50 Canavan Crescent, Manning. Additional information was requested from the applicant on 1 November 2024 with regard to the Management Plan and site plan. Upon receiving the additional information, the application was advertised.

**b) Description of the Surrounding Locality**

The existing development is a Single House located on the corner of Canavan Crescent and Burnett Road, Manning. The primary access to the site is from Canavan Crescent.

Public transport is available along Canavan Crescent.

The site is surrounded by primarily low-density residential development as seen in **Figure 1** below:



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

**(c) Description of the Proposal**

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

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

- Maximum of six guests;
- Check-in time is between 2:00pm to 9:00pm and check-out is between 7:00am to 10:00am;
- Complaints management and 24/7 support is handled by a short-term rental accommodation management company;
- Bookings are made through Airbnb;
- Guests screened as per respective booking website process;
- The building and garden will be maintained by the host;
- Guest guide provided to guests;
- Code of conduct provided to guests;
- No loud noise between 9:00pm and 7:00am;
- No additional guests without approval;
- No pets are permitted;
- No smoking; and
- No gatherings or functions.

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

**(d) Land Use**

Holiday House is currently 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 LPS7 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.

Advertising of draft Scheme Amendment No.1 to LPS7 closed on 7 February 2025. The purpose of the draft Scheme Amendment is to introduce new and revised land use classes and general definitions to facilitate State Government reforms for short-term rental accommodation, and will be presented to Council in early 2025.

**(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 - Single House to Unhosted Short-Term Rental Accommodation - Lot 3, No.50 Canavan Crescent, Manning**

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

**(f) Draft Local Planning Policy – Unhosted Short-Term Rental Accommodation**

At its meeting held 19 November 2024, Council resolved to advertise draft Local Planning Policy - Unhosted Short-Term Rental Accommodation (draft Policy) for a period of 21 days. Advertising of the draft Policy concluded on 18 December 2024 and the draft Policy is a seriously entertained planning proposal that must be given due regard when assessing development applications for Unhosted STRA.

The development application has been assessed against the draft Policy and where discretion is sought against the provisions of the draft Policy, these are addressed below:

Requirement	Assessment
<p><u>5.6 Location Requirements</u></p> <p>5.6.1 Proposals will only be considered if they are:</p> <ul style="list-style-type: none"> <li>(a) Within 200 metres of the Perth Zoo site;</li> <li>(b) Within 200 metres of a Neighbourhood Centre zone; and</li> <li>(c) Within 400 metres of a Centre zone.</li> </ul>	<p>The subject site is not located within the locations and distances listed within the draft Policy.</p> <p>It is considered that the proposal is consistent with the Objective 4.1 of the Draft Policy as the site is located near visitor attractions such as George Burnett Park, Davilak Crescent Reserve, the Village Green Shopping Centre, Karawara and Curtin University. In addition, Canavan Crescent is on a high frequency bus route whereby the guests can easily access all the tourist attractions and centre within the City.</p>

**(g) 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.

**(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 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.

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

This Unhosted STRA is currently registered with Department of Energy, Mines, Industry Regulation and Safety.

**(i) 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 and operation is minor in scale and intensity, hosting a maximum of six guests which is consistent with the expected number of persons within a four-bedroom dwelling.

If managed appropriately, the use is compatible with the surrounding residential context. Additionally, the use will be required to comply with the requirements of the Environmental Protection (Noise) Regulations 1997.

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

**(j) Carparking**

Clause 67(2)(s) of the Deemed Provisions requires the local government to have regard to the arrangements for the manoeuvring and parking of vehicles. In relation to on-site parking, three car parking bays are provided within the garage. Adequate parking exists on site for the proposed Unhosted STRA.

**(k) Consultation**

Consultation has been undertaken for this proposal to the extent and in the manner required by the Regulations and Local Planning Policy 6.1 - Advertising of Planning Proposals.

The application was advertised for a period of 14 days between 15 November and 29 November 2024 in the following manner:

- A total of 14 letters were sent to owners and occupiers of nearby properties; and
- A copy of the application was made available for review on the City's website.

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

### 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

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

**10.3.5 Proposed Change of Use - Single House to Unhosted Short-Term Rental Accommodation - Lot 3, No.50  
Canavan Crescent, Manning**

**Conclusion**

No objections were received during the consultation period. It is considered that the proposal is unlikely to result in adverse impacts to adjoining properties if managed appropriately in accordance with the submitted Management Plan, which has been recommended as a condition of approval.

**Attachments**

**10.3.5 (a):** Development Plan and Management Plan

### 10.3.6 Proposed Change of Use - Multiple Dwelling to Unhosted Short-Term Rental Accommodation - Lot 36, No. 35/240 Mill Point Road, South Perth

Location: Lot 36 No. 35/240 Mill Point Road, South Perth  
 Ward: Mill Point Ward  
 Applicant: Jordan P Vermeulen  
 File Reference: D-25-4990  
 DA Lodgement Date: 4 October 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 36, No. 35/240 Mill Point Road, 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 a condition.

#### 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 Lot 36, No. 35/240 Mill Point Road, South Perth **be approved** subject to the following condition:

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

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

<b>Applicant</b>	Jordan P Vermeulen
<b>Landowner</b>	Christopher J Male and Jordan P Vermeulen

#### Development Site Details

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R50
<b>Lot area</b>	49m <sup>2</sup>



**Comment**

**(a) Background**

On 4 October 2024, the City received an incomplete application for a Change of Use from a Multiple Dwelling to Unhosted Short-Term Rental Accommodation (Unhosted STRA) on Lot 36, No. 35/240 Mill Point Road, South Perth.

Following submission of required information being received such as the completed application form and plans, the application was accepted on 30 October 2024.

The City sought further clarification on details of the operation of the Unhosted STRA, which was received on 16 December 2024.

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

The existing development is a Multiple Dwelling with primary street access from Mill Point Road, and secondary street access from Coode Street.

The site is located within 20m of Sir James Mitchell Park, 400m from Angelo Street Neighbourhood Centre, and 570m from South Perth Activity Centre.

The site is surrounded by primarily medium-density residential development as seen in **Figure 1** below:



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

(c) **Description of the Proposal**

The applicant is seeking a Change of Use from a 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 two guests;
- Check-in time is from 3:00pm and check-out is before 10:00am;
- Minimum two night stay;
- Apartment equipped with doorbell camera which detects and records audio and visual;
- Parties and gatherings strictly prohibited;
- Children and infants are not permitted;
- Strata management and neighbouring units to be provided with the host's contact details;
- Complaints to be dealt with by the host immediately upon receipt of complaint. If issue persists, Airbnb support to be engaged to have guest evicted as soon as possible;
- Guests screened by Airbnb, with further identification and screening required prior to booking by the host;
- Only one vehicle permitted per booking;
- Guests directed to park in the assigned vehicle bay dedicated for the unit;
- Host will clean, organise, and dispose of rubbish after each stay; and
- No unauthorised guests permitted during each stay.

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

(d) **Land Use**

Holiday Accommodation is currently 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 LPS7 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.

Advertising of draft Scheme Amendment No.1 to LPS 7 closed on 7 February 2025. The purpose of the draft Scheme Amendment is to introduce new and revised land use classes and general definitions to facilitate State Government reforms for short-term rental accommodation, and will be presented to Council in early 2025.

**(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) Draft Local Planning Policy - Unhosted Short-Term Rental Accommodation**

At its meeting held 19 November 2024, Council resolved to advertise draft Local Planning Policy - Unhosted Short-Term Rental Accommodation (draft Policy) for a period of 21 days. Advertising of the draft Policy concluded on 18 December 2024 and the draft Policy is a seriously entertained planning proposal that must be given due regard when assessing development applications for Unhosted STRA.

The development application has been assessed against the draft Policy and where discretion is sought against the provisions of the draft Policy, these are addressed below.

Requirement	Assessment
<p><u>5.2 Operation and Management</u></p> <p>5.2.1 All applications for USTRA, where the development is located in a strata title, then such application shall be accompanied by a letter from the Strata Manager or Strata Management Company indicating its support for the proposed use.</p>	<p>A letter in support from the Strata Manager or Strata Management Company indicating its support for the proposal has not been provided.</p> <p>Notwithstanding, the application was advertised to all owners and occupiers within the complex and no submissions were received.</p>

**(g) 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.

**(h) 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 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.

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

This Unhosted STRA is currently registered with Department of Energy, Mines, Industry Regulation and Safety.

**(i) 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 and operation is minor in scale and intensity, hosting a maximum of two guests which is consistent with the expected number of persons within a one-bedroom dwelling.

If managed appropriately, the use is compatible with the surrounding residential context. Additionally, the use will be required to comply with the requirements of the Environmental Protection (Noise) Regulations 1997.

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

**(j) Carparking**

Clause 67(2)(s) of the Deemed Provisions requires the local government to have regard to the arrangements for the manoeuvring and parking of vehicles. In relation to on-site parking, one parking bay is provided at the rear of the complex. Adequate parking exists on site for the proposed Unhosted STRA.

**(k) Consultation**

Consultation has been undertaken for this proposal to the extent and in the manner required by the Regulations and Local Planning Policy 6.1 - Advertising of Planning Proposals.

The application was advertised for a period of 14 days between 21 November 2024 and 5 December 2024 in the following manner:

- A total of 58 letters were sent to owners and occupiers of all properties within 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, no submissions were received.

### 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

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

**10.3.6 Proposed Change of Use - Multiple Dwelling to Unhosted Short-Term Rental Accommodation - Lot 36, No. 35/240 Mill Point Road, South Perth**

**Conclusion**

No objections were received during the consultation period. It is considered that the proposal is unlikely to result in adverse impacts to adjoining properties if managed appropriately in accordance with the submitted Management Plan, which has been recommended as a condition of approval.

**Attachments**

- 10.3.6 (a):** Management Plan and Floor Plan
- 10.3.6 (b):** Strata Plan and Parking Plan

### 10.3.7 Proposed Change of Use - Grouped Dwelling to Unhosted Short-Term Rental Accommodation - Lot 1, No.1/27 Hovia Terrace, South Perth

Location: Lot 1, No.1/27 Hovia Terrace, South Perth  
Ward: Mill Point Ward  
Applicant: Keith Bard  
File Reference: D-25-4991  
DA Lodgement Date: 17 October 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, 1/27 Hovia Terrace, 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 a condition.

#### 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 Grouped Dwelling to Unhosted Short-Term Rental Accommodation on Lot 1, No.1/27 Hovia Terrace, South Perth **be approved** subject to the following condition:

1. The Management Plan 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.

<b>Applicant</b>	Keith Baird
<b>Landowner</b>	Campini Investments Pty Ltd

#### Development Site Details

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R50
<b>Lot area</b>	185m <sup>2</sup>

**Comment**

**(a) Background**

On 17 October 2024, the City received an application for a Change of Use from a Grouped Dwelling to a Unhosted Short-Term Rental Accommodation (Unhosted STRA) on Lot 1, No. 1/27 Hovia Terrace, South Perth. Following public consultation, further information to address neighbours concerns was requested from the applicant on 29 November 2024; a response was received on 11 December 2024. A revised Management Plan, which incorporated changes detailed in the previous correspondence was received on 8 January 2025.

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

The existing development comprises two Grouped Dwellings. The Grouped Dwelling the subject to this application is located at the front of the site with primary street access from Hovia Terrace.

The site is located next to the Metro Hotel, Canning Highway and 195m to Mill Point Road where public transport is available.

The site is within an area of primarily low-density residential development as seen in **Figure 1** below:



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

**(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 proposal are as follows:

- Maximum of six guests;
- Check-in time is from 2:00pm and check-out is before 11:00am;
- Complaints management and 24/7 support is handled by a short-term rental accommodation management company operating in Perth;
- A register of all complaints/occupants will be kept by the Manager and be available for inspection by the City;
- Guests screened as per respective booking website process;
- Maintenance of the building and landscaping will be managed by the Manager;
- Guest guide provided to guests;
- Code of conduct provided to guests;
- No loud noise between 9:00pm to 7:00am Monday to Saturday and 9:00pm to 9:00am on Sunday and public holidays;
- No additional guests without approval;
- No pets are permitted without approval;
- No smoking; and
- No gatherings or functions.

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

**(d) Land Use**

Holiday Accommodation is currently 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 LPS7 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.

Advertising of draft Scheme Amendment No.1 to LPS7 closed on 7 February 2025. The purpose of the draft Scheme Amendment is to introduce new and revised land use classes and general definitions to facilitate State Government reforms for short-term rental accommodation, and will be presented to Council in early 2025.

**(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) Draft Local Planning Policy - Unhosted Short-Term Rental Accommodation**

At its meeting held 19 November 2024, Council resolved to advertise draft Local Planning Policy - Unhosted Short-Term Rental Accommodation (draft Policy) for a period of 21 days. Advertising of the draft Policy concluded on 18 December 2024 and the draft Policy is a seriously entertained planning proposal that must be given due regard when assessing development applications for Unhosted STRA.

The development application has been assessed against the draft Policy and where discretion is sought against the provisions of the draft Policy, these are addressed below:

Requirement	Assessment
<p><u>5.6 Location Requirements</u></p> <p>5.6.1 Proposals will only be considered if they are:</p> <p>(a) Within 200 metres of the Perth Zoo site;</p> <p>(b) Within 200 metres of a Neighbourhood Centre zone; and</p> <p>(c) Within 400 metres of a Centre zone.</p>	<p>The subject site is not located within the locations and distances listed within the draft Policy.</p> <p>It is considered that the proposal is consistent with Objective 4.1 of the draft Policy as the site is located near visitor attractions such as Sir James Mitchell Park, local and neighbourhood centres.</p> <p>In addition, the site is located 35.0m from Canning Highway which is served by a high frequency bus route whereby guests can access tourist attractions and centres within the City.</p>
<p>5.6.4. In locations where objections to the development is received from neighbours, any approval granted must first be a time limited approval for 12 months, to properly assess the impact on the neighbours and amenity.</p>	<p>It is proposed that the Unhosted STRA is approved on a permanent basis.</p> <p>Whilst time limited approvals can be used to ensure future compliance with the objectives of the zone and orderly and proper planning, particularly for a use not listed in the zoning table of LPS 7, Unhosted STRA is a land use capable of approval in the Residential zone. Given the objectives of the zones under the Scheme are consistent with the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), and the use is consistent with the objectives, time limited approvals are not recommended.</p>

**(g) 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.

**(h) 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 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.

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

This Unhosted STRA is currently registered with Department of Energy, Mines, Industry Regulation and Safety.

**(i) 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 and operation is minor in scale and intensity, hosting a maximum of six guests which is consistent with the expected number of persons within a three-bedroom dwelling.

If managed appropriately, the use is compatible with the surrounding residential context. Additionally, the use will be required to comply with the requirements of the Environmental Protection (Noise) Regulations 1997.

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

10.3.7 Proposed Change of Use - Grouped Dwelling to Unhosted Short-Term Rental Accommodation - Lot 1, No.1/27 Hovia Terrace, South Perth

**(j) Carparking**

Clause 67(2)(s) of the Deemed Provisions requires the local government to have regard to the arrangements for the manoeuvring and parking of vehicles. In relation to on-site parking, two car parking bays are provided within the garage. Adequate parking exists on site for the proposed Unhosted STRA.

**(k) Consultation**

Consultation has been undertaken for this proposal to the extent and in the manner required by the Regulations and Local Planning Policy 6.1 - Advertising of Planning Proposals.

The application was advertised for a period of 14 days between 31 October and 14 November 2024 in the following manner:

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

At the close of the consultation period, one submission was received which is contained as **Attachment (b)**. Matters raised in the submission have been addressed to the satisfaction of the City via an updated Management Plan.

**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**

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

### Strategic Implications

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

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

### Conclusion

One objection was received during the consultation period in relation to car parking and access. The City is satisfied that the arrangements are suitable following updates to the Management Plan.

The proposal is unlikely to result in adverse impacts to adjoining properties if managed appropriately in accordance with the submitted Management Plan, which has been recommended as a condition of approval.

### Attachments

- 10.3.7 (a): Development Plans and Management Plan
- 10.3.7 (b): Schedule of Submissions - Proposed Change of Use - Grouped Dwelling to Unhosted Short-Term Rental Accommodation - Lot 1, No.1/27 Hovia Terrace, South Perth

### 10.3.8 Proposed Change of Use - Grouped Dwelling to Unhosted Short-Term Rental Accommodation - Lot 4, No.4/30 Axford Street, Como

Location: Lot 4, No. 4/30 Axford Street, Como  
 Ward: Moresby Ward  
 Applicant: Jo-Lynn S Tan  
 File Reference: D-25-4998  
 DA Lodgement Date: 10 December 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 4, No. 4/30 Axford Street, Como.

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

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

#### 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 Grouped Dwelling to Unhosted Short -Term Rental Accommodation Lot 4, No. 4/30 Axford Street, Como **be approved** subject to the following condition:

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

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

<b>Applicant</b>	Jo-Lynn S Tan
<b>Landowner</b>	Jo-Lynn S Tan

#### Development Site Details

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R30
<b>Lot area</b>	79m <sup>2</sup>

**Comment**

**(a) Background**

On 10 December 2024, the City received and accepted an application for a Change of Use from a Grouped Dwelling to Unhosted Short-Term Rental Accommodation (Unhosted STRA) on Lot 4, No. 4/30 Axford Street, Como.

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

The existing development is a Grouped Dwelling with primary street access from Axford Street. The site is located on the corner of Axford Street and Saunders Street and is surrounded by primarily low- medium density residential development as seen in **Figure 1** below:



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

**(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 proposal are as follows:

- Maximum of four guests;
- Check-in time is from 2:00pm and check-out is before 10:00am;
- Guests are provided with instructions and relevant details on the day of check in;
- Parties and gatherings strictly prohibited;
- Strata management and neighbouring dwelling to be provided with the managers contact details;
- Complaints to be dealt with by the manager immediately upon receipt of complaint. If issues persists, the customer will be evicted;
- Common property parking facilities and driveway on site to be maintained by owner as per existing arrangements;
- Guests screened by Airbnb, with further identification and screening required prior to booking by the manager;
- Only one vehicle is permitted per booking;
- Guests directed to park in the assigned vehicle bay dedicated for the unit;
- Manager will clean, organise, and dispose of rubbish after each stay; and
- No unauthorised guests permitted.

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

**(d) Land Use**

Holiday Accommodation is currently 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 LPS7 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.

Advertising of draft Scheme Amendment No.1 to LPS 7 closed on 7 February 2025. The purpose of the draft Scheme Amendment is to introduce new and revised land use classes and general definitions to facilitate State Government reforms for short-term rental accommodation and will be presented to Council in early 2025.

**(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.



10.3.8 **Proposed Change of Use - Grouped Dwelling to Unhosted Short-Term Rental Accommodation - Lot 4, No.4/30 Axford Street, Como**

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

**(f) Draft Local Planning Policy - Unhosted Short-Term Rental Accommodation**

At its meeting held 19 November 2024, Council resolved to advertise draft Local Planning Policy - Unhosted Short-Term Rental Accommodation (draft Policy) for a period of 21 days. Advertising of the draft Policy concluded on 18 December 2024 and the draft Policy is a seriously entertained planning proposal that must be given due regard when assessing development applications for Unhosted STRA.

The development application has been assessed against the draft Policy and where discretion is sought against the provisions of the draft Policy, these are addressed below:

Requirement	Assessment
<p><u>5.6 Location Requirements</u></p> <p>5.6.1 Proposals will only be considered if they are:</p> <p>(a) Within 200 metres of the Perth Zoo site;</p> <p>(b) Within 200 metres of a Neighbourhood Centre; and</p> <p>(c) Within 400 metres of a Centre zone.</p>	<p>Although the subject site is not located within the precise locations and distances listed within the draft policy, the site is located:</p> <p>(a) 170m from Como Secondary College;</p> <p>(b) 200m from Talbot Avenue Local Centre;</p> <p>(c) 350m from Penrhos College;</p> <p>(d) 500m from Canning Bridge Activity Centre (CBAC);</p> <p>(e) 560m from Collier Park Golf Course; and</p> <p>(f) 600m from Neil McDougall Park.</p> <p>These nearby sites provide opportunities for local shopping, outdoor pursuits, and sporting facilities. Further, the CBAC is located 500m from the site, and although not within the desired 400m proximity, is located within a reasonable walking distance.</p> <p>The wider locational context, as listed and justified above, is deemed satisfactory for an Unhosted STRA.</p>

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

The intent of the Statement is to:

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

**10.3.8 Proposed Change of Use - Grouped Dwelling to Unhosted Short-Term Rental Accommodation - Lot 4, No.4/30 Axford Street, Como**

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.

**(h) Planning and Development (Local Planning Schemes) Regulation 2015 and Short-Term Rental Accommodation Act 2024**

On 18 September 2024 the State Government released amendments to the Regulations relating to 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.

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

This Unhosted STRA is currently registered with Department of Energy, Mines, Industry Regulation and Safety.

**(i) 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 and operation is minor in scale and intensity, hosting a maximum of four guests which is consistent with the expected number of persons within a two-bedroom dwelling.

If managed appropriately, the use is compatible with the surrounding residential context. Additionally, the use will be required to comply with the requirements of the Environmental Protection (Noise) Regulations 1997.

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

**(j) Carparking**

Clause 67(2)(s) of the Deemed Provisions requires the local government to have regard to the arrangements for the manoeuvring and parking of vehicles. In relation to on-site parking, one parking bay is provided at the front of the complex within a carport. Adequate parking exists on site for proposed Unhosted STRA as only one car parking bay is required in this location under the Residential Design Codes.

10.3.8 **Proposed Change of Use - Grouped Dwelling to Unhosted Short-Term Rental Accommodation - Lot 4, No.4/30 Axford Street, Como**

**(k) Consultation**

Consultation has been undertaken for this proposal to the extent and in the manner required by the Regulations and Local Planning Policy 6.1- Advertising of Planning Proposals.

The application was advertised for a period of 14 days between 13 January 2025 and 27 January 2025 in the following manner:

- A total of 16 letters were sent to owners and occupiers of all properties within the Grouped Dwelling complex and adjoining affected neighbours; and
- A copy of the application was made available for review on the City’s website.

At the close of the consultation period, one submission of support and one submission providing comment were received. A Schedule of Submissions is contained in **Attachment (b)**.

**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**

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

Comments were received during the consultation period which have been addressed in the Schedule of Submissions. It is considered that the proposal is unlikely to result in adverse impacts to adjoining properties if managed appropriately in accordance with the submitted Management Plan, which has been recommended as a condition of approval.

### Attachments

10.3.8 (a):	Management Plan and Development Plan
10.3.8 (b):	Schedule of Submissions - Lot 4, No.4/30 Axford Street, Como

## 10.4 STRATEGIC DIRECTION 4: LEADERSHIP

### 10.4.1 Budget Review for the Period ended 31 January 2025

File Ref: D-25-4999  
Author(s): Abrie Lacock, Manager Finance  
Reporting Officer(s): Garry Adams, Director Corporate Services

#### Summary

The City performed a comprehensive review of the 2024/25 Adopted Budget, the review was based on actual results for the period to 31 January 2025 and includes comments on the required adjustments. The last few years have seen steep rises in inflation worldwide including Australia, central banks have been increasing interest rates to curb inflation drivers. Although inflation has been trending downward the Reserve Bank of Australia's view have been that underlying inflation remains too high and consequently have not reduced the cash rate but kept it unchanged at 4.35%.

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

A Statement of Financial Activity is included, the same as the report included in each month's Council Meeting agenda. It compares the original adopted budget to the reviewed budget, illustrating the movements within the review. Schedules detailing adjustments as well as a summary of the forecasted Financial Ratios are attached. The State Government have designed a new Local Government Financial Index (LGFI) with four ratios, it will replace the previous Financial Health Indicator (FHI) informed by the Financial Ratios attached. A two-year trial of the LGFI has been endorsed by the Minister for Local Government. The attachment retains the old ratios for ease of comparison. The underlying theme of the review was to deliver an improved budget outcome.

#### Officer Recommendation

That Council:

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

**Absolute Majority required**

#### Background

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

### Comment

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

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

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

Where savings have arisen from completed capital projects, funds have been redirected towards other proposals and, where applicable funding from capital grants have been included. Adjustments to the transfers to and from Reserves and Municipal funds are accounted for. Projects and funding carried forward from the prior financial year are also included as these adjustments were approved in September 2024.

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

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

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

### Consultation

Nil.

### Policy and Legislative Implications

*Local Government Act 1995*

Local Government (Financial Management) Regulations 1996

### Financial Implications

The Budgeted Net Operating surplus in **Attachment (a)**, the Statement of Financial Activity by Nature and Type is forecast to improve. The original budget surplus of \$0.55m is expected to improve by \$1.29m to return a surplus of \$1.84m. The significant movements in Operating Revenue and Expenditure are described in the report and attachments.

The projected (at Budget adoption) Opening Net Current Assets in the Statement of Financial Activity by Nature and Type **Attachment (a)** brought forward from 2023/24 was \$6.31m. This figure has been adjusted to reflect the actual figure of \$13.23m at year end rather than the 'estimated' figure that was used in formulating the budget. The forecast net current assets closing position is \$7.79m which is an increase on the budgeted opening position. As is the case every year, the estimated Budget Closing Position will continue to be closely monitored during the remainder of the year.

Based on current projections, the FHI score (which will in future be replaced with the Local Government Financial Index (LGFI)) will exceed the former benchmark of 70 and is forecast at 89 by yearend. The State Government have designed a new Local Government Financial Index (LGFI) with four ratios, it will replace the Financial Health Indicator (FHI) informed by the Financial Ratios attached. A two-year trial of the LGFI has been endorsed by the Minister for Local Government. The attachment retains the old ratios for ease of comparison.

### Operating Revenue

Operating Revenue is forecast to increase by a net amount of \$1.22m overall. The below commentary explains the significant contributors to this variance. Commentary is not provided in this report on less significant variances as adjustments are detailed in **Attachment (b)**. With reference to **Attachment (a)**, the Statement of Financial Activity by Nature and Type, the most significant favourable variance of \$801k in fees and charges are mainly due to increased planning and building fees (\$350k) and increased golf course revenue (\$200k), waste charges (\$70k) and rates legal cost recovery (\$33k). The balance is made up of various smaller adjustments details are provided in **Attachment (b)**.

Additional Interest revenue of \$283k is mainly due to higher cash balances and better than anticipated interest rates attained on term deposits. Banks in the beginning of the financial year offered interest rates of more than 5.00% for investments under 12 months. Although, the additional interest contributes to the operating surplus, a significant portion (\$2.53m) of all interest earnings are transferred to reserves, therefore these funds are not available to fund municipal expenditures. If this \$2.53m interest earned on reserve balances are eliminated from the City's revenue the City would still be in an operating loss position.

Other Revenue, mainly resulting from improved utility recoveries (\$68k) and insurance claim payouts (\$45k) presents the bulk of the third most significant increase of \$119k. It should be noted that in relation to the Financial Assistance Grants the assumption is that the Federal Government will advance 75% of the 2025/26 grant at the end of the 2024/25 financial year, similar to what was done in the preceding financial year. If this practice is not repeated, the resulting adjustment will see an approximate \$1.6m reduction in operating grant revenue.

### Operating Expenditure

Operating expenditure is forecast to reduce by a net amount of \$71k from the Original Budget. Like Operating Revenue above, commentary is not provided in this report on other less significant variances included in the totals as adjustments are detailed in **Attachment (b)**. With reference to **Attachment (a)**, the Statement of Financial Activity by Nature and Type, the favourable variance in Employee Expenses of \$520k results mainly from careful monitoring of employee expenses and planned and unplanned delays in filling vacancies. The unfavourable variance in Materials and Contracts of \$571k mainly due to the delayed TechnologyOne rates implementation (\$290k), increased sports infrastructure costs (\$130k) and golf course controller fees (\$100k) due to the increased golf revenue. Savings and minor increases in other areas make up the various smaller amounts that also offset.

### Capital Grants and Proceeds from Disposal of Assets

Net movement in grant revenue in the revised budget is anticipated to result in an additional 803k, resulting from new grants and additional grant funds on existing projects. The additional grant funds for roads have been applied for due to cost increases in road construction, more detail is provided in **Attachment (c)**. Proceeds from disposal of assets increased by \$59k to reflect the net impact of fleet insurance payouts and a modified renewal program, some assets will now be disposed of in future financial years.

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

### Capital Expenditure

Detailed adjustments for all capital expenditure items are contained in **Attachment (c)**. Overall capital expenditure is anticipated to be \$472k lower than the current budget (original adjusted). Property plant and equipment expenditure is forecast to reduce by \$434k and infrastructure expenditure to reduce by \$37k.

Included in property plant and equipment expenditure is additional building capital expenditure, for the Comer Public Toilet (\$236k) this relates mainly to additional works to replace the whole roof structure along with sustained increases in construction costs. Other building projects are also impacted by sustained construction cost increases, notably the Richardson Park, Challenger and Collier Reserves All Gender Changerooms - these increases of \$635k in total are proposed to be funded by proportionally reallocating the budget for the Morris Mundy Reserve All Gender Changerooms equally to these projects. Lack of benefit to the Federal Government grant provider target group (being female participation in sports) and potential site contamination concerns sees the Morris Mundy funds better utilised to fund cost increases at Richardson Park, Challenger and Collier Reserves, this also results in a net zero budget impact.

Also included in Capital outlays required for property plant and equipment are Plant and Equipment acquisition costs that reduced by \$587k, mainly due to a modified acquisition and renewal program. The most significant item being the acquisition of new street sweeper (\$450k) deferred and proposed for inclusion in the 2025/26 financial year, subject to business case review.

Significant items proposed for removal in capital expenditure for infrastructure are the Anstey Street Pedestrian Crossing and Kilkenny Close Reserve Playground projects.

The Anstey Street pedestrian crossing was included in the Original 2024/25 Budget with a budget of \$25k, following discussions through the budget setting workshops as a Councillor initiative. The cost estimate was based on a high-level concept. Following approval of the budget, the concept was developed into a design that could be formally considered for approval by Main Roads WA (MRWA). Through feedback from MRWA, it became apparent that the scope would be considerably greater than anticipated at the time of the original budget estimate. The most significant change to the project would entail upgrades to lighting in the vicinity of the proposed crossing. The complexities of the revised design resulted in an updated budget estimate of \$120k. The project is recommended to be removed in the mid-year budget review resulting in a saving of \$120k.

The Kilkenny Close Reserve Playground renewal budget is recommended for removal during this mid-year review following the formulation of a draft Public Open Space (POS) Strategy which identified upgrades to existing playgrounds in close proximity and distribution of playgrounds in this locality more generally. It is suggested this playground will not be renewed at this stage, resulting in a saving of \$120k.



Increases in road renewal costs resulting from cost escalations due to material and staff shortages driving price volatility. Many of these projects are partly funded by Metropolitan Regional Road Group grants and other grants, grant variations have been applied for. As indicated earlier other adjustments offset most variations, details are as per **Attachment (c)**.

It should be noted that many capital projects are multiyear projects. Tenders are put to market for a project that that may need multiple years of proportionate budget approvals to tally to the tender estimates. As such tenders may require approval where budget allocation for a specific financial year does not match the total tender estimate an example are the Coode Street Foreshore Riverbank Restoration project.

**Reserve Transfers**

Transfer from reserves is forecast to increase by a \$65k, primarily due to increases in the capital cost of the projects funded from the reserves. Transfer to reserves are forecast to increase by \$291k mainly because of improved interest earnings on reserve balances that will be transferred to the reserves. Complete detailed adjustments are contained in **Attachment (c)**.

**Sustainability Implications**

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

Over the past few years, various factors including the economic conditions predominantly, ongoing high inflation have caused uncertainty around setting budgets. The challenge for the City remains to improve revenue and responsibly minimise costs to ultimately improve the Operating Surplus Ratio. A more favourable financial environment, as well as prudent financial management have seen the net operating result improve over time. This review has resulted in an improved Net Operating Position, with a projected \$1.84m surplus. The City is able to forecast \$1.22m Operating Revenue increases, mainly the result of fees and charges and improved interest earnings on investments. Regardless of cost challenges and significant inflationary pressure cost reductions of \$71k are forecast. Overall, this is positive result confirming the City’s commitment to an improved net operating result and FHI score.

**Key Risks and Considerations**

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

### Strategic Implications

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

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

### Attachments

<b>10.4.1 (a):</b>	Budget Review 2024-25 Statement of Financial Activity
<b>10.4.1 (b):</b>	Amendments identified from normal operations in the 31 January 2025 Budget Review
<b>10.4.1 (c):</b>	Amendments identified from capital operations in the 31 January 2025 Budget Review
<b>10.4.1 (d):</b>	Financial Ratios

## 10.4.2 Listing of Payments December 2024

File Ref: D-25-5000  
Author(s): Abrie Lacock, Manager Finance  
Reporting Officer(s): Garry Adams, Director Corporate Services

### Summary

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

EFT Payments to Creditors	(440)	\$7,592,998.13
Cheque Payment to Creditors	(3)	\$2,510.58
<b>Total Monthly Payments to Creditors</b>	<b>(443)</b>	<b>\$7,595,508.71</b>
EFT Payments to Non-Creditors	(68)	\$90,554.12
Cheque Payments to Non-Creditors	(7)	\$4,358.29
<b>Total EFT &amp; Cheque Payments</b>	<b>(518)</b>	<b>\$7,690,421.12</b>
Credit Card Payments	(98)	\$19,732.20
Fleet Card Payments	(24)	\$1,721.44
<b>Total Payments</b>	<b>(640)</b>	<b>\$7,711,874.76</b>

### Officer Recommendation

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

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

The report records payments are classified as:

- Creditor Payments

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

- Non-Creditor Payments

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

- Purchase Cards

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

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

### Consultation

Nil.

### Policy and Legislative Implications

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

### Financial Implications

The payment of authorised amounts is within existing budget provisions.

**Key Risks and Considerations**

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

**Strategic Implications**

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

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

**Attachments**

10.4.2 (a): Listing of Payments December 2024

### 10.4.3 Monthly Financial Statements December 2024

File Ref: D-25-5001  
Author(s): Abrie Lacock, Manager Finance  
Reporting Officer(s): Garry Adams, Director Corporate Services

#### Summary

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

#### Officer Recommendation

That Council notes the Financial Statements and report for the month ended 31 December 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 to be achieving its objective of lowering inflation in Australia. The November 2023 to November 2024 change of 2.3% was slightly higher than the 2.1% for October 2023 to October 2024 and 2.1% for September 2023 to September 2024. Maintaining the November monthly weighted average inflation within 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 December meeting the RBA decided to leave the cash rate target unchanged once more.

Stating that underlying inflation remains too high, the RBA also made the following statement at its Board meeting of 5 December 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. Measures of underlying inflation are around 3.5 per cent, which is still some way from the 2.5 per cent midpoint of the inflation target.

The most recent forecasts published in the November *Statement on Monetary Policy* (SMP) do not see inflation returning sustainably to the midpoint of the target until 2026. The Board is gaining some confidence that inflationary pressures are declining in line with these recent forecasts, but risks remain.”

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 December year-to-date (YTD) is \$64.19m in comparison to budget of \$63.13m, favourable to budget by \$1.05m or 1.67%. Actual expenditure from operating activities for December is \$34.50m in comparison to the budget of \$35.53m, favourable to budget by \$1.02m or 2.88%. The December Net Operating Position of \$29.68m is \$2.07m favourable in comparison to budget.

Actual Capital Revenue is lower than budget by \$0.15m, \$0.76m compared to budget of \$0.91m, revenue recognition is dependent on capital project completion. Actual Capital Expenditure YTD is \$5.37m in comparison to the budget of \$6.50m, \$1.13m lower than budget. A variance analysis is provided within **Attachment (e)** titled Significant Variance Analysis.

Cash and Cash Equivalents amounted to \$95.64m. 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 4.80% for investments under 12 months. The City holds a portion of its funds in financial institutions that do not invest in fossil fuels. Investment in this market segment is contingent upon all the other investment criteria of Policy P603 Investment of Surplus Funds being met. At the end of December 2024, the City held 41.70% of its investments in institutions that do not provide fossil fuel lending. The Summary of Cash Investments illustrates the percentage invested in each of the non-fossil fuel institutions and the short-term credit rating provided by Standard & Poors for each of the institutions.

### Consultation

Nil.

### Policy and Legislative Implications

This report is in accordance with the requirements of the Section 6.4 of the *Local Government Act 1995* and 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

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

### Strategic Implications

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

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

### Attachments

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



#### 10.4.4 Listing of Payments January 2025

File Ref: D-25-5003  
Author(s): Abrie Lacock, Manager Finance  
Reporting Officer(s): Garry Adams, Director Corporate Services

##### Summary

This report presents to Council a list of accounts paid under delegated authority between 1 January 2025 to 31 January 2025 for information. It also includes purchase card transactions between 1 December 2024 to 31 December 2024 in line with new legislative requirements. The City made the following payments:

EFT Payments to Creditors	(419)	\$4,641,702.49
<b>Total Monthly Payments to Creditors</b>	<b>(419)</b>	<b>\$4,641,702.49</b>
EFT Payments to Non-Creditors	(67)	\$72,725.36
Cheque Payments to Non-Creditors	(19)	\$19,789.99
<b>Total EFT &amp; Cheque Payments</b>	<b>(505)</b>	<b>\$4,734,217.84</b>
Credit Card Payments	(72)	\$21,305.79
Fleet Card Payments	(29)	\$2,072.14
<b>Total Payments</b>	<b>(606)</b>	<b>\$4,757,595.77</b>

##### Officer Recommendation

That Council receives the Listing of Payments for the month of January 2025 as detailed in **Attachment (a)**.

##### Background

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

### Comment

The payment listing for January 2025 is included in **Attachment (a)**.

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

The report records payments are classified as:

- Creditor Payments

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

- Non-Creditor Payments

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

- Purchase Cards

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

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

### Consultation

Nil.

### Policy and Legislative Implications

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

### Financial Implications

The payment of authorised amounts is within existing budget provisions.

### Key Risks and Considerations

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

### Strategic Implications

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

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

### Attachments

<b>10.4.4 (a):</b>	Listing of Payments January 2025
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## 10.4.5 Monthly Financial Statements January 2025

File Ref: D-25-5004  
Author(s): Abrie Lacock, Manager Finance  
Reporting Officer(s): Garry Adams, Director Corporate Services

### Summary

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

### Officer Recommendation

That Council notes the Financial Statements and report for the month ended 31 January 2025.

### 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 to be achieving its objective of lowering inflation in Australia. The December 2023 quarter to December 2024 quarter Perth CPI of 2.9%, as well as the national CPI for the same period of 2.4%, are tending down with CPI within the 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 December meeting the RBA decided to leave the cash rate target unchanged once more.

Stating that underlying inflation remains too high, the RBA also made the following statement at its Board meeting of 5 December 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. Measures of underlying inflation are around 3.5 per cent, which is still some way from the 2.5 per cent midpoint of the inflation target. The most recent forecasts published in the November *Statement on Monetary Policy* (SMP) do not see inflation returning sustainably to the midpoint of the target until 2026. The Board is gaining some confidence that inflationary pressures are declining in line with these recent forecasts, but risks remain.”

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 January year-to-date (YTD) is \$65.68m in comparison to budget of \$64.65m, favourable to budget by \$1.03m or 1.59%. Actual expenditure from operating activities for January is \$39.83m in comparison to the budget of \$41.91m, favourable to budget by \$2.08m or 4.97%. The January Net Operating Position of \$25.85m is \$3.11m favourable in comparison to budget.

Actual Capital Revenue is lower than budget by \$0.29m, \$0.92m compared to budget of \$1.21m, revenue recognition is dependent on capital project completion. Actual Capital Expenditure YTD is \$6.26m in comparison to the budget of \$7.85m, \$1.59m lower than budget. A variance analysis is provided within **Attachment (e)** titled Significant Variance Analysis.

Cash and Cash Equivalents amounted to \$92.99m. 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 4.59% for investments under 12 months. The City holds a portion of its funds in financial institutions that do not invest in fossil fuels. Investment in this market segment is contingent upon all the other investment criteria of Policy P603 Investment of Surplus Funds being met. At the end of January 2024, the City held 43.81% of its investments in institutions that do not provide fossil fuel lending. The Summary of Cash Investments illustrates the percentage invested in each of the non-fossil fuel institutions and the short-term credit rating provided by Standard & Poors for each of the institutions.

### Consultation

Nil.

### Policy and Legislative Implications

This report is in accordance with the requirements of the Section 6.4 of the *Local Government Act 1995* and 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

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

### Strategic Implications

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

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

### Attachments

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

## 10.4.6 Local Government Elections

File Ref: D-25-5005  
Author(s): Morgan Hindle, A/ Manager Governance  
Reporting Officer(s): Garry Adams, Director Corporate Services

### Summary

This report is to accept the Cost Estimate and Written Letter Agreement provided by the Western Australian Electoral Commission which provides the authorisation for the Western Australian Electoral Commissioner to conduct the 2025 Local Government Ordinary Elections on behalf of the City of South Perth.

The 2025 Ordinary Election is comprised of four vacancies and is proposed to be conducted as a postal election.

### Officer Recommendation

That Council:

1. Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2025 ordinary elections together with any other elections or polls which may be required.
2. Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.
3. Accept the Estimate of Costs **Attachment (a)** and Written Agreement **Attachment (b)** as provided by the Western Australian Electoral Commission.

**Absolute Majority Required**

### Background

Local government elections are held on the third Saturday in October every two years with the next election scheduled to occur on Saturday 18 October 2025. The *Local Government Act 1995* (Act) and associated regulations specify how local government elections must be conducted.

Section 4.20(1) of the Act provides for the Chief Executive Officer to be the returning officer for the local government elections unless Council appoint another person. If Council appoint a person other than the Chief Executive Officer, the Western Australian Electoral Commissioner must approve that person.

Under section 4.20(4) of the Act, Council can determine that the Western Australian Electoral Commissioner be responsible for the election, including the appointment of a returning officer and other arrangements associated with the election.

#### 10.4.6 Local Government Elections

On 13 December 2024, the City received a letter from the Western Australian Electoral Commissioner **Attachment (a)** providing an estimate of the costs for the Western Australian Electoral Commission (WAEC) to conduct the 2025 Ordinary Election as a postal election, on the City's behalf and any other polls that may be required in 2025. Subsequent to the receipt of the cost estimate, and in accordance with section 4.20 (4) of the Act the City received a Written Letter Agreement **Attachment (b)** from the WAEC for Council's consideration.

#### Comment

In accordance with Section 4.61(1) of the Act, there are two methods for conducting local government elections, being postal voting or voting in person. The local government has the ability to decide to conduct the election as a postal election, by absolute majority in accordance with Section 4.61(2). All postal elections must be conducted by the Western Australian Electoral Commission.

There are significant benefits for the elections to be conducted as a postal election:-

- It increases the voter turnout.
- Having an external person appointed by the Electoral Commission as the returning officer creates separation and proves independence to the process.
- It is easier for electors to vote.

While the local government has the ability to choose the method of conducting its elections, following the Local Government Amendment Bill 2024 and in accordance with section 4.1C of the Act, the Governor may, on the recommendation of the Minister, by order provide that, until the order is revoked, each election for a specified local government must be conducted as a postal election. This applies despite section 4.61 of the Act.

#### Consultation

Advice has been received from the Electoral Commissioner that he is willing to conduct a postal election for the City of South Perth Ordinary Election for 2025.

#### Policy and Legislative Implications

Division 1 of Part 4 of the *Local Government Act 1995*

Division 4 of Part 4 of the *Local Government Act 1995*.

#### Financial Implications

It is estimated that the cost for the Western Australian Electoral Commission to conduct the 2025 City of South Perth Ordinary Election would be approximately \$164,486 (ex GST) for four vacancies. This compares to a cost estimate for the 2023 City of South Perth Ordinary Election of \$164,000 (inc GST) for five vacancies.



#### 10.4.6 Local Government Elections

Costs not incorporated in this estimate include:

- any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission incurred as part of an invalidity complaint lodged with the Court of Disputed Returns.
- the cost of any casual staff to assist the Returning Officer on election day or night. The total cost of the casual staff for the 2023 Ordinary Council Elections was \$9,145.54.
- any unanticipated costs arising from public health requirements i.e. COVID-19 pandemic.

The costs associated with the election will need to be included in the 2025/26 budget.

#### Key Risks and Considerations

<b>Risk Event Outcome</b>	<b>Legislative Breach</b> Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation.
<b>Risk rating</b>	Low
<b>Mitigation and actions</b>	Ordinary local government elections are to be run in accordance with the Act and regulations. Officers and the Western Australian Electoral Commission are aware of the obligations.

#### 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

- 10.4.6 (a): WAEC Cost Estimate
- 10.4.6 (b): WAEC Written Agreement

## 10.5 MATTERS REFERRED FROM COMMITTEE MEETINGS

### 10.5.1 Independent Facilitator for Chief Executive Officer Evaluation Process 2024/25

File Ref: D-25-5007  
Author(s): Pele McDonald, Manager People and Performance  
Reporting Officer(s): Garry Adams, Director Corporate Services

#### Summary

This report seeks the appointment of the external independent facilitator for the CEO Evaluation process for the period 1 July 2024 to 30 June 2025.

#### Committee Recommendation

**Moved:** Mayor Greg Milner  
**Seconded:** Councillor Glenn Cridland

That the CEO Evaluation Committee recommends to Council that it appoints respondent 2 as the independent facilitator for the Chief Executive Officer Evaluation process for the period 1 July 2024 to 30 June 2025.

**CARRIED (2/2)**

**For:** Mayor Greg Milner, Councillor Glenn Cridland.

**Against:** Councillors Jennifer Nevard and Hayley Prendiville.

**Casting Vote For:** Mayor Greg Milner

#### Officer Recommendation

That the CEO Evaluation Committee recommends to Council that it appoints respondent 1, or respondent 2, or respondent 3, or respondent 4 as the independent facilitator for the Chief Executive Officer Evaluation process for the period 1 July 2024 to 30 June 2025.

#### Background

At its meeting held 25 June 2024, Council endorsed the Chief Executive Officer's (CEO's) performance review evaluation process, evaluation instrument, contractual performance criteria and performance indicators for the review period 1 July 2024 to 30 June 2025.

As part of this endorsed process, the Manager People and Performance's role was to manage the procurement and selection of a suitably qualified and experienced external facilitator. The facilitator's role is to assist the CEO and CEO Evaluation Committee (the Committee) with development or amendments to the CEO's contractual performance criteria and performance indicators, as well as act as an independent person should discussions arise requiring independent views at Committee Meetings and/or workshops for the performance evaluation process for the period 1 July 2024 to 30 June 2025.

During the 2024 evaluation process, Elected Members expressed their interest in participating in the selection process for the external facilitator. This report provides information from the received quotes to assist the Committee in selecting one external facilitator. The recommendation of the Committee is forwarded to Council for consideration.

The external facilitator will not form part of the Committee membership or act as a reviewer of the CEO's performance for the period, however, the facilitator's role is purely to provide independent advice if requested by the CEO or Committee, as well as to assist with the development of performance criteria and performance indicators as needed.

### Comment

Utilising the Council endorsed criteria and the City's procurement policies, on 2 January 2025 the Manager People and Performance requested quotes from five organisations/consultants. The requests for quotes were sent to a mix of organisations/consultants from the Western Australian Government's Common Use Agreement CUAHRS2021 and organisations known to provide the CEO performance review services.

The five organisations/consultants approached were:

- Acumen Alliance
- Beilby Downing Teal
- Hammond Woodhouse Advisory
- Price Consulting Group
- Shelby Consulting

All five organisations/consultants responded to the City's request for quote, with four organisations providing a quotation. The fifth organisation advised they did not have capacity at this point in time. The four quotes received were from Beilby Downing Teal, Hammond Woodhouse Advisory, Price Consulting Group and Shelby Consulting as shown at **Confidential Attachment (a)**. A comparison table of criteria sought from the submitted quotations received is shown at **Confidential Attachment (b)**.

The Council is requested to appoint one of the organisations who submitted a quote for the purposes of assisting the CEO and the CEO Evaluation Committee with development or amendments to the CEO's contractual performance criteria and performance indicators. In addition, they will act as an independent person should discussions arise requiring independent views at Committee Meetings and/or workshops for the performance evaluation process for the period 1 July 2024 to 30 June 2025. The number next to the respondent in the comparison table at **Confidential Attachment (b)** is to be used to select the independent facilitator.

### Consultation

Nil.

### Policy and Legislative Implications

Nil.

### Financial Implications

Costs for procurement will be captured within the existing People and Performance budget.

### Key Risks and Considerations

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

### Strategic Implications

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

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

### Attachments

- 10.5.1 (a): Quotes for Independent Facilitator (*Confidential*)
- 10.5.1 (b): Comparison Table of Criteria (*Confidential*)

**11. APPLICATIONS FOR LEAVE OF ABSENCE**

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

Nil.

**13. QUESTIONS FROM MEMBERS**

**13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE**

Responses to questions from members taken on notice at the December 2024 Ordinary Council Meeting can be found in the Appendix of this Agenda.

**13.2 QUESTIONS FROM MEMBERS: 25 FEBRUARY 2025**

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

## 15. MEETING CLOSED TO THE PUBLIC

The Chief Executive Officer advises that there is a matter for discussion on the Agenda for which the meeting may be closed to the public, in accordance with section 5.23(2) of the *Local Government Act 1995*.

### 15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

#### Officer Recommendation

That the following Agenda Item be considered in closed session, in accordance with s5.23(2) of the *Local Government Act 1995*:

15.1.1 WALGA Sustainable Energy Project Phase Two - Procurement of Contestable Electricity Supply

#### 15.1.1 WALGA Sustainable Energy Project Phase Two - Procurement of Contestable Electricity Supply

*This item is considered **confidential** in accordance with section 5.23(2)(c) of the Local Government Act 1995 as it contains information relating to "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting"*

File Ref: D-25-5009  
Author(s): Con Angelidis, Manager Waste, Fleet & Facilities  
Reporting Officer(s): Anita Amprimo, Director Infrastructure Services

## 16. CLOSURE

## APPENDIX

### 13.1 QUESTIONS FROM MEMBERS taken on notice OCM 10 December 2024

Councillor Mary Choy	Response provided by: Anita Amprimo – Director Infrastructure Services
1. Can the City please provide an update on the completion date for the South Perth underground power project, as I believe it was communicated a little while ago that it was due to be completed by the end of this month, I am not sure if that is still the case?	<p>The underground power project in the South Perth and Hurlingham areas is now scheduled for completion in June 2025.</p> <p>While drilling and the installation of primary equipment are complete in these areas, delays have occurred due to resource constraints.</p> <p>The energising of the new light poles and residential connection is behind schedule, but efforts are being made to ensure a timely completion.</p>