

MINUTES

Ordinary Council Meeting

25 February 2025

Mayor and Councillors

Here within are the Minutes of the Ordinary Council Meeting of the City of South Perth Council held Tuesday 25 February 2025 in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth.



MIKE BRADFORD
CHIEF EXECUTIVE OFFICER

28 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 - Minutes

Minutes of the Ordinary Council Meeting held in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth at 6.00pm on Tuesday 25 February 2025.

Councillor Nic Coveney left at 6.07pm during consideration of Item 1.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member welcomed everyone to the meeting and acknowledged and paid respect to the traditional custodians of the land, the Whadjuk people of the Noongar nation and their Elders past and present.

As this was the first full meeting of Council for 2025 the Presiding Member welcomed Mr Matthew McGuire to perform a Welcome to Country Ceremony.

Following the Welcome to Country Ceremony the Presiding Member declared the meeting open at 6.07pm.

Councillor Mary Choy was authorised to attend the meeting via audio link in accordance with regulation 14C and 14CA of the Local Government (Administration) Regulations 1996.

Councillor Mary Choy declared that she was able to maintain confidentiality during the meeting in accordance with regulation 14CA(5) of the Local Government (Administration) Regulations 1996.

2. DISCLAIMER

The Presiding Member read aloud the City's Disclaimer.

Councillor Nic Coveney returned at 6.08pm during consideration of Item 3.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

The Mayor presented the following report of the Mayoral engagements and meetings attended in the Mayor's capacity since the last Council Meeting. The Mayor read out the following:

"On Thursday 12 December, I attended the Rivers Regional Council Meeting in my capacity as Deputy Chair and as one of the two delegates from the City of South Perth.

The Rivers Regional Council is a Regional Council formed under the Local Government Act with a membership of various Cities and Shires. Its main purpose is to make decisions relating to strategic waste management issues.

On Tuesday 17 December, I met with representatives of the Department of Local Government, Sport and Cultural Industries to seek the Department's advice about governance matters.

On Wednesday 18 December, I attended a photoshoot with:

- *Geoff Baker MLA;*
- *the Federal member for Swan, Zaneta Mascarenhas MP; and*
- *the Executive Director of the Department of Biodiversity, Conservation and Attractions, Fran Stanley.*

The reason for the meeting on the South Perth Foreshore was for the announcement that the City of South Perth has secured \$2,107,048 in Australian Government funding for a major riverbank restoration project that will enrich the environment along the Swan River foreshore near Coode Street.

This project will complement and enhance existing uses by connecting and linking established wetlands within Sir James Mitchell Park with the foreshore, restoring the local habitat and improving biodiversity in the area. It is jointly funded by the Australian Government's Natural Heritage Trust under the Urban Rivers and Catchments Program, the WA Department of Biodiversity, Conservation and Attractions and the City of South Perth. It will create a vegetated foreshore area using native sedges and rushes.

On Friday 20 December, I met with our local State Member of Parliament, Geoff Baker MLA at the new Mecca Gourmet at Village Green in Karawara. As you all know, Mr Baker and I meet approximately once per month to discuss issues of importance to our local community and to consider what options are available, at both the State Government level and the local government level, to make this district a better place to live, work and play.

Meetings with CEO

I met with the City CEO on Tuesday 7 January as part of our ongoing weekly meetings. As you are all aware, I meet with the CEO at least once per week to discuss the local government's affairs and the performance of its functions, in line with section 2.8 of the Local Government Act.

In an effort to try and reduce the length of this report, I'll note that Mr Bradford and I also met on 14 January, 22 January, 29 January, 5 February, 12 February, 18 February and today for the same purpose.

Wednesday 15 January 2025

I met up with the CEO of Ngala, Michelle Dillon. Michelle Dillon and I catch up every so often to touch base about what we're seeing in our respective communities.

I also met with CEO Mike Bradford and the Federal Member for Swan, Zaneta Mascarenhas to discuss the priorities of the City of South Perth community and to make some suggestions about potential Federal Election promises that our community might like to see in the lead-up to the 2025 Federal Election. Councillors may recall from a previous report that Mike Bradford and I had a similar meeting with the Liberal candidate, Mr Mic Fels, in November of last year.

Thursday 16 January 2025

The City's Communications Team and I attended a photo shoot with Geoff Baker MLA. The photo shoot was in relation to a \$75,000 commitment by Mr Baker for a new mobile CCTV camera for the City of South Perth to help address crime hotspots across our district, and in relation to an additional \$50,000 commitment by Mr Baker to the City for the installation of new safety lighting in various locations across the district.

Friday 17 January 2025

I caught up with the President of Collier Park Retirement Village, Mr Peter Quinn for a coffee and a chat at Krankin Café in Como. Mr Quinn and I meet up every so often so that I can be kept informed about life for the residents at Collier Park Village and any issues they may have that are relevant to the City of South Perth. Mr Quinn and I still catch up, notwithstanding that the City transferred ownership of Collier Park Village to Amana Living last year (with the support of the Village residents I hasten to add), because the Village itself and the Village residents are still very much part of our community.

Wednesday 22 January 2025

The City's Communications Team and I attended a photo shoot on the South Perth Foreshore with Geoff Baker MLA. The photo shoot was in relation to a \$30,000 grant from Lotterywest to the City of South Perth for the City's South Perth Sounds Concert, which topically enough was held last Saturday on the South Perth Foreshore.

Sunday 26 January 2025

I represented the City of South Perth at our Australia Day Morning Flag Raising and Citizenship Ceremony. We welcomed the Governor of Western Australia, His Excellency the Honourable Chris Dawson APM, inducted 100 new Australians during a very special Citizenship Ceremony and honoured four of our outstanding community members with the Auspire Citizen of the Year Awards. It really was a wonderful day, and I'd like to give a big thank you to everyone who contributed and attended.

Thursday 30 January 2025

I attended an afternoon tea to thank the dedicated volunteer Justices of the Peace who make themselves available to our community at the South Perth and Manning libraries. I was also invited to attend the Commissioning Service of the new Parish Priest at St Mary's Church in South Perth, the Reverend Canon Jan Joustra.

Saturday 1 February 2025

I represented the City of South Perth alongside the owner of Miss Chow's South Perth (Jacquie Chan) at the first of two spectacular Lion Dance performances at Mindeerup by the Yaolin Kung Fu Association at Mindeerup.

Sunday 2 February 2025

I represented the City of South Perth at the Chung Wah Association's Perth Chinese New Year Fair in Northbridge.

Monday 3 February 2025

I met with the City CEO and the City's Communications team. As you know, I meet with the City CEO and the City's Communications team once per week to discuss current and upcoming communications by the City, potential third-party media relevant to the City and my duties as spokesperson for the City.

In an effort to try and reduce the length of this report, I'll note that I also met with the City CEO and the City's Communications team on 10 February, 17 February and 24 February for the same purpose.

Tuesday 4 February 2025

I chaired the Local Emergency Management Committee Meeting. Under section 38 of the Emergency Management Act 2005, a local government is required to establish a Local Emergency Management Committee (LEMC) for the local government's district. We are allowed to unite for the purpose of these meetings, so we unite with the City of Canning. We share the management of the Committee for its districts, and we swap between hosting and chairing every meeting.

I also chaired a meeting of the City of South Perth CEO Evaluation Committee, that same evening, and served as Presiding Member at the Electors' General Meeting at 6:00pm that evening.

Wednesday 5 February 2025

I had the pleasure of attending a school assembly at Curtin Primary School and helping to present the new school captains with their honour badges, as well as some very well-deserved awards to some very exceptional students.

Thursday 6 February 2025

I caught up with the Mayor of the City of Vincent, Ms Alison Xamon. We met at local cafe Our Ruby Girl in Como. I think I might have mentioned in previous reports that I try to catch up with the Mayors of neighbouring local governments, or local governments that the City shares strategic interests with, every so often. It is useful to compare notes, share what we have been up to and discuss opportunities for collaboration and shared learnings. I then stayed on at Our Ruby Girl for a chat with local resident Mark Sheppard about a range of issues.

Saturday 8 February 2025

I represented the City of South Perth at the second of the two spectacular Lion Dance performances organised by Miss Chow's South Perth and performed by the Yaolin Kung Fu Association.

Monday 10 February 2025

I met with the new owners of McDonalds Karawara to welcome them to the district and discuss a range of community issues.

Tuesday 11 February 2025

I attended a Councillor workshop regarding the Old Mill First Nations Interpretations Materials Project Workshop and Progress Update, followed by a Councillor workshop on the Karawara Pedestrian Cycle Access Plan Workshop.

Wednesday 12 February 2025

I attended a meeting of the City's Community Safety and Crime Prevention Group to listen to the various reports. For those who aren't aware, the City facilitates a Community Safety and Crime Prevention Group with representation from key government agencies and the local community. Members include Kensington Police, Curtin University, Village Green, Western Australia Local Government Association's Roadwise Program and other key partners as required. The purpose of the group is to focus on building and strengthening the capacity and resilience of the local community, through community safety initiatives.

Thursday 13 February 2025

I met up with the Principal of Aquinas College, Principal Robert Henderson for an update on the various projects and initiatives at Aquinas College. Meetings like this, I always enjoy - because they often reveal opportunities to work together and achieve shared goals that benefit our community. I think it's important for the City to have good relationships with the people and organisations helping to shape our very special part of the world.

I then headed into the City of Perth to attend the WALGA Urban Forest Conference to hear a very informative presentation on planning issues affecting tree canopy cover, presented by our very own Director Donna Shaw - it was very good.

Tuesday 18 February 2025

I attended the City of South Perth's nursery for a photo shoot with Geoff Baker MLA. The photo shoot was in relation to a \$60,000 commitment by Mr Baker for new tree planting throughout the City of South Perth, partnering with local environmental groups.

I also served as the Presiding Member at last week's Council Agenda Briefing.

Wednesday 19 February 2025

The City CEO and I met with Joe Ferrante from Perth Zoo to discuss potential opportunities for collaboration. I then met with the President of the South Perth United Football Club, Sony Sindhe, at the beautiful Dome Café on Manning Road. As many of you already know, I try to make myself available to the various sporting clubs and community organisations in our City to better understand their needs and get a perspective on what the City might be able to do to help keep making our district a better place to live, work and play. I received an update on the continuing growth of the South Perth United Football Club.

I then stayed on at DOME Manning for a chat with local resident Robert Haythornwaite, who wanted some guidance on who to speak to in the City administration about a potential land development. I've also declared that meeting, pursuant to Policy P700.

Thursday 20 February 2025

My family and I got to inspect the newly completed Manning Bike Track at George Burnett Park in Karawara. The new Bike Track really is a great addition to our community, and it's a pleasure to see the George Burnett Park precinct getting better and better, with new facilities and new amenities for everyone to enjoy.

I'll take this opportunity to give a big thank you to the Australian Government Local Roads and Community Infrastructure Program and also to Lotterywest for helping make the Manning Bike Track happen.

Saturday 22 February 2025

At 6:45am, I joined Amber Cunningham on ABC Breakfast Radio for an interview about the South Perth Sounds Concert to be held that evening.

I met with Councillor André Brender-A-Brandis at local business Henry M's in Manning at 3:00pm to discuss Council affairs, before we joined Councillors Jennifer Nevard, Glenn Cridland and André Brender-A-Brandis at the Manning Community Hall to hear the report from the Urban Greening Strategy Deliberative Panel and thank the 38 panel members for their hard work in helping to compile the report to Council.

I then raced off to the South Perth Foreshore for an on-camera interview with the ABC's Ruby Littler about South Perth Sounds, before welcoming San Cisco, End of Fashion and our wonderful community to the spectacular South Perth Sounds Concert on Saturday night. For those of you that got to attend that, I hope you had a really great night.

Sunday 23 February 2025

I met with Councillor Blake D'Souza at DOME Manning at 3:00pm to discuss Council affairs.

Monday 24 February 2025

I met with Councillor Jennifer Nevard and then with Councillor Hayley Prendiville to discuss Council affairs. We met at Our Ruby Girl in Como.

SECOND PART OF REPORT

You're all already aware of this, of course, but the main issue I've been working on since the last Council Meeting is once again how Elected Members can work better with each other and with the City administration to deliver on our community's priorities."

4. ATTENDANCE

Mayor Greg Milner (Presiding Member)

Councillors

Como Ward

Manning Ward

Manning Ward

Moresby Ward

Moresby Ward

Mill Point Ward

Mill Point Ward

Councillor Glenn Cridland

Councillor Blake D'Souza

Councillor André Brender-A-Brandis

Councillor Jennifer Nevard

Councillor Hayley Prendiville

Councillor Mary Choy (via Audio link)

Councillor Nic Coveney

Officers

Chief Executive Officer

Director Corporate Services

Director Development and Community Services

Director Infrastructure Services

Manager Development Services

Manager Finance

A/ Manager Governance

A/ Governance Coordinator

Communications Officer

Governance Officer

Mr Mike Bradford

Mr Garry Adams

Ms Donna Shaw

Ms Anita Amprimo

Ms Fiona Mullen (Retired at 9.41pm)

Mr Abrie Lacock (Retired at 8.17pm)

Mr Morgan Hindle

Ms Christine Lovett (Retired at 9.41pm)

Ms Raquel de Brito (Retired at 9.41pm)

Ms Jane Robinson

Gallery

There were approximately 15 members of the public present.

4.1 APOLOGIES

Nil.

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 – Financial and Proximity Interest in Item 10.2.2 as ‘the Alternative Motion from Cr Nic Coveney contemplates granting Council support for “a floating food and beverage venue to be moored at or in proximity to Node 1 - Mends Street”. I also understand that there are discussions already on foot with DBCA about a potential floating venue at or around the Mends Street jetty.

Any such proposal (or development application) might potentially involve the development of land that is adjacent to (or is across the road from) properties that are owned or indirectly owned by persons who contributed to my re-election campaign in 2023. This could also potentially result in a financial gain, loss, benefit or detriment for those persons.’

- 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.’
- Councillor Jennifer Nevard – Impartiality Interest in Item 10.3.4 as ‘one of the objections to this proposal at the Agenda Briefing came from a community member known to me.’
- Councillor André Brender-A-Brandis – Impartiality Interest in Item 10.3.4. as ‘I know a person who made a deputation at the Agenda Briefing on this item.’
- 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.’
- Mayor Greg Milner – Financial and Proximity Interest in Item 10.4.1 as ‘the Alternative Motion from Councillor Mary Choy proposes an inclusion of \$120,000 for the Anstey Street Pedestrian Crossing. One of the donors to my 2023 re-election campaign owns the Coles Local site on the corner of Anstey Street and Angelo Street.’
- Councillor Mary Choy – Impartiality Interest in Item 10.4.6 as ‘my seat is up for re-election in October 2025.’
- Councillor Jennifer Nevard – Impartiality Interest in Item 10.4.6 as ‘my term of office will expire to coincide with the elections under discussion.’
- CEO Mike Bradford – Impartiality Interest in Item 10.5.1 as ‘this Item relates to my contract of employment.’
- CEO Mike Bradford – Impartiality Interest in Item 14.1 as ‘this Item relates to my contract of employment.’

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

6.2 PUBLIC QUESTION TIME: 25 FEBRUARY 2025

The Presiding Member opened Public Question Time at 6.30pm.

Written questions were received prior to the meeting from:

- Mr Barrie Drake of South Perth.
- Ms Veronica McPhail of Kensington.
- Ms Joanne Ord of Como.

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

There being no further questions, the Presiding Member closed Public Question Time at 6.42pm.

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 AND COUNCIL DECISION

0225/001

Moved: Councillor Nic Coveney

Seconded: Councillor Hayley Prendiville

That the Minutes of the Ordinary Council Meeting held 10 December 2024 be taken as read and confirmed as a true and correct record.

CARRIED (8/0)

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

Against: Nil.

7.2 CONCEPT BRIEFINGS

7.2.1 Concept Briefings and Workshops

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

| Date | Subject | Attendees |
|------------------|--|---|
| 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 AND COUNCIL DECISION

0225/002

Moved: Councillor Blake D'Souza

Seconded: Councillor André Brender-A-Brandis

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

- 7.2.1 Concept Briefings and Workshops
- 7.2.2 Council Agenda Briefing - 18 February 2025

CARRIED (8/0)

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

Against: Nil.

8. PRESENTATIONS

8.1 PETITIONS

Nil.

8.2 PRESENTATIONS

Nil.

8.3 DEPUTATIONS

Deputations were heard at the Council Agenda Briefing held 18 February 2025.

9. METHOD OF DEALING WITH AGENDA BUSINESS

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

The Presiding Member advised that the following Agenda Item was a new report and was not presented to the Council Agenda Briefing held 18 February 2025:

- Item 14.1 - Chief Executive Officer Contract of Employment Variation Request

The Presiding Member also noted that Item 12.1 Notice of Motion – Councillor Nic Coveney - Expressions of Interest For Use of Old Mill Theatre was withdrawn by Councillor Nic Coveney at the Council Agenda Briefing.

The Chief Executive Officer confirmed all the report items were discussed at the Council Agenda Briefing held 18 February 2025, with the exception of Item 14.1.

ITEMS WITHDRAWN FOR DISCUSSION

- 10.2.1 Parklet Licence (Nextdoor Restaurant) - Angelo Street Road Reserve (abutting No.79 Angelo Street, South Perth)
- 10.2.2 Response to Notice of Motion - Expression of Interest for Floating Venue Trial at Coode Street Jetty
- 10.3.1 Draft Karawara Pedestrian and Cycle Access Plan (Final Adoption)
- 10.3.4 Third Party Digital Advertising Signage - 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
- 10.3.8 Proposed Change of Use - Grouped Dwelling to Unhosted Short-Term Rental Accommodation - Lot 4, No.4/30 Axford Street, Como
- 10.4.1 Budget Review for the Period ended 31 January 2025
- 10.4.6 Local Government Elections
- 10.5.1 Independent Facilitator for Chief Executive Officer Evaluation Process 2024/25

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

Officer Recommendation AND COUNCIL DECISION

0225/003

Moved: Councillor Nic Coveney

Seconded: Councillor André Brender-A-Brandis

- 10.3.2 Draft Local Planning Policy - Waste Management (Final Adoption)
- 10.3.3 RFT 10/2024 - Provision of Supply of Plant with Skilled Operator for Minor Works Services
- 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
- 10.3.7 Proposed Change of Use - Grouped Dwelling to Unhosted Short-Term Rental Accommodation - Lot 1, No.1/27 Hovia Terrace, South Perth
- 10.4.2 Listing of Payments December 2024
- 10.4.3 Monthly Financial Statements December 2024
- 10.4.4 Listing of Payments January 2025
- 10.4.5 Monthly Financial Statements January 2025
- 15.1.1 WALGA Sustainable Energy Project Phase Two - Procurement of Contestable Electricity Supply

CARRIED (8/0)

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

Against: Nil.

10. REPORTS

10.2 STRATEGIC DIRECTION 2: ECONOMY

Councillor Nic Coveney disclosed an Impartiality Interest in Item 10.2.1.

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.

Moved: Councillor Nic Coveney
Seconded: Councillor Hayley Prendiville

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, if the license is not renewed, 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 at all times. The parklet must be publicly available outside the applicant's business hours.
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.
15. The applicant is to install signage on or adjacent the parklet stating:
“Public Parklet. All seating is open to the public during non-trading hours.”

The signage is to be designed and installed to the satisfaction of the City of South Perth.
16. The applicant is to install planter boxes and/ or vegetation on/ around the parklet, and maintain the planter boxes and/ or vegetation for the life of the parklet, to the satisfaction of the City of South Perth.

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

During debate on the Item, it was suggested that condition 15 be amended to add the word 'Nextdoor's' between 'public during' and 'non-trading hours'

With the agreement of the mover and seconder, condition 15 of the motion was amended as follows:

Amended Substantive Motion AND COUNCIL DECISION

0225/004

Moved: Councillor Nic Coveney

Seconded: Councillor Hayley Prendiville

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, if the license is not renewed, 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 at all times. The parklet must be publicly available outside the applicant's business hours.
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.
15. The applicant is to install signage on or adjacent the parklet stating:
“Public Parklet. All seating is open to the public during Nextdoor’s non trading hours.”

The signage is to be designed and installed to the satisfaction of the City of South Perth.
16. The applicant is to install planter boxes and/ or vegetation on/ around the parklet, and maintain the planter boxes and/ or vegetation for the life of the parklet, to the satisfaction of the City of South Perth.

Reasons for Change:

1. There is overwhelming support from the community for the parklet, with 80% of feedback being in favour and 20% being against.
2. The parklet has added vibrancy and amenity to the strip. I have regularly observed the parklet being used by groups of people to connect and enjoy a meal/drink.
3. The amendment to paragraph one makes it clear that the Applicant ought to be afforded the opportunity to reapply to extend the parklet license if they so choose.

4. The amendment to paragraph two makes it clear that the Applicant ought to be able to exclusively operate the parklet during their business hours. The reasons for same are as follows:
- a. The Applicant is a licensed venue. It is inappropriate for unaccompanied children to use the parklet during the Applicant's operating hours.
 - b. The intent of the parklet was for large bookings. That purpose is made more difficult if the public is sitting sporadically in the parklet.
 - c. The Applicant largely operates outside the hours of operations of nearby businesses anyway.
 - d. People eating at a nice restaurant get dressed up and are paying for a particular experience. That experience may be diminished if the parklet is publicly available at the same time. For example, a family getting dressed up and celebrating a birthday at the restaurant, only to be seated next to someone wearing thongs and a singlet.

CARRIED (8/0)

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

Against: Nil.

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)**.

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

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

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

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

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)

Mayor Greg Milner disclosed a Financial and Proximity Interest in Items 10.2.2 and 10.4.1.

Prior to leaving the Chamber, the Mayor advised the meeting that as the Deputy Mayor Councillor Bronwyn Waugh was on a Leave of Absence and not present for the meeting, Council would need to choose a Presiding Member to preside over Items 10.2.2 and 10.4.1.

COUNCIL DECISION

0225/005

Moved: Councillor Nic Coveney

Seconded: Councillor Hayley Prendiville

That Council, in accordance with Section 5.6(3) of the *Local Government Act 1995* appoint Councillor Glenn Cridland to Preside over the following Items:

- 10.2.2 - Response to Notice of Motion - Expression of Interest for Floating Venue Trial at Coode Street Jetty
- 10.4.1 - Budget Review for the Period ended 31 January 2025

CARRIED (8/0)

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

Against: Nil.

Mayor Greg Milner accordingly left the Chamber at 7.13pm prior to consideration of Item 10.2.2 and Councillor Glenn Cridland assumed the Chair.

Councillor Blake D'Souza left the meeting at 7.15pm and returned at 7.18pm during consideration of Item 10.2.2.

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.

Alternative Motion AND COUNCIL DECISION

0225/006

Moved: Councillor Nic Coveney**Seconded:** Councillor Hayley Prendiville

That Council:

1. Notes the advice received from the Department of Biodiversity, Conservation and Attractions dated 16 December 2024 in respect to advertising an Expression of Interest for a temporary floating food and beverage venue to be moored at Coode Street jetty.
2. Notes that the Raft is preparing a Part 5 application under the Swan and Canning Rivers Management Act 2006 to redesign the venue and relocate to Node 1: Mends Street as identified in the South Perth Foreshore Management Plan.
3. Requests the Chief Executive Officer undertake an Expression of Interest for a temporary small-scale café and/ or temporary food and beverage outlets to be operated at Node 2 - Coode Street (as described in the South Perth Foreshore Strategy and Management Plan).

The Expression of Interest is to include information relating to the statutory approvals process.

Reasons for Change

1. Our strategic documents recommend additional food and beverage options at Node 2. The Foreshore Strategy and Management Plan 2015, the Perth Water Action Plan 2021, and the Coode Street Engagement Outcomes Report 2022, all recommend additional food and beverage options at Node 2.
2. There were 853 responses in the Community Survey of the Outcomes Report 2022. Of those responders, 90% live in the City of South Perth and just over 75% visit the foreshore at least weekly. 81% said they want pop-up vans year-round. 75% said they want an additional café. 72% said they want an additional kiosk. 64% said they want an additional restaurant.
3. At the time of the Outcomes Report 2022 the Boatshed café/restaurant, the Acai Corner, and StrEATS, already existed, meaning the community told us they want more what is already on offer. The communities desire for more options is understandable given: StrEATS only operates in the evenings a few months per year and is not weatherproof; the Acai Corner only operates in the mornings, offers acai bowls and is not water proof; and the Boatshed is not open for lunch and dinner every day.
4. In October 2024, Council unanimously resolved to request the CEO write to the DBCA seeking their in-principle support for a floating food and beverage venue to be moored at the Coode Street Jetty. On 4 and 5 November 2024, the CEO sent a letter to the DBCA and the Department of Transport respectively seeking their support.

5. On 16 December 2024, the DBCA sent a letter to the CEO advising they do not consider a floating barge and “entertainment venue” appropriate for Node 2, the proposal would be more appropriately located at Node 1, and a café is appropriate at Node 2.
6. The response from the DBCA is disappointing given an “entertainment venue” was never requested, Action 3.2 of the DBCA’s “Perth Water Action Plan” recommends the investigation of a “permanent café/restaurant offerings” at Node 2 and the DBCA’s “Perth Water Locality Plan 2021” which recommends small scale cafes and pop-up food and beverage at Node 2 is inconsistent with their own Perth Water Action Plan of the same date, and both those documents predate the extensive local community consultation in the Outcomes Report 2022.
7. Nevertheless, the DBCA’s response clarifies what is sought in this motion, namely they support and a floating barge at Node 1 and a small-scale café and/ or temporary food & beverage outlets at Node 2.

Node 1 specifically

8. I have become aware that the Raft is now working with the DBCA to undergo a refit and rebrand to be a floating restaurant at Node 1.
9. The Mends Street precinct is the City’s most well-known hospitality precinct. A venue such as this is in keeping with its vibe. This is not about increasing competition but rather increasing the size of the pie.
10. A floating venue will bring new patrons into the precinct, supporting other hospitality operators. We see the success of multiple operators in a single location in precincts like Perth, Fremantle, Subiaco, Leederville, Mt Lawley, Mt Hawthorn, and Vic Park.
11. The Foreshore Strategy and Management Plan 2015 recommends a diversity of commercial activity at the Node 1 jetty, and increased activation along the Node 1 foreshore promenade. This motion is consistent with those recommendations.

Node 2 specifically

12. I have conferred with the administration who have advised me that, given the response received, they do not consider it necessary to write to any external agencies prior to the advertising the EOI for Node 2 as proposed.
13. The administration has raised two points about the Node 2 aspect of this motion – namely (1) the City does an EOI each year anyway and (2) Node 2 may eventually be redesigned.
14. In relation to the EOI process:
 - (a) The most recent EOI document is 20 plus pages and deals with foreshore wide activation as opposed to just Node 2. The small single paragraph about Coode Street suggests the space should be used for large scale events, temporary commercial operations, and notes any food vendors must be associated with the event. That is inconsistent with the Outcomes Report and the DBCA’s strategic documents.

- (b) Why would a small-scale café and/ or temporary food and beverage outlets, as is suggested in this motion, and as is sought by our community, make an application under that document when it clearly states they must be associated with an event.
- (c) Further, there is no spotlight in that EOI on Node 2 specifically, notwithstanding our Foreshore Plan tells us it's the second most pressing Node to activate, with Node 1 already having been largely activated.

15. In relation to the design:

- (a) Activation of Node 2 has been flagged for over 10 years, and respectfully, hasn't yet happened. We have already had the concept plans taken out of the budget once, it cannot be guaranteed that will not happen again.
- (b) This motion calls for, in part, temporary food and beverage outlets, meaning they are movable to accommodate any potential future redesign.
- (c) Further, the City has been willing to build a change room and invest \$1m in new toilets at Node 2 without the redesign, why is a small scale café any different?

CARRIED (4/3)

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

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

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

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

At 8.17pm, following consideration of Item 10.4.1, the meeting was adjourned prior to consideration of Item 10.3.1.

The meeting reconvened at 8.26pm, Mayor Greg Milner resumed the chair.

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.

Alternative Motion and COUNCIL DECISION

0225/007

Moved: Councillor Blake D'Souza

Seconded: Councillor Nic Coveney

That Council:

1. Adopts the draft Karawara Pedestrian and Cycle Access Plan (Plan) as contained at **Attachment (a)**, subject to Pedestrian Access Way 30 (between Beenan Close and Yallambee Place) being modified to 'Non-Essential'.

Reasons for Change

1. The Officer Report found the following about PAW 30:
 - a. Pedestrian Usage (the City's Pedestrian Count) showed No movement i.e. no persons counted during the duration of the survey period.
 - b. 'Poor' rating in respect to passive surveillance.
 - c. Safety score of 7 (medium vulnerability).
 - d. Both the Passive surveillance and Safety score is the same rating as PAW No. 28 which is being closed due to safety and security concerns.
2. All of these are sufficient reasons to revert to the 'Non-Essential' classification, as per the initial officer report.

CARRIED (5/3)

For: Councillors Nic Coveney, Glenn Cridland, Blake D'Souza, Jennifer Nevard and Hayley Prendiville.

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

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) | 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. A trial to reduce use of indentations within the PAW for concealment by installing temporary fencing for 12 months will further improve the PAW. |
| 7 (between Woonan Pl and Boongala Cl) | 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. |

| | |
|---|--|
| 14 (between Bunderra Cl and Chica Ct) | 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. |
| 22 (between Melinga Ct and public open space) | 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. |
| 26 (between Koolunda Ct and Miamba Ct) | 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. A trial to reduce use of indentations within the PAW for concealment by installing temporary fencing for 12 months will further improve the PAW. |
| 30 (between Beenan Cl and Yallambee Pl) | 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. |
| 32 (between Abjornson St and Beenan Cl) | 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. |

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 | Essential | Recommend new directional signage, 1.5m footpath extension around bollards and trial fencing-off concealment indentation. |

| PAW No. | Original PAW Recommendation | Proposed PAW Recommendation | Recommended Infrastructure Improvements |
|---------|-----------------------------|-----------------------------|---|
| 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 | Essential | 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. |
| 13 | Essential | Essential | Recommend new directional signage and 1.5m footpath extension around bollards. |
| 14 | Non-Essential | Essential | 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. |

| PAW No. | Original PAW Recommendation | Proposed PAW Recommendation | Recommended Infrastructure Improvements |
|---------|-----------------------------|-----------------------------|---|
| 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 | Non-Essential | 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 | Essential | Recommend new directional signage, 1.5m footpath extension around 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. |

| PAW No. | Original PAW Recommendation | Proposed PAW Recommendation | Recommended Infrastructure Improvements |
|---------|-----------------------------|-----------------------------|---|
| 30 | Non-Essential | Essential | 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 | Essential | 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.

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.
 - 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

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

- 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.

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

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

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

0225/008

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

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)**.

CARRIED BY EXCEPTION RESOLUTION (8/0)

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

Against: Nil.

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 |
|--|--|
| Insert new clause 5.5.7: <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> | The City's position is that waste for residential properties are to be collected by the City's contracted waste collection provider. 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 |

| | |
|---|---|
| <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>collection enables the use of small waste collection vehicles.</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.”

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

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

0225/009

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

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 of \$2m (excluding GST) included in **Confidential Attachment (a)**;
3. 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.

CARRIED BY EXCEPTION RESOLUTION (8/0)

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

Against: Nil.

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% |
| Total | 100% |

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

| | |
|-------------------------------|--|
| Risk Event Outcome | Project Cost This relates to any project exceeding the project budget. Ranging and exceeding the budget by up to 10% to 30% and over. |
| | Project Time This relates to any project exceeding the project deadline. Ranging from exceeding the deadline by up to 10% to 30% and over. |
| | Property Damage 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. |
| Risk rating | Medium |
| Mitigation and actions | 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 (<i>Confidential</i>) |
|-------------|---|

Mayor Greg Milner and Councillors Mary Choy, Jennifer Nevard and André Brender-A-Brandis disclosed an Impartiality Interest in Item 10.3.4.

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.

Alternative Motion

Moved: Councillor Mary Choy
Seconded: Councillor Jennifer Nevard

That Council:

1. Recommends the Western Australian Planning Commission pursuant to Clause 30(1) of the Metropolitan Region Scheme, **refuse** the application for development approval for Third Party Digital Advertising Signs on Lot 182, No. 272 Canning Highway Como, for the following reasons:
 - (i) The proposal is inconsistent with the purpose of a Primary Regional Road Reservation, which is to provide a regional road network to accommodate current and future transport needs. Construction of the third-party advertising sign within the road reserve inhibits use of the reserved land for future transport needs.
 - (ii) The proposal is incompatible within its setting. The site is located directly opposite and adjacent to residential zones and development which are not compatible with illuminated digital advertising signs.
 - (iii) The proposal will negatively impact on the amenity of the locality due to the proliferation of signs within proximity to the subject site. The construction of two additional, significant signs, differing in nature to those existing will lead to a proliferation of signage and result in a poor amenity for residents of the locality.

2. Requests the Chief Executive Officer provide the following advice to the Western Australian Planning Commission when referring the application to the Western Australian Planning Commission for determination:

Should the Western Australian Planning Commission resolve to approve the application, Council requests the following conditions and advice note be included on the determination:

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.

Reasons for Change

1. The application should be refused on the grounds of character and amenity loss. It is the view, that as the sign protrudes above the existing roofline and faces residential areas, the advertising sign with its digital content and light spill may have a detrimental impact on nearby affected residents' amenity, and as such a Landscape and Visual Assessment (LaVa) ought to have been undertaken and submitted for review and consideration alongside the application, which it appears it was not. Hobbs Avenue is also known for and well regarded as being within a character area of Como and this type of development may impact or adversely detract from, not just the amenity, but also the character of the locality.
2. This motion to refuse is not based on safety, but I think it needs to be mentioned that local knowledge, as to the pitfalls of that relevant intersection, with known conflicts between vehicles and pedestrians on an extremely busy highway, should have also been considered, which it appears it was not. Further, Main Roads WA considered crash data (e.g. the Casualty Crash Rate (R)), for a four year not 5 year period as apparently required, and which as a consequence did not show a reported fatality near the site in their assessment. Hence, as an insufficient period may have been reviewed, it could be argued that the crash rate was therefore underestimated.

LOST (3/5)

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

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

During debate on the Item, the Officer recommendation was foreshadowed:

Moved: Mayor Greg Milner
Seconded: Councillor Nic Coveney

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/m².
 - (ii) During dusk/dawn, the maximum luminance level shall be 600 cd/m².
 - (iii) During night, the maximum luminance level shall be 250 cd/m².
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.

Amendment

Moved: Councillor Mary Choy

Seconded:

Add the following words to the end of condition 3:

“Advice note:

- (i) *The applicant is requested to display community and/ or road safety messages on the third party digital advertising signage, on the advice of the City of South Perth.”*

The motion lapsed for want of a seconder.

Officer Recommendation and COUNCIL DECISION

0225/010

Moved: Mayor Greg Milner

Seconded: Councillor Nic Coveney

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/m².
 - (ii) During dusk/dawn, the maximum luminance level shall be 600 cd/m².
 - (iii) During night, the maximum luminance level shall be 250 cd/m².
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.

CARRIED (6/2)

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

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

| | |
|------------------|-----------------------------------|
| Applicant | Pinnacle Planning |
| Landowner | Bourke Instalment Company Pty Ltd |

Development Site Details

The development site details are as follows:

| | |
|-----------------------------------|-------------------------------|
| Local Planning Scheme 7 | No zone or reserve |
| Metropolitan Region Scheme | Primary Regional Road Reserve |
| Density coding | N/A |
| Lot area | 1,260m ² |
| Building height limit | 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"> • Compatibility with relevant planning policies, strategies and development control criteria; • Integration of development into the site and its surroundings; • Transport and traffic impacts; • Vehicular and non vehicular access, circulation and car parking; • Relevant environmental, economic and social factors; • Relevant factors of amenity and sustainability. | <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 Attachment (c). 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> |
|--|---|

(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> |

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

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

Item lapsed as there was no seconder.

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

Moved: Mayor Greg Milner

Seconded:

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.

The Item lapsed for want of a seconder.

| | |
|------------------|----------------------|
| Applicant | Sylvia's Guest House |
| Landowner | Jae W Jung |

Development Site Details

The development site details are as follows:

| | |
|----------------|-------------------|
| Zoning | Residential |
| Density coding | R30 |
| Lot area | 541m ² |

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.

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"> (a) Within 200 metres of the Perth Zoo site; (b) Within 200 metres of a Neighbourhood Centre zone; and (c) Within 400 metres of a Centre zone. | <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

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

Strategic Implications

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

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

**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 AND COUNCIL DECISION

0225/011

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

That pursuant to the provisions of the City of South Perth Local Planning Scheme No. 7, the application for development approval for a 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.

CARRIED BY EXCEPTION RESOLUTION (8/0)

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

Against: Nil.

| | |
|------------------|---|
| Applicant | Jordan P Vermeulen |
| Landowner | Christopher J Male and Jordan P Vermeulen |

Development Site Details

The development site details are as follows:

| | |
|----------------|------------------|
| Zoning | Residential |
| Density coding | R50 |
| Lot area | 49m ² |

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

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

Strategic Implications

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

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

Conclusion

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

Mayor Greg Milner disclosed an Impartiality Interest in Item 10.3.7.

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 AND COUNCIL DECISION

0225/012

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

That pursuant to the provisions of the City of South Perth Local Planning Scheme No. 7, the application for development approval for a 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.

CARRIED BY EXCEPTION RESOLUTION (8/0)

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

Against: Nil.

| | |
|------------------|-----------------------------|
| Applicant | Keith Baird |
| Landowner | Campini Investments Pty Ltd |

Development Site Details

The development site details are as follows:

| | |
|----------------|-------------------|
| Zoning | Residential |
| Density coding | R50 |
| Lot area | 185m ² |

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</p> |

| | |
|--|--|
| | Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), and the use is consistent with the objectives, time limited approvals are not recommended. |
|--|--|

(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.

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

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, 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

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

Item lapsed as there was no seconder.

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

Moved: Mayor Greg Milner

Seconded:

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.

The Item lapsed for want of a seconder.

| | |
|------------------|---------------|
| Applicant | Jo-Lynn S Tan |
| Landowner | Jo-Lynn S Tan |

Development Site Details

The development site details are as follows:

| | |
|-----------------------|------------------|
| Zoning | Residential |
| Density coding | R30 |
| Lot area | 79m ² |

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

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

Strategic Implications

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

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

Conclusion

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

Mayor Greg Milner disclosed a Financial, Proximity and Impartiality Interest in Item 10.4.1, and accordingly remained outside the Chamber.

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.

Alternative Motion

Moved: Councillor Mary Choy
Seconded: Councillor Nic Coveney

That Council:

1. Amends the mid-year budget review to include an amount of \$120,000 for the Anstey Street Pedestrian Crossing and adopts the amended 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)**.

Reasons for Change

1. First and foremost, the primary reason behind the request for an Anstey Street pedestrian crossing is to meet community health and safety standards. It is the view, that if the Angelo Street Precinct, as a shared mixed-use public space, is going to become built-up, and we as the Council are standing by such development, then the requisite safety measures that make that developed space safe, as well as convenient and enjoyable to visitors, has to be implemented and we are responsible or at minimum have partial duty as elected members, being charged with adopting our City's budgets, to ensure such projects are being undertaken in a timely manner, especially when the opportunity presents, as it has here with Main Roads WA approval and a prior budget allocation.
2. As outlined at the April 2024 Ordinary Council Meeting, where my Anstey Street pedestrian crossing motion was unanimously endorsed by Council, I spoke about the conflicts, with the increasing growth of the Angelo Street Precinct, as a mixed-use precinct; commercial, residential, recreational, with the existence of independent retirement living, nursing homes, senior citizen services, schools, daycares, sporting clubs and short term tourist accommodation very closely nearby, and as a consequence, heavier road and foot traffic, that not only have witnesses reported many near misses, but also actual incidents between cars and cars, cars and pedestrians, cars/pedestrians and cyclists/scooter riders in that area. Receiving first-hand victim or witness accounts of these experiences from residents is unsettling and concerning and I feel we are charged to do, whatever we can to make residents feel safe in their own street or suburb where we are able within our elected capacity.
3. I understand that Main Roads WA confirmed with the City at the end of 2024, that they approve of and are able to install the pedestrian crossing. I know the City's estimates for the works have increased, but that's I believe because Main Roads WA increased the safety aspect of the works. Delaying the work now, will not I understand not only likely escalate those costs even further, but may also delay Main Roads WA capacity to perform the works, resulting in even further delay for this community safety initiative. Hence, the view is, time is of the essence and the proposed works need to be added back into the mid-year budget, so the City can get on with it and fulfil the work required for the community.
4. I understand, as advised by the relevant City Officer, the precinct could lose some parking bays in order to deliver the works to the recommended level of safety standard. This would of course be undesirable, but it is the view this is a safety issue and quite a serious one that is trying to be addressed, and as supported by Main Roads WA, which is not going to simply go away. Furthermore, along with the several car parks and on street parking options in and around the precinct, there is I believe other car bays that could belong to or are managed by the City that are perhaps being under-utilised and I have already submitted a Councillor Request seeking information on these and if it is the case, hopefully some action by the City administratively in releasing those bays to the public where practicable in due course can be achieved.

There is also the City's continued plans and work I believe on arranging and catering for other forms of transport, including end of trip facilities, through our growing town centre precincts.

Absolute Majority required

Amendment

0225/013

Moved: Councillor Blake D'Souza

Seconded: Councillor Nic Coveney

That Council:

1. Amends the mid-year budget review to include an amount of \$30,000 for additional maintenance to the Karawara Pedestrian Access Ways.
2. Considers further allocation of \$200,000 during the 2025/26 Budget process to enhance landscaping, watering, lighting, wayfinding and other improvements to the Karawara laneways and greenways.

Reasons for Change

City spend on the Karawara laneways and greenways needs to be lifted to meet community expectations.

The Amendment was put and declared CARRIED (7/0) and formed part of the substantive motion

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

Against: Nil.

Amended Substantive Motion and COUNCIL DECISION

0225/014

Moved: Councillor Mary Choy

Seconded: Councillor Nic Coveney

That Council:

1. Amends the mid-year budget review to include an amount of \$120,000 for the Anstey Street Pedestrian Crossing and \$30,000 for additional maintenance to the Karawara Pedestrian Access Ways.
2. Adopts the amended 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)**.
3. Considers further allocation of \$200,000 during the 2025/26 Budget process to enhance landscaping, watering, lighting, wayfinding and other improvements to the Karawara laneways and greenways.

CARRIED BY ABSOLUTE MAJORITY (7/0)

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

Against: Nil.

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

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

- 10.4.1 (a): Budget Review 2024-25 Statement of Financial Activity
- 10.4.1 (b): Amendments identified from normal operations in the 31 January 2025 Budget Review
- 10.4.1 (c): Amendments identified from capital operations in the 31 January 2025 Budget Review
- 10.4.1 (d): 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 |
| Total Monthly Payments to Creditors | (443) | \$7,595,508.71 |
| EFT Payments to Non-Creditors | (68) | \$90,554.12 |
| Cheque Payments to Non-Creditors | (7) | \$4,358.29 |
| Total EFT & Cheque Payments | (518) | \$7,690,421.12 |
| Credit Card Payments | (98) | \$19,732.20 |
| Fleet Card Payments | (24) | \$1,721.44 |
| Total Payments | (640) | \$7,711,874.76 |

Officer Recommendation AND COUNCIL DECISION

0225/015

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

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

CARRIED BY EXCEPTION RESOLUTION (8/0)

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

Against: Nil.

Background

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

Comment

The payment listing for 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

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

Strategic Implications

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

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

Attachments

| | |
|-------------|-----------------------------------|
| 10.4.2 (a): | 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 AND COUNCIL DECISION

0225/016

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

That Council notes the Financial Statements and report for the month ended 31 December 2024.

CARRIED BY EXCEPTION RESOLUTION (8/0)

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

Against: Nil.

Background

Regulations 34(1) of the Local Government (Financial Management) Regulations 1996, requires each local government to present a Statement of Financial Activity reporting on income and expenditure as set out in the annual budget. Regulation 34(3) specifies that the nature or type classification must be used. In addition, regulation 34(5) requires a local government to adopt a percentage or value to report on material variances between budgeted and actual results. In addition to the above, Regulation 35 requires a local government to present a Statement of Financial Position. The 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

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

Strategic Implications

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

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

Attachments

- 10.4.3 (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 |
| Total Monthly Payments to Creditors | (419) | \$4,641,702.49 |
| EFT Payments to Non-Creditors | (67) | \$72,725.36 |
| Cheque Payments to Non-Creditors | (19) | \$19,789.99 |
| Total EFT & Cheque Payments | (505) | \$4,734,217.84 |
| Credit Card Payments | (72) | \$21,305.79 |
| Fleet Card Payments | (29) | \$2,072.14 |
| Total Payments | (606) | \$4,757,595.77 |

Officer Recommendation AND COUNCIL DECISION

0225/017

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

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

CARRIED BY EXCEPTION RESOLUTION (8/0)

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

Against: Nil.

Background

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

Comment

The payment listing for 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

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

Strategic Implications

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

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

Attachments

| | |
|--------------------|----------------------------------|
| 10.4.4 (a): | Listing of Payments January 2025 |
|--------------------|----------------------------------|

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 AND COUNCIL DECISION

0225/018

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

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

CARRIED BY EXCEPTION RESOLUTION (8/0)

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

Against: Nil.

Background

Regulations 34(1) of the Local Government (Financial Management) Regulations 1996, requires each local government to present a Statement of Financial Activity reporting on income and expenditure as set out in the annual budget. Regulation 34(3) specifies that the nature or type classification must be used. In addition, regulation 34(5) requires a local government to adopt a percentage or value to report on material variances between budgeted and actual results. In addition to the above, Regulation 35 requires a local government to present a Statement of Financial Position. The 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

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

Strategic Implications

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

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

Attachments

- 10.4.5 (a): 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

Councillors Mary Choy and Jennifer Nevard disclosed an Impartiality Interest in Item 10.4.6.

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 AND COUNCIL DECISION

0225/019

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

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.

CARRIED BY ABSOLUTE MAJORITY (8/0)

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

Against: Nil.

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.

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

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

CEO Mike Bradford disclosed an Impartiality Interest in Item 10.5.1.

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.

COUNCIL DECISION

0225/020

Moved: Mayor Greg Milner
Seconded: Councillor Nic Coveney

That Council defer Item 10.5.1 Independent Facilitator for Chief Executive Officer Evaluation Process 2024/25 to the Ordinary Council Meeting to be held 25 March 2025.

Reasons

Councillors, you have all received an email from me today and I hope you have had the chance to read it. Under the circumstances, I am going to move a deferral of this item to the March Ordinary Council Meeting, and I hope that you all support this deferral.

CARRIED (8/0)

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

Against: Nil.

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

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

Strategic Implications

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

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

Attachments

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

11. APPLICATIONS FOR LEAVE OF ABSENCE

- Councillor Hayley Prendiville for the period 17 April 2025 to 23 April 2025, inclusive.
- The Presiding Member called for a Motion to approve the Leave of Absence application.

COUNCIL DECISION

0225/021

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Nic Coveney

That Council approve the Leave of Absence application received from Councillor Hayley Prendiville for the period 17 April 2025 to 23 April 2025, inclusive.

CARRIED (8/0)

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

Against: Nil.

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 these Minutes.

Councillor Nic Coveney left the meeting at 9.22pm and returned at 9.25pm during consideration of Item 13.2.

13.2 QUESTIONS FROM MEMBERS

- Councillor André Brender-A-Brandis.
- Councillor Hayley Prendiville.
- Councillor Jennifer Nevard.
- Councillor Mary Choy.
- Councillor Glenn Cridland.

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

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

COUNCIL DECISION

0225/022

Moved: Mayor Greg Milner

Seconded: Councillor Nic Coveney

That Council:

- 1) In accordance with Clause 5.4 of the City of South Perth Standing Orders Local Law 2007 Item 14.1 'Chief Executive Officer Contract of Employment Variation Request' be considered; and
- 2) That the meeting be closed to the public for Item 14.

CARRIED (8/0)

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

Against: Nil.

The meeting was closed to the public at 9.41pm.

CEO Mike Bradford disclosed an Impartiality Interest in Item 14.1.

14.1 Chief Executive Officer Contract of Employment Variation Request

*This item is considered **confidential** in accordance with section 5.23(2)(a) of the Local Government Act 1995 as it contains information relating to "a matter affecting an employee or employees"*

File Ref: D-25-5519
Author(s): Morgan Hindle, A/ Manager Governance
Reporting Officer(s): Garry Adams, Director Corporate Services

Officer Recommendation AND COUNCIL DECISION

0225/023

Moved: Mayor Greg Milner
Seconded: Councillor Jennifer Nevard

That Council:

- 1) Notes the correspondence received from the Chief Executive Officer as contained within **Confidential Attachment (a)**; and
- 2) Agrees to the proposed contract variation to clause 9.4 of the Chief Executive Officer's contract of employment as contained within **Confidential Attachment (a)**.

CARRIED BY ABSOLUTE MAJORITY (8/0)

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

Against: Nil.

COUNCIL DECISION

0225/024

Moved: Mayor Greg Milner
Seconded: Councillor Hayley Prendiville

That the meeting be reopened to the Public.

CARRIED (8/0)

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

Against: Nil.

The meeting was reopened to the public at 9.53pm.

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

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

Officer Recommendation AND COUNCIL DECISION

0225/025

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

That Council:

1. Accepts the Synergy offer from the WALGA Sustainable Energy Project – Phase Two, as detailed in this report.
2. Exercise the option to enter into a minimum 25% Natural Energy Supply Agreement for nominated contestable sites effective 1 April 2025, for a three-year term.
3. Authorises the Chief Executive Officer to execute contract with Synergy.

CARRIED BY EXCEPTION RESOLUTION (8/0)

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

Against: Nil.

16. CLOSURE

The Presiding Member thanked everyone for their attendance and closed the meeting at 9.54pm.

APPENDIX

6.2 PUBLIC QUESTION TIME: 25 February 2025

| 1 Mr Barrie Drake, South Perth Received: 7 February 2025 | Responses provided by: Donna Shaw – Director Development and Community Services |
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| 1. How many trees will need to be cut down on Sir James Mitchell Park to allow for the sporting facilities to be built for Wesley College? | Council has not yet made a decision on whether the land will be developed for sports spaces. As such, the extent of development is unknown. |
| 2. Who has the Council appointed to do the Feasibility Study and if no appointment has yet been made who is on the list of potentials? | The City has not appointed a consultant to undertake a feasibility study. Given the land is subject to inundation, it was determined that the geological and hydrological investigations should be first undertaken to determine any required fill and subsoil drainage needed to accommodate sports spaces, to determine whether it was feasible for the project to progress to a full feasibility study. The City appointed Structerre Consulting to undertake the geological and hydrological investigation of the land. The City will complete its review of the investigations and further discuss the outcomes with Council in due course. |
| 3. My question three is probably a bit more hypothetical, but assuming it does go ahead (because you have committed \$50,000 to the Feasibility Study). Will Wesley College have to pay a fee for using the sporting facilities? | Council has not yet made a decision on whether the land will be developed for sports spaces, and therefore future potential users of the site has not been determined. |

2 Ms Veronica McPhail, Kensington

Received: 24 February 2025

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

[Preamble]

The Wildlife Advocacy South Perth Group are pleased that the DBCA do not support a floating barge and entertainment venue at the Coode Street jetty and that the City do not intend to proceed with an Expression of interest (EOI). Our group has been concerned that such a facility would interfere with wildlife that access the fresh water stream running into the river at this location. Therefore, our questions relate to the Coode Street Foreshore area.

1. It has been reported in the media that there may be a motion for Council tonight to consider an EOI for another (we assume) land based permanent cafe at the Coode Street jetty. Could the City please advise if this type of facility is aligned with DBCA's recent advice to the City and Council with its letter 16 December, that this area be reserved for low intensity commercial activities, which excludes a permanent land based cafe?

The Department of Biodiversity, Conservation and Attractions were requested to provide in-principle support for the advertising of an EOI for a temporary floating food and beverage venue.

Whilst the DBCA were not requested to comment on whether it would support a land-based cafe at Coode Street, the DBCA has advised that small scale facilities such as mobile food vans, cafes, kiosks, or pop up infrastructure would be appropriate for local nodes such as Coode Street.

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| <p>2. If Council were to endorse an EOI for another Coode Street cafe, where will it exactly be built and if this is not known what are the factors that determine its location?</p> | <p>This is unknown at this time, and there are no proposed or current development applications at this point in time.</p> <p>The Minister for Environment would determine such an application on the advice of the DBCA, as the land is within the Swan Canning Development Control Area.</p> <p>In providing its statutory advice on such a proposal to the DBCA, the City would consider factors such as:</p> <ul style="list-style-type: none"> • The recommendations of the South Perth Foreshore Strategy and Management Plan. • Draft State Planning Policy 2.9 – Planning for Water. • State Planning Policy 2.10 – Swan - Canning River System. • Development Control Policy 5.3 – Use of Land Reserved for Parks and Recreation. • Building height and design. • Setbacks to the river. • Landscaping and vegetation. • Impacts on existing and proposed infrastructure. • Waste, wastewater and sewer management. <p>To name a few.</p> |
| <p>3. Could the City please provide further details around the Coode Street Riverbank Restoration in terms of what is being proposed and between where-to-where it is being proposed e.g. is it limited between the Black Swan Habitat to the Wesley Boatshed?</p> | <p>The area of the Urban Rivers Catchment Program for the Coode Street Riverbank Restoration project extends along the foreshore from the existing Black Swan Habitat Island (Djirda Miya) to halfway between the existing flagpole and the Esplanade carpark to the west.</p> |

3 Ms Joanne Ord, Como
Received: 24 February 2025

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

[Preamble]

These relate to 10.2.2 Floating Venue Trial at Coode Street jetty and a potential EOI at Mends Street jetty and Cafe at Coode Street (as per the PerthNow article).

1. Mends Street jetty is owned by the State Government and is managed by the DoT (including the PTA). DBCA is also a relevant statutory body at this location. It has been advised at previous meetings that writing to the DoT and DBCA can be done administratively without raising a motion, thereby providing efficiencies for City staff. Could the City confirm if establishing statutory body appetite for a further EOI could be done administratively in this instance?

Yes. The City already undertakes an EOI process for activations on the foreshore.
 The City can liaise with the Department of Biodiversity, Conservation and Attractions to seek preliminary comments to provide advice to prospective applicants.
 Where a permanent development proposal is received, the City is required to refer the proposal to the DBCA for its consideration.

2. DBCA has provided their response to the floating trial at Coode Street jetty. The Minister for Environment (on advice of the DBCA) is the decisionmaker for permanent development on the foreshore including at Coode Street. In accordance with previous and current DBCA advice, the City does undertake annual EOIs for activation on the foreshore, including mobile food vendors and events (and has done so for a number of years). The City has the ability to grant licences for temporary traders on the foreshore without input from DBCA. If the City was approached by a prospective applicant regarding a permanent land-based café and prior to them submitting a Part 5 DA for under the *Swan and Canning Rivers Management Act 2006*, would the City advise the applicant that DBCA supports permanent food and beverage developments at Coode Street?

The City would liaise with the prospective applicants and the DBCA to provide advice prior to formal lodgement. The City would advise that DBCA’s preference in this location is for pop up type food and beverage vendors.
 Should an applicant choose to lodge an application for a permanent land based cafe without pre-lodgement discussions occurring, the City is required to refer the proposal to the DBCA for its consideration.



3. Within the Perth Water Buneenboro Locality Plan, the Coode Street area is only a local node (whereas Mends Street is a special use node). Concept planning funds for the Coode Street node upgrades are to be allocated in the 2025/26 Budget. What type of food and beverage facilities will be contemplated during this planning period that align with local node requirements at Coode Street?

The South Perth Foreshore Strategy and Management Plan recommends a range of food and beverage outlets at Node 2 (Coode Street), including restaurants, cafes, kiosks and micro-brewery type establishments. Whilst the Management Plan initially identified a range of such permanent options, the subsequent engagement report narrowed down the types of outlets to provide more non-permanent food and beverage options that cater to all budgets at all times of the day and evening.

The City would need to liaise with the DBCA when preparing a concept plan or similar for the Node to determine the type of establishments that would be contemplated for approval by the DBCA and the Minister for Environment.

13.1 QUESTIONS FROM MEMBERS taken on notice OCM 10 December 2024

| Councillor Mary Choy | Response provided by: Anita Amprimo – Director Infrastructure Services |
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| <p>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> | <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> |

13.2 QUESTIONS FROM MEMBERS OCM 25 February 2025

| Councillor André Brender-A-Brandis | Response provided by: Anita Amprimo – Director Infrastructure Services |
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| 1. The underground power in the Mill Point Ward (Hurlingham Area) - obviously, all the infrastructure works appear to be done and the new lighting is in place. I am just wondering when the final switch over will actually happen (because I understand it is all connected) and when the dismantling of the old wooden poles will occur? | All of the infrastructure is not yet in place. If you refer back to the question taken on notice from the December meeting, my response was Western Power were having some resourcing issues and they anticipate June 2025 for completion now. |

| Councillor Hayley Prendiville | Response provided by: Mike Bradford – Chief Executive Officer |
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| <p>1. My question relates to numerous resident communications that we have all had and a Deputation heard last week regarding crime in the City of South Perth. Clearly from the communication that we have had, there is a serious concern within the community and that people are looking to the City. We're also aware of the various State Election promises of money going to a new CCTV trailer and lighting, etc.</p> <p>That aside, the question is: if the City has its own plans to invest in a second or even a third CCTV trailer for our community (as it seems that one might not seem to be enough?)</p> | <p>The City acquired a new CCTV trailer, I think, last year. That was to replace a trailer that had become obsolete and non-functional. We're quite pleased with the new trailer, in terms of its operation.</p> <p>I will make a point around police access to that in a moment. Now that we have proven that we have one that works. It is open to Council to consider purchasing another one through the budget process next year. I note that I think that both of the major parties have promised funding for one (or more) CCTV camera trailers for the City. Depending on the outcome of the Election, then that might come to fruition.</p> <p>One of the big enhancements that we have made to our CCTV Network in recent months is that we've established an MOU with the Police for selected CCTV cameras where they can access them in real time. That is a significant improvement, in terms of their ability.</p> <p>Previously what used to happen is that they would send us an 'email request' saying "<i>there was an incident at location 'X'. We think you have a camera there. It happened during this time. Can you download the footage and send it to us?</i>" Their ability to access selected cameras in real time is a significant advantage.</p> |

Councillor Jennifer Nevard

Responses to questions 1 and 2 provided by: Donna Shaw – Director Development and Community Services

Response to question 3 provided by: Garry Adams – Director Corporate Services

Response to question 4 provided by: Anita Amprimo – Director Infrastructure Services

1. My question is flowing on from Councillor Prendiville’s question and it is related to CCTV rebates on domestic systems. Will the City see any draw back to the Council to propose an increase to the rebate to households purchasing CCTV for monitoring activity relating to pedestrian and traffic thoroughfares (in proximity to their dwelling)?

No, we couldn’t see any drawbacks with that. We would implement that by effectively requiring any additional funding to be provided to the landowner, where the landowner can demonstrate that they have signed up for CAM-Maps. That is the WA Police initiative, in terms of private CCTV and also that the CCTV has a direct visual of the street.

2. Bells or horns on electric scooters on City of South Perth pedestrian and cycle/scooter pathways. Is the City able to develop and enforce a requirement for the use of a bell or horn sounding system on all electric scooters travelling on a City of South Perth pedestrian and cycling pathway?

E-Scooters are an e-rideable, so it is a type of vehicle. So all the usual road laws that would apply to normal vehicles would also apply to the E-Rideables. There are no specific requirements to have a bell or a horn on E-Scooters. The City couldn’t enforce that and, in any instance, it wouldn’t be the City responsible for enforcing that. It would be the WA Police in the same manner that would be applied for vehicles on the road.



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| <p>3. Plans for refurbishment of the City of South Perth website (with OneSystem now in operation) what ballpark figure might be involved in building a new City website to reflect a more contemporary expectations of a local government website? What kind of budget and time frame would be likely to be involved?</p> | <p>This year we have already commissioned a consultant to develop a digital strategy for the City, which includes a review of our current platforms (including the website, the intranet, the library website, SharePoint, Teams, Document Management, OneDrive, our shared drives, and internal touch points that update our current internal and external facing websites. Work is currently being undertaken and the budget for that was about \$42k.</p> <p>We're also undertaking a rebranding of the current website, along with some functional improvements, including the search capabilities. The budget for that is \$38k.</p> <p>In terms of a total rebuild of the website, I know from other Councils that you could spend anywhere between \$200k and \$400k depending on what the scope of the works is, and what functionality that you want to build into your website. We know of Councils that have spent \$150k, \$200k, \$250k, \$300k on that sort of project.</p> <p>On top of that, there would be the internal staff time that would be involved in that, because there would be a fair bit of public consultation on developing the requirements for the scope of works, evaluating the tender that goes out, uploading of the required data into the content management system. We would do that in-house, but that is over and above what the contractor costs would be in putting a project like that together.</p> |
| <p>4. Could Council please have an update on the likely planning and funding relating to the David Street Reserve - which had four trees removed because of Shot-hole borer and the water to the site was closed off? What would be the likely prognosis, the timeframe and likely refurbishment and anything that could be put in the 2025/26 Budget?</p> | <p>City staff have been working with a representative from the local Friends Group on a program of works that would be proposed to take place over a three-year period to enhance that area.</p> |

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| <p>Councillor Mary Choy</p> | <p>Response to question 1 provided by: Anita Amprimo – Director Infrastructure Services</p> <p>Responses to questions 2 and 3 provided by: Donna Shaw – Director Development and Community Services</p> <p>Response to question 4 provided by: Mike Bradford – Chief Executive Officer</p> |
| <p>1. The first one is in regard to Lake Hurlingham Bridge - there's some residents wondering what's happening with the wood that's been taken out from the former bridge please and you know in terms of recycling, can the City comment on that?</p> | <p>A portion of the timber has been retained by the City for repurposing.</p> |
| <p>2. Councillor Nic Coveney and I have been getting quite a few emails regarding the latest development, I think it is 13 Stone Street. I just want to have confirmation from the City that there really isn't at this point (given all the reforms that have happened over the last few years regarding development. Most developments don't come to Council anymore), so there's very little that we can do. I think that the Mayor's expressed this tonight as well, in relation to the DA in advertising signage but when we are looking at building developments – is there anything that Councillors can do within their capacity when residents are seeking assistance from us to sort of get involved?</p> | <p>The application in question is a Development Assessment Panel application for 13 Stone Street in South Perth. The role of the City in this respect is to simply prepare the Responsible Authority Report.</p> <p>In terms of any questions that may be received by members of the public during the consultation period, the officers can provide advice and clarification on how the application is assessed and the process that must be followed for a determination on that type of application. Other than that, the only input that the local government would have is in the recommendation provided by the officers in the Responsible Authority Report and the representation from the Elected Members that sit on the Development Assessment Panel when that application is considered.</p> |

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| <p>3. My last question is just regarding mosquitos and mosquito activity that seems to be increasing in the City year on year. I constantly get residents complaining about it and it seems to increase each year. I just saw an article in the paper and I have already forwarded this to the City about the East Swan River CLAG Group. I just want confirmation that the City is also a participant in a similar program that collaborates with other government agencies and neighbouring LGs?</p> | <p>Yes – we are part of a contiguous local authorities group, the CLAG Group). Our group is the City of South Perth, Canning, Melville and Perth.</p> |
| <p>4. Is the City looking at improving or investigating technologies (including drone use to better manage those mosquito outbreaks, especially around those wetland areas)?</p> | <p>The City has an extensive Mosquito Management Plan, since 2012/2013. I think that we are at the forefront of managing mosquitoes in our district, compared to many local governments. I live in a nearby local government and I can't go outside during the day or night at the moment – the mosquitoes are bad.</p> <p>The level of complaints that we're getting this year is not high and I think that's testament to the effort that the Environmental Health team put in around to mosquito management.</p> <p>With regard to technology - we have a very extensive riverine area in the southern part of the City and for many years we've used helicopters to treat that area. The reason that is effective is because it is a very large area. It would not be cost effective or practical to attempt to use a drone for that, and so helicopters are used to treat lavaside in that area. We do treatments in other areas by hand and foot, because we don't need aircraft to get into them.</p> <p>Our Environmental Health team works really hard on mosquito management. There's information on our website in terms of testing and when we do treatments. They do work really closely with all the neighbouring local governments, because this may come as a surprise, but mosquitoes don't obey local government boundaries.</p> |

| Councillor Glenn Cridland | Response provided by: Donna Shaw – Director Development and Community Services |
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| <p>1. This question follows on from Councillor Choy’s and that is about Stone Street. I have an email about it too and that was addressed to DAPS, I note on my emails here. Presumably there is a Stone Street application that has been sent to the City. The City (from what it would sound like from your response to Councillor Choy) has already prepared its RAR. Has that been sent through to the DAP Secretariat and do you know if a meeting has been arranged – because I haven’t been advised of it?</p> | <p>The City’s Responsible Authority Report isn’t due until the 4 March, so we are just finalising that report. We haven’t sent it to the DAP Secretariat yet. After that has been submitted to the DAP Secretariat, they will arrange the meeting and we will notify the submitters of the date of that meeting.</p> |

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These Minutes were confirmed at the Ordinary Council Meeting held: Tuesday 25 March 2025

Signed _____

Presiding Member at the meeting at which the Minutes were confirmed