

AGENDA.

Council Agenda Briefing

15 April 2025

Notice of Meeting

Mayor and Councillors

The next Council Agenda Briefing of the City of South Perth Council will be held on Tuesday 15 April 2025 in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth commencing at 6.00pm.



GARRY ADAMS
ACTING CHIEF EXECUTIVE OFFICER

9 April 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.

Contents

1.	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	5
2.	DISCLAIMER	5
3.	ANNOUNCEMENTS FROM THE PRESIDING MEMBER	5
4.	ATTENDANCE	5
4.1	APOLOGIES	5
4.2	APPROVED LEAVE OF ABSENCE	5
5.	DECLARATIONS OF INTEREST	5
6.	PUBLIC QUESTION TIME	5
7.	CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS	5
8.	PRESENTATIONS	5
8.1	PETITIONS	5
8.2	GIFTS / AWARDS PRESENTED TO COUNCIL	5
8.3	DEPUTATIONS	5
9.	METHOD OF DEALING WITH AGENDA BUSINESS	5
10.	DRAFT REPORTS	6
10.1	STRATEGIC DIRECTION 1: COMMUNITY	6
10.1.1	Proposed Lease of 57 Angelo Street, South Perth	6
10.3	STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)	12
10.3.1	Provision of Pre-Booked Bulk Verge Waste Collection Service	12
10.3.2	RFT 03/2024 - Supply, Installation and Maintenance of Bus Shelters with Advertising Space	15
10.3.3	eQuote 03/2025 - Irrigation Mainline Replacement Sir James Mitchell Park	20
10.3.4	Proposed Change of Use - Multiple Dwelling to Unhosted Short-Term Rental Accommodation - Lot 1, No. 1/5 Clarence Street, South Perth	24
10.3.5	Proposed Grouped Dwelling - Lot 4, No.7 Salter Point Parade, Salter Point	32
10.4	STRATEGIC DIRECTION 4: LEADERSHIP	43
10.4.1	Listing of Payments March 2025	43
10.4.2	Monthly Financial Statements March 2025	46
10.4.3	City of South Perth Dogs Local Law 2025	49
10.4.4	Chief Executive Officer Selection Committee - Appointment of Presiding Member and Deputy Presiding Member	54

10.4.5	Perth Airports Municipalities Group Inc.	56
10.5	MATTERS REFERRED FROM COMMITTEE MEETINGS	58
10.5.1	Policy Review	58
11.	APPLICATIONS FOR LEAVE OF ABSENCE	64
12.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	64
13.	QUESTIONS FROM MEMBERS	64
14.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	64
15.	MEETING CLOSED TO THE PUBLIC	64
16.	CLOSURE	64

Council Agenda Briefing Meeting - Agenda

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2. DISCLAIMER

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

4. ATTENDANCE

4.1 APOLOGIES

4.2 APPROVED LEAVE OF ABSENCE

Nil.

5. DECLARATIONS OF INTEREST

6. PUBLIC QUESTION TIME

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

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS

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

8. PRESENTATIONS

8.1 PETITIONS

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

8.2 GIFTS / AWARDS PRESENTED TO COUNCIL

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

8.3 DEPUTATIONS

9. METHOD OF DEALING WITH AGENDA BUSINESS

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

10. DRAFT REPORTS

10.1 STRATEGIC DIRECTION 1: COMMUNITY

10.1.1 Proposed Lease of 57 Angelo Street, South Perth

File Ref: D-25-9510
Author(s): Toni Fry, Manager Governance
Reporting Officer(s): Danielle Cattalini, A/ Director Corporate Services

Summary

This report recommends that Council consider advertising for the disposition of 57 Angelo Street, South Perth (also known as SOCO Realty) by way of a lease.

Officer Recommendation

That Council:

1. Approves the Chief Executive Officer to publish a local public notice in accordance with section 3.58 (3) of the *Local Government Act 1995* inviting written submissions on the proposed lease for 57 Angelo Street, South Perth (Lot 747 on Deposited Plan 161127) with MI Real Estate Pty Ltd (ABN 58 117 526 155) consistent with the key terms contained in **Attachment (a)**.
2. Subject to no submissions being received authorise the Mayor and Chief Executive Officer to execute all documents necessary to effect a lease with MI Real Estate Pty Ltd (ABN 58 117 526 155).
3. Notes that if any submissions are received as a result of the public notice in Recommendation 1 above, the Chief Executive Officer will provide submissions to Council for consideration.

Background

57 Angelo Street, South Perth (the site) is a 641m² developed parcel of land owned in freehold by the City of South Perth (the City).

At its meeting held 18 December 2018, Council resolved to lease the site to MI Real Estate Pty Ltd Trading as SOCO Realty (SOCO Realty) for a term of three years commencing 1 April 2019.

A new lease was later approved by Council at its meeting held 23 November 2021 for three + three years commencing 1 April 2022 with rent set at \$55,000 per annum and no rent reviews until the end of the original term.

The lease also incorporated an Option of Renewal clause that is not automatic and requires the Lessee to exercise their option by written notice to the Lessor within a period that is no more than nine months and no less than six months before the expiration of the term.

Considering SOCO Realty have failed to exercise the lease renewal option within the specified notice period, they have essentially forfeited their right to that renewal. Therefore, their lease will now end at the original term's expiry on 31 March 2025.

10.1.1 Proposed Lease of 57 Angelo Street, South Perth

On 31 January 2025, SOCO Realty contacted the City requesting consideration for a new lease for a term of three years with an option to renew for a further term of three years.

It is proposed that Council consider approving a new lease with SOCO Realty, consistent with the terms within this report to enable continued use of the property.

Comment

The Site

The legal description of the site is Lot 747 on Deposited Plan 161127, comprised in Certificate of Title Volume 1905 Folio 63.

The site is located within an established commercial area on the prominent southeast corner of Angelo Street and Anstey Street, within the Angelo Street precinct which forms part of the suburb of South Perth. Development surrounding the site consists of a Coles anchored shopping centre, retail shops, offices, medical suites, cafes, established multi residential housing and the South Perth Senior Citizens Centre.

Improvements on the site include a freestanding face brick and iron roof single level building at the Angelo Street frontage and 14 open car bays accessed via Anstey Street. The building was built circa 1961 as an RSL Hall and has a lettable area of approximately 182m².



Image 1: Photo of 57 Angelo Street Façade

Zoning

The site is situated on land zoned ‘Neighbourhood Centre’ (R-AC3) under Local Planning Scheme No. 7 (LPS 7).

The objectives of “Neighbourhood Centre” under LPS 7 include:

- Provide services for the immediate neighbourhoods, that are easily accessible, which do not adversely impact on adjoining residential areas.
- To provide for daily and weekly household shopping needs, community facilities and a small range of other convenience services.
- Encourage high quality, pedestrian-friendly, street-orientated development.
- To provide for a range of quality residential development opportunities, to meet the diverse needs of the community.
- To facilitate well designed development of an appropriate scale which is sympathetic to the desired character of the area.

The Lessee

SOCO Realty is a family operated business established in 2006 and currently employs a team of 15 real estate professionals who provide a boutique real estate service focused on selling and managing residential and commercial property in Perth.

The City's assessment of SOCO Realty's performance during the current lease terms concludes SOCO Realty have adhered to the terms of their lease including payment of rent, property care and adherence to other lease agreement provisions without issue.

Lease Area

The proposed lease area is approximately 641m² and consists of the tenancy and car park comprising 14 open car bays. SOCO Realty have indicated that the car park included in the lease area is required for their staff and clients.

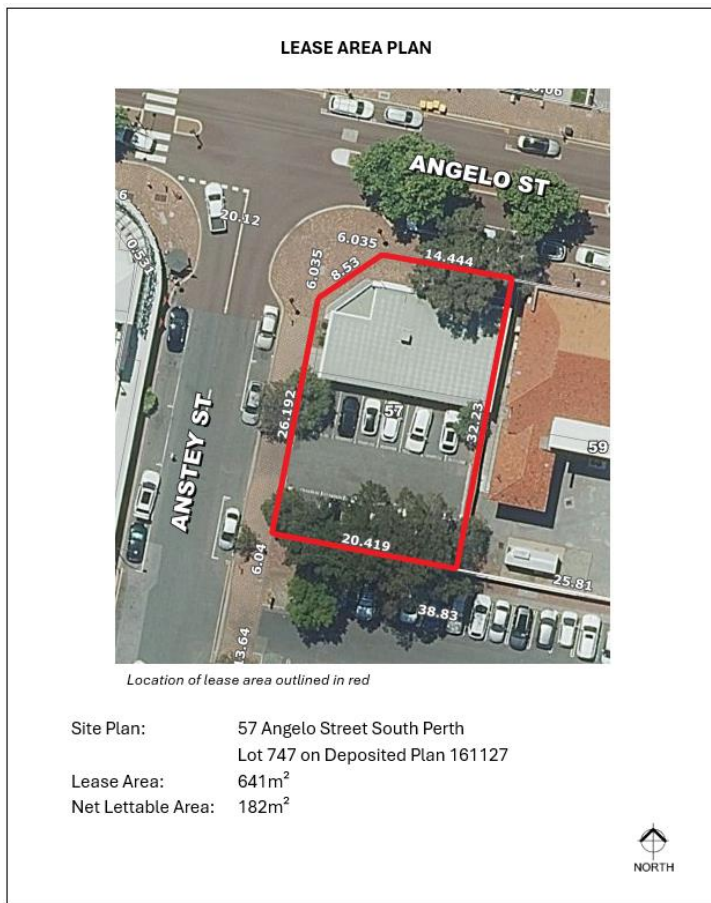


Image 2: Aerial view of the lease area

Market Rental Valuation Assessment

A market rental valuation assessment as defined by the International Valuation Standards Council was undertaken by an independent licensed valuer on 17 March 2025. The assessment considered various economic factors as well as market rental evidence and the car park being part of the leased premises.

The adopted market rental valuation methodology utilised the Direct Comparison approach as the primary method of rental valuation and has determined a rental value of \$77,500 per annum plus GST, plus outgoings.

Key Terms

On 25 March 2025, SOCO Realty agreed to all the key terms noted within **Attachment (a)**. These key terms will form the basis on which the lease document is prepared.

The lease will also include a redevelopment clause providing a mechanism to terminate the lease before the expiry date subject to a DA should Council decide to optimise the site at a future date.

Strategic Framework

In accordance with the City's land utilisation plan framework, the site is subject to future investigations by the City to determine whether potential optimisation opportunities exist. The intended outcome of these investigations is for the site to provide the greatest possible benefit to the community whether that be social, environmental, economic or financial.

Once the City has assessed all options for the site, they will then be presented to Council for consideration.

Notwithstanding the City has not commenced a detailed site investigation, a high-level analysis of interim options is summarised below:

1. Status Quo/Commercial Option

Maintaining status quo would not involve any changes to the site. The existing site features would remain in situ and the existing tenant would continue to maintain the property appropriately. This option provides the City with ongoing market rent and rates revenue.

2. Operational Option

This option is generally utilised where the City may seek to use the site for operational purposes including a community facility. Considering the sites location, freehold tenure and ability to generate income, the site is not deemed suitable for a community facility.

3. Expression of Interest Option

This option may deliver other commercial based outcomes that support local economic activity, provide activation for the precinct and financial benefits to the City. However, significant capital investment may be required and there is no guarantee that satisfactory levels of social, environment, economic or financial return can be achieved.

Conclusion

On the basis:

- Council have not had an opportunity to consider the future uses/options for the site;
- The current land use complies with the permissible uses of the Neighbourhood Centre zone;
- Maintaining status quo provides appropriate balance between commercial return and risk; and
- There is no fundamental change to the underlying use of the land as a result of the proposal a new lease with SOCO Realty can be considered.

The recommendation proposes advertising to invite submissions from the public for the disposal of the site by way of a lease and makes provision for the key terms of the lease to be reviewed and authorised by Council, the intent being to accommodate reasonable and sensible negotiation of the proposed lease relationship.

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

Consultation

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

Local public notice would be provided in the following ways:

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

Policy and Legislative Implications

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

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

The Act – Section 3.58(3) Disposing of Property

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

Financial Implications

The lease as proposed would be at no cost to the City. All documents would be prepared by a solicitor with full costs being on-charged to SOCO Realty.

10.1.1 Proposed Lease of 57 Angelo Street, South Perth

The annual revenue received from the existing lease based on the 2024/25 financial year equates to \$55,000 per annum excluding GST.

The proposed lease will provide for an ongoing revenue stream to the City comprised of rent commencing at \$77,500 per annum plus GST and rates income of approximately \$4,986.37 per annum.

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	Comply with section 3.58(3) of the <i>Local Government Act 1995</i> .

Strategic Implications

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

Strategic Direction:	Community
Aspiration:	Our diverse community is inclusive, safe, connected and engaged
Outcome:	1.2 Community infrastructure
Strategy:	1.2.2 Develop, manage, maintain and optimise the use of the City's properties, assets and facilities

Attachments

10.1.1 (a):	Key Lease Terms
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10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

10.3.1 Provision of Pre-Booked Bulk Verge Waste Collection Service

File Ref: D-25-9822
Author(s): Con Angelidis, Manager Waste, Fleet & Facilities
Reporting Officer(s): Geoff Colgan, A/ Director Infrastructure

Summary

This report seeks Council approval to enter into an agreement with the Western Metropolitan Regional Council to provide a pre-booked verge collection service. The term of the agreement is for an initial period of 24 months with an option to extend for a further 36 months.

Officer Recommendation

That Council:

1. Accepts the submission by the Western Metropolitan Regional Council for the Provision of Pre-Booked Bulk Verge Waste Collection Service for an initial 24 month contract term with the option to extend for a further 36 months;
2. Accepts the estimated price, included in **Confidential Attachment (b)**;
3. Notes that the estimated price will be included in the Ordinary Council Meeting Minutes; and
4. Authorises the Chief Executive Officer to execute the Agreement with the Western Metropolitan Regional Council for the Provision of Pre-Booked Bulk Verge Waste Collection Service, as contained in **Confidential Attachment (a)**.

Background

Up until this year, the City has contracted a provider to undertake one hard waste and two green waste verge collections for every property in the district. Last year, the contracted provider could not deliver the service in a timely manner, which resulted in significant delays in removing waste from verges and a considerable number of complaints and enquiries by members of the community. This year it was intended that the City would go to tender for a new provider, however, initial enquires with potential providers indicated that none would be in a position to provide an effective service for the current year.

There are a number of factors that have resulted in the lack of providers including the ability to find staff, the increased work health and safety requirements and the cost of traffic management services.

The WMRC is a local government organisation established in 1989 to provide specialist waste services for its five member Councils being Subiaco, Claremont, Cottesloe, Peppermint Grove and Mosman Park. The WMRC also provides services to non-member Councils including Fremantle, Vincent and Cambridge.

The WMRC have a trademarked service called Verge Valet, which is a bookable service for both hard and green waste items, accepted by the WMRC. The acceptable items (up to 3m³) include white goods, fridges, air conditioners, freezers, mattresses (and bases), e-waste, fencing (timber and steel only), household furniture, floor coverings and green waste. The list of acceptable items will be communicated to the district, however, items not accepted will include hazardous materials, building materials (brick, rubble, sand and concrete), asbestos products, paint, glass, batteries and tyres. With the exception of batteries, these materials will need to be dropped off at other facilities outside of the district.

Comment

The City is currently transitioning waste services with the introduction of a Container Deposit Scheme (CDS) bag drop point and Re-use Shop, both facilities will be located at the City of South Perth Recycling Centre, located at 199 Thelma Street, Como.

The City is proposing to introduce a pre-booked verge collection service operated by the WMRC. The pre-booked service will provide residents with the option to book collections, one hard waste and two green waste per financial year when convenient to them, up to eight weeks in advance. Residents will be requested to place collectable waste items on their verge up to a maximum of three days prior to booked collection dates. This approach will reduce 'fly dumping', 'rubbish picking', and improve the general presentation of verges. For residents that do not have a verge area, or the verge area is unsuitable to store items for collection, the WMRC will negotiate an alternative pick up point with affected residents.

The WMRC will be responsible for operating the booking system, collections, and processing of collected hard and green waste.

To assist residents with the transition of the new waste services. The City has also increased the number of Recycling Centre entry vouchers, from one to two hard waste vouchers, and from two to four green waste vouchers. These vouchers will be issued with the 2025/26 Rates notice. Additionally, free loan trailers will be made available to residents for up to half a day to transport items to the City's Recycling Centre.

The WMRC indicated that the service could commence from 1 July 2025, provided that the agreement was endorsed by Council by the end of April 2025.

Consultation

The WMRC will present at an Elected Member Workshop on Monday 14 April 2025. The City has also sought feedback from other local governments that currently utilise this service. The City will work with WMRC to provide the community with information in relation to transition of waste services.

Policy and Legislative Implications

- Policy P607 Tenders and Expressions of Interest.
- *Local Government Act 1995* – Part 6.
- Local Government (Financial Management) Regulations 1996.
- Local Government (Functions and General) Regulations 1996.

A public tender is not required where the purchase is direct with a Regional Council under Policy P607 Tenders and Expressions of Interest. More detailed information about the assessment process can be found in the Evaluation Report – **Confidential Attachment (b)**.

Financial Implications

Proposed service and existing service costs, as contained in **Confidential Attachment (c)**. The City will enter into an initial 24 month contract term with the option to extend for a further 36 months with the WMRC. The initial contract term of 24 months will provide the opportunity for the City to seek community feedback and review delivery of collection service and associated costs prior to extending contract for a further 36 months.

Key Risks and Considerations

Risk Event Outcome	Business Interruption Incorporates the impact of events which impinge upon the City's capacity to deliver expected services to the community. These interruptions can range from minor inconvenience requiring an alternative method of service delivery being employed through to forced loss of ability to provide multiple services to all or some of the community. Knowledge loss, technological failure and property damage will also contribute to this outcome.
Risk rating	Low
Mitigation and actions	Western Metropolitan Regional Council is an experienced and well-resourced operator who provide a similar service to six other local governments.

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:	3.4 Resource management and climate change
Strategy:	3.4.1 Manage and promote sustainable water, waste, land and energy practices

Attachments

- 10.3.1 (a): Western Metropolitan Regional Council - Proposal and Agreement (*Confidential*)
- 10.3.1 (b): Evaluation Report (*Confidential*)
- 10.3.1 (c): Proposed Service and Existing Service Costs (*Confidential*)

10.3.2 RFT 03/2024 - Supply, Installation and Maintenance of Bus Shelters with Advertising Space

File Reference: D-25-8941
Author(s): Jan Augustin, Manager Engineering Services
Abrie Lacock, Manager Finance
Reporting Officer(s): Geoff Colgan, A/ Director Infrastructure

Summary

This report considers submissions received from the advertising of Tender 03/2024 for the Supply, Installation and Maintenance of Bus Shelters with Advertising Space.

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

Officer Recommendation

That Council:

1. Accepts the tender submitted by 'yStop' for the Supply, Installation and Maintenance of Bus Shelters with Advertising Space in accordance with Tender Number 03/2024 for the initial period of 10 years inclusive, with two options to extend the contract for an additional five years;
2. Accepts the proposed licence fee offer for Category 1 restrictions, included in **Confidential Attachment (a)**;
3. Notes that the proposed licence fee will be included in the Ordinary Council Meeting Minutes; and
4. Authorises the Chief Executive Officer to execute the contract with 'yStop' for the Supply, Installation and Maintenance of Bus Shelters with Advertising Space.

Background

A Request for Tender (RFT) 3/2024 for the Supply, Installation and Maintenance of Bus Shelters with Advertising Space was advertised on TenderLink WA on 14 December 2024 and closed at 2:00 pm (AWST) on 11 February 2025.

Tenders were invited as a Schedule of Rates, i.e. in addition to the supply, installation and maintenance of the bus shelters with the advertisements, tenderers were requested to submit a proposed schedule of annual fixed license fee income that is payable to the City for each bus shelter included in the tender. The licence fee, in the Schedule of Rates equates to the City's annual revenue generation over the contract period.

A previous version of Tender 03/2023 for the Supply, Installation and Maintenance of Bus Shelters with Advertising Space was advertised during the 1st quarter of the 2023 calendar year. It contained advertising restrictions as stated in Category 1 below. Council at its meeting held 23 May 2023 resolved to decline all submissions in response to RFT 03/2023 and mandated the City to impose additional restrictions on the advertisements and signs to be placed on bus shelters. Following amendments, the City advertised RFT 03/2024 Supply, Installation and Maintenance of Bus Shelters with Advertising Space which added the additional advertising restrictions, categorised as Category 2 (see below under Restrictions on advertisement and signs).

The contract is for the period of 10 years with two options to extend the contract for an additional five years.

Comment

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

TABLE A – Tender Submissions

Tender Submissions
Claude Outdoor Pty Ltd
oOh!media Street Furniture Pty Ltd
Global Smart Cities Pty Ltd, Trading as: yStop

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. Demonstrated Experience	15%
2. Organisational Capacity	10%
3. Design/Appearance	30%
4. Licence Fee Offer	45%
Total	100%

Based on the assessment of all submissions received for Tender 03/2024 the Supply, Installation and Maintenance of Bus Shelters with Advertising Space, it is recommended that the tender submission from 'yStop' be accepted by Council.

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

For information on the bus stop locations in the district, a map with specific locations is contained at **Attachment (b)**.

Restrictions on Advertisements and Signs

The Contractor shall only provide advertisements and signs which comply with State and Federal legislation, local laws, the City's Signs Policy (P308) and any codes of conduct established by the advertising industry, and which exhibit high quality graphic design and finish.

Tenderers were required to provide City licence fee revenue information for both categories (1 and 2) as detailed below:

Category 1

Without limiting the generality of the foregoing, the Contractor must:

- a) not display any advertisement which in the opinion of the City is political, religious or pornographic in nature or likely to be considered offensive;
- b) not display any advertisement depicting smoking, vaping or a tobacco product or vaping product; not display any advertisement which resembles any traffic sign or has the appearance of giving any instruction or other direction to traffic or which constitutes a traffic hazard;
- c) not display any signs or advertisement which the City considers, in its reasonable opinion, to be immoral or offensive;
- d) comply with the Alcohol Advertising Pre-vetting System (AAPS) developed by the Outdoor Advertising Association of Australia, or any other similar document or regime, and will display the relevant AAPS approval on all advertisement for alcohol; and
- e) not to include audio content.

Category 2

Without limiting the generality of the foregoing, the Contractor must:

- a) not display any advertisement which in the opinion of the City is political, religious or pornographic in nature or likely to be considered offensive;
- b) not display or promote the smoking, vaping, tobacco products or vaping products;
- c) not display any advertisement which resembles any traffic sign or has the appearance of giving any instruction or other direction to traffic or which constitutes a traffic hazard;
- d) not display any signs or advertisement which the City considers, in its reasonable opinion, to be immoral or offensive;
- e) not display or promote alcoholic products or the consumption of alcohol;
- f) not display or promote energy drinks, fermented drinks, sugar sweetened and intensely sweetened drinks or the consumption of such. Definitions are per State Government Health Dept. 'The Healthy Options WA How to Classify Food and Drinks Guide' latest revision;
- g) not display or promote discretionary or fast foods, and where an entity retailing such provides a public drive through in person order & collect service at any of their food outlets, within the State boundary. The term 'discretionary food' is per the Australian Dietary Guidelines latest revision;
- h) not display or promote gambling in any form or any entity associated with such. The State Government Lottery West is excluded from this restriction; and

- i) not to include audio content.

Consultation

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

Policy and Legislative Implications

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

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

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

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

The following Council Policies also apply:

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

Financial Implications

This contractual agreement is related to the generation of revenue as a licence fee for advertising space in addition to the supply, installation, and maintenance of bus shelters. It does not have any cost implications for the City.

Key Risks and Considerations

Risk Event Outcome	Reputational Damage Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
Risk rating	Medium
Mitigation and actions	Restrictions on advertisements and signs to comply with State and Federal legislations, local laws, the City's Sign Policy (P308) and any codes of conduct established by the advertising industry, and which exhibit high quality graphic design and finish.

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

10.3.2 (a):	Recommendation Report (<i>Confidential</i>)
10.3.2 (b):	Bus Stop Locations

10.3.3 eQuote 03/2025 - Irrigation Mainline Replacement Sir James Mitchell Park

File Reference: D-25-8808
Author(s): Geoff Colgan, A/ Director Infrastructure
Reporting Officer(s): Geoff Colgan, A/ Director Infrastructure

Summary

This report considers submissions received from the advertising of eQuote 03/2025 for the Irrigation Mainline Replacement Sir James Mitchell Park.

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

Officer Recommendation

That Council:

1. Accepts the eQuote submitted by Hydroquip Pumps and Irrigation Pty Ltd for the Irrigation Mainline Replacement Sir James Mitchell Park, in accordance with eQuote 03/2025 for the period 1 May 2025 to 30 October 2025, inclusive;
2. Accepts the eQuote price included in **Confidential Attachment (a)**;
3. Notes that the eQuote price will be included in the Ordinary Council Meeting Minutes; and
4. Authorises the Chief Executive Officer to execute the contract with Hydroquip Pumps and Irrigation Pty Ltd for the Irrigation Mainline Replacement Sir James Mitchell Park.

Background

A request for eQuote 03/2025 for the Irrigation Mainline Replacement Sir James Mitchell Park was advertised via WALGA Vendor panel on 17 February 2025. The request for eQuote closed on 11 March 2025 at 2:00 pm (AWST).

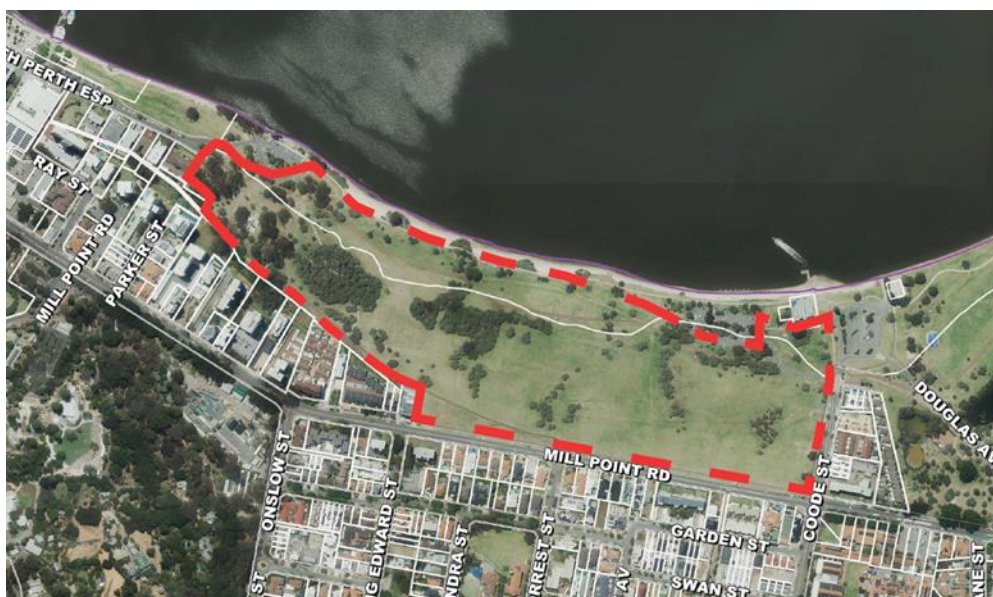
eQuotes were invited as a Lump Sum Contract.

The contract is for the period 1 May 2025 to 30 October 2025.

The Works

The City's irrigation system services the foreshore parkland areas, extending from Ellam Street in the east to the boat ramp carpark on the west side of the Narrows Bridge. With a system of this size the mainline and the stations (or electronic control valves), are under the highest water pressure and the most prone areas to breakage and the frequency of malfunctions increases exponentially with age. The oldest parts of the system were installed in the 1990s and are now reaching the end of its serviceable life.

The extent of the tendered work is shown below:



As part of the ongoing improvement of this asset, the City is proposing to replace the section of the mainline from the bore located near Lake Tondut, on Douglas Avenue heading west to the South Perth Esplanade car park.

Comment

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

TABLE A – eQuote Submissions

eQuote Submissions
Horizon West PTY LTD
Hydroquip Pumps and Irrigation PTY LTD
Nutrien Water (Total Eden PTY LTD)

The submissions were reviewed by an Evaluation Panel and assessed according to the qualitative criteria detailed in the eQuote, as per Table B below.

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Relevant Experience	20%
2. Skills and experience of key personnel	20%
3. Demonstrated understanding of the required tasks	20%
4. Meet the project time frame	30%
5. Price	10%
Total	100%

Based on the assessment of all submissions received for eQuote 03/2025 Irrigation Mainline Replacement Sir James Mitchell Park, it is recommended that the eQuote submission from Hydroquip Pumps and Irrigation Pty Ltd be accepted by Council.

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

Consultation

WALGA Preferred Supplier Panel eQuotes were invited in accordance with the *Local Government Act 1995* and the Local Government (Functions and General) Regulations 1996.

Policy and Legislative Implications

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

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

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

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless sub regulation (2) states otherwise.*
- (2) *Tenders do not have to be publicly invited according to the requirements of this Division if –*
 - (b) *the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program.*

The following Council Policies also apply:

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

Financial Implications

The full cost of the works is included in the 2024/25 budget and additional funds are to be allocated in the 2025/26 budget. The work is to be completed within the stipulated timeframes to avoid significant costs from dewatering.

Key Risks and Considerations

Risk Event Outcome	Business Interruption Incorporates the impact of events which impinge upon the City's capacity to deliver expected services to the community. These interruptions can range from minor inconvenience requiring an alternative method of service delivery being employed through to forced loss of ability to provide multiple services to all or some of the community. Knowledge loss, technological failure and property damage will also contribute to this outcome.
	Project Time This relates to any project exceeding the project deadline. Ranging from exceeding the deadline by up to 10% to 30% and over.
Risk rating	Medium
Mitigation and actions	Approval of the report at the April OCM.

Strategic Implications

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

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable, liveable, diverse and welcoming neighbourhoods that respect and value the natural and built environment
Outcome:	3.3 Enhanced environment and open spaces
Strategy:	3.3.4 Enhancement of the environment, maintaining open space and effective management of the Swan and Canning River foreshores

Attachments

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

10.3.4 Proposed Change of Use - Multiple Dwelling to Unhosted Short-Term Rental Accommodation - Lot 1, No. 1/5 Clarence Street, South Perth

Location: Lot 1, No. 1/5 Clarence Street, South Perth
Ward: Mill Point Ward
Applicant: Emma L Foster
File Reference: D-25-7612
DA Lodgement Date: 12 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 Multiple Dwelling to Unhosted Short-Term Rental Accommodation on Lot 1, No. 1/5 Clarence Street, South Perth.

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

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

Officer Recommendation

That pursuant to the provisions of the City of South Perth Local Planning Scheme No. 7, the application for development approval for a Change of Use from a Multiple Dwelling to Unhosted Short -Term Rental Accommodation Lot 1, No. 1/5 Clarence Street, 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.
2. The approval is valid for a period of 12 months only from the date of the determination. The applicant will be required lodge a subsequent application to extend to the term of the approval and in determining such an application, the City of South Perth will have regard to the performance of the Unhosted Short-Term Rental Accommodation over the previous period.

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

Applicant	Emma L Foster
Landowner	Emma L Foster

Development Site Details

The development site details are as follows:

Zoning	Residential
Density coding	R60
Lot area	96m ²

Comment

(a) Background

On 12 December 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 1, No. 1/5 Clarence Street, South Perth.

Following submission of the required information such as the completed application form and plans, the application was accepted on 17 December 2024.

The City sought further clarification on details of the operation of the Unhosted STRA, which was received on 4 February 2025.

(b) Description of the Surrounding Locality

The existing development is a Multiple Dwelling complex, comprising of a total of 12 Multiple Dwellings. The Multiple Dwelling the subject of this application is located on the ground floor in south-western portion of the site.

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



Figure 1: Aerial image of subject site.

(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 six guests;
- Check-in time is from 3:00pm until 9:00pm (later check-in is occasionally required and is subject to prior arrangements being made only) and check-out is before 10:00am;
- Minimum four night stay;
- Apartment is equipped with a doorbell camera which detects and records audio and visual content;
- Parties and gatherings are prohibited;
- Smoking and vaping are prohibited;
- Quiet hours are between 10pm to 7am Monday to Saturday and 10pm to 9am on Sunday and public holidays;
- Guests directed to park in one allocated on-site car parking bay only;
- Strata management and neighbouring units to be provided with the host's contact details;
- Complaints management handled directly by host who is to be directly contactable 24/7;
- Guests screened by host at time booking request is received; and
- Waste collection to be in accordance with City of South Perth requirements and strata by-laws. Housekeeping to monitor bin location and contents at check-out.

The Development Plans, Management Plan and Strata Plan submitted as part of this application 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.

Scheme Amendment No. 1 was adopted by Council at its meeting held 25 March 2025 and is awaiting final approval by the Minister for Planning. 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.

(e) Local Planning Policy 2.5 - Unhosted Short-Term Rental Accommodation

Local Planning Policy - Unhosted Short-Term Rental Accommodation (Policy) was adopted by Council at its meeting held 25 March 2025 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 development application has been assessed against the Policy and where discretion is sought against the provisions of the 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>Support in the form of consent from the strata company for an application for the use or development of a strata lot is not required under the <i>Planning and Development Act 2005</i> or the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations).</p> <p>The City is required to accept an application that is not signed by the strata company and/or does not include a letter of support from the strata company.</p>
<p><u>5.6 Location Requirements</u></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>Three objections were received during the consultation period. For this reason, a condition is recommended to limit the approval validity to a maximum 12 months.</p>

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

The intent of the Statement is to:

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

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

(g) 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.

(h) 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 (two per bedroom) which is consistent with the expected number of persons within a three-bedroom dwelling.

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

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

(i) **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 within a carport. Adequate parking exists on site for the proposed Unhosted STRA as only one car parking bay is required in this location under the Residential Design Codes.

(j) **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 10 February 2025 and 24 February 2025 in the following manner:

- A total of 35 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, three submissions were received. A Schedule of Submissions is contained in **Attachment (c)**.

Matter	Comment
<u>Amenity</u> Short-term rental accommodation guests and hosts are not part of the community, do not respect the privacy of long-term occupants and do not help maintain the property.	The Management Plan states that regular maintenance works are to occur between guests stays to maintain the property to a standard that is satisfactory for guests and other owners within the strata. Anti-social behaviour is inclusive of behaviour that breaches the privacy of other occupants. Anti-social behaviour is to be dealt with in accordance with the Management Plan.
<u>Security</u> Security of the complex is compromised due to gate code being distributed and untraceable.	Entry to the unit is via an individual door code, as detailed in the Management Plan. The applicant has record of all guests staying at the property, including specified check-in and check-out times. Guests are screened prior to the booking being accepted.

<p><u>Waste Management & Hygiene</u></p> <p>Short-term rental accommodation guests do not responsibly manage waste.</p>	<p>Waste Management is addressed in the Management Plan. There is an expectation that guests will dispose of waste in accordance with City and strata waste management guidelines. Waste disposal in contradiction to this constitutes a breach of the Management Plan.</p> <p>Waste disposal is monitored and reported by housekeeping for the unit.</p>
<p><u>Land Use</u></p> <p>The property is zoned for 'Residential' and not for 'Unhosted Short-Term Rental Accommodation'.</p>	<p>The property is within the 'Residential' zone. Pursuant to the LPS 7, 'Unhosted Short-Term Rental Accommodation' is a land use that can be considered within the 'Residential' zone.</p>

Policy and Legislative Implications

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

- (a) granting development approval 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	<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	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

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

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

Attachments

10.3.4 (a):	Development Plans and Management Plan
10.3.4 (b):	Schedule of Submissions

10.3.5 Proposed Grouped Dwelling - Lot 4, No.7 Salter Point Parade, Salter Point

Location: Lot 4, No.7 Salter Point Parade, Salter Point
Ward: Manning Ward
Applicant: Grand Century Construction Pty Ltd
File Reference: D-25-7729
DA Lodgement Date: 27 November 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 Grouped Dwelling at Lot 4, No.7 Salter Point Parade, Salter Point.

The item is referred to Council as the proposed development requires an assessment of access to views of significance in accordance with Local Planning Policy 5.1 – Salter Point Escarpment.

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

Officer Recommendation

That pursuant to the provisions of the City of South Perth Local Planning Scheme No.7, and the Metropolitan Region Scheme, the application for development approval for a Grouped Dwelling on Lot 4, No.7 Salter Point Parade, Salter Point, **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, and any approved plan.
2. All works to be carried out under this development approval, including footings, are required to be contained within the boundaries of the subject lot.
3. All external fixtures such as solar collectors and air-conditioning units, are integrated into the design so as to sit flush/flat along or below the roof line to the satisfaction of the City of South Perth.
4. Prior to or in conjunction with the submission of a building permit application, or demolition permit application, whichever is earlier, a Construction Management Plan must be submitted to, and approved in writing by, the City of South Perth. The Construction Management Plan must address the following issues, where applicable:
 - (i) public safety and amenity;
 - (ii) site plan and security;
 - (iii) contact details of essential site personnel, construction period and operating hours;

- (iv) community information, consultation and complaints management plan;
- (v) noise, vibration, air and dust management;
- (vi) traffic, access and parking management;
- (vii) waste management and materials re-use;
- (viii) earthworks, excavation, land retention/piling methods and associated matters;
- (ix) stormwater and sediment control;
- (x) street tree management and protection;
- (xi) removal of onsite effluent disposal system and stormwater management system; and
- (xii) asbestos removal.

The Construction Management Plan must be implemented and adhered to all times, to the satisfaction of the City of South Perth.

5. Prior to or in conjunction with the submission of a building permit application, the applicant must be in receipt of an approved 'Stormwater Drainage Application' that confirms the design is to the satisfaction of the City of South Perth. All stormwater discharge from the development shall be contained and disposed of on-site unless otherwise approved by the City of South Perth.
6. The boundary wall(s) shall be constructed and finished in a clean material to the same standard as the rest of the development to the satisfaction of the City of South Perth.
7. All vehicle crossings being upgraded, designed, and constructed to the satisfaction of the City of South Perth.
8. Landscaping areas shall be installed in accordance with the approved plans and maintained for the lifetime of the development, to the satisfaction of the City of South Perth.
9. All street trees in the verge adjacent to the lot will be required by the City to be protected by a tree protection zone (TPZ) to Australian Standards during the works. The City requires that mulch is provided around the base of each tree within the TPZ and watered regularly for the duration of the works.

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

Applicant	Grand Century Construction Pty Ltd
Landowner	China Zhongtian (Aus) Investment Group Pty Ltd

Development Site Details

The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	1,410m ²

Comment

(a) Background

On 27 November 2024, the City received an application for a proposed Grouped Dwelling on Lot 4, No.7 Salter Point Parade, Salter Point. The City requested additional information and on receipt, the application was accepted on 20 December 2024. Further information was requested, and the application was subsequently advertised on 28 January 2025.

The site is zoned Residential with a density code of R20 under Local Planning Scheme No. 7 (LPS 7). The site is also subject to Additional Site Requirement 12 (ASR12) of LPS 7, which relates to building heights within the Salter Point Escarpment.

Following assessment and advertising of the proposal, the City requested amended plans in response to matters raised in submissions which were received on 21 February 2025.

(b) Description of the Surrounding Locality

The site contains an existing Single House which is located at the front of the site adjacent to Salter Point Parade. The Grouped Dwelling is proposed to be developed to the rear of the existing dwelling, where the tennis court is located. The site is surrounded by Single Houses and Grouped Dwellings as seen in **Figure 1** below:



Figure 1: Aerial image of subject site.

(c) Description of the Proposal

The proposal involves the construction of a two-storey Grouped Dwelling split across two levels, to the rear of the existing dwelling on site as shown in the Development Plans contained at **Attachment (a)**. The development will share a vehicle access leg with the existing dwelling on site.

(d) Land Use

Grouped Dwellings are classified as a 'P' permitted land use within the residential zone of LPS 7.

(e) Local Planning Scheme No. 7 (LPS 7)

The ASR12 provides guidance for assessment and consideration of building height requirements within the Salter Point Escarpment through four clauses, as outlined below:

ASR12 Provisions	Comment
(1) The maximum height of buildings on the site(s) shall be no greater than set out in Figure 1, 2 and 3.	A maximum building height of 4.89m in lieu of the maximum 3.5m is proposed.
(2) Notwithstanding (1), any proposed development shall not, in the opinion of the local government, significantly obstruct views of the Canning River from buildings on adjoining lot(s).	The development does not significantly obstruct views of the Canning River from buildings on adjoining lots as further discussed in this report.
(3) In determining whether a view of the Canning River has been significantly obstructed, the local government shall have regard to the provisions of any local planning policy relating to obstruction of views to Canning River.	The proposal has been assessed against Local Planning Policy 5.1 - Salter Point Escarpment as detailed further in this report.
(4) Projections above the maximum building height established under (1) of this schedule may be approved having regard to the provisions of any local planning policy relating to building heights in the area.	The proposal has been assessed against Local Planning Policy 5.1 - Salter Point Escarpment as detailed further in this report.

(f) Local Planning Policy 5.1 - Salter Point Escarpment (LPP 5.1)

The objectives of LPP 5.1 relevant to this proposal are to ensure building heights are consistent with the character and topography of the Salter Point Escarpment, whilst not significantly obstructing views to the Canning River. LPP5.1 uses a 'projection envelope' to provide guidance on where building height can reasonably exceed the requirements of ASR12.

LPP 5.1 sets out steps for calculating the projection envelope under clause 5.2.1, whereby the maximum permitted building height may be based on the highest natural ground level (NGL) below the proposed new building and not within 1.5m of a side or rear boundary. The highest NGL on the site has been estimated as 9.75m AHD, based on the highest point being located roughly halfway between the 10.0m and 9.5m AHD contour lines on the site survey.

As the permitted building height for the site under ASR12 is 3.5m, the resulting projection envelope height is 13.25m AHD. The proposed dwelling maximum height is 13.355m AHD, resulting in a 0.105m projection above the 'projection envelope.'

Clause 5.2.2 of LPP 5.1 addresses projections above the projection envelope. Where the following five criteria are met, the projection may be supported.

LPP 5.1 clause 5.2.2	Comment
Roofs and minor projections above the projection envelope may be supported by the City, subject to meeting all of the following criteria:	
(a) There are no external walls above the projection envelope; and	No external walls are proposed above the projection envelope.
(b) Any roof above the projection envelope has a pitch of 15 degrees or lower; and	The roof above the projection envelope has a pitch of 3 degrees.
(c) All external fixtures above the projection envelope, such as solar collectors and air-conditioning units, are integrated into the design so as to sit flush/flat along or below the roof line; and	No external fixtures are shown above the projection envelope on the plans.
(d) The proposed development meets the deemed-to-comply criteria prescribed in the Residential Design Codes (R-Codes) for lot boundary setbacks, street setbacks and open space; and	The proposal meets all R-Codes deemed-to-comply requirements relating to street setbacks, lot boundary setbacks, and open space, with the exception of the south-east (internal) lot boundary setback to the existing dwelling on site.
(e) The projection above the projection envelope does not obstruct a view to the water surface of the Canning River determined in accordance with clause 5.2.3.	The projection above the projection envelope will have minimal, if any, impact on views to the water surface of the Canning River as further discussed below.

Clause 5.2.3 addresses assessment of significant obstruction of views and provides guidance on the application of clause 2 of ASR12. It is noted that line of sight is only considered for properties adjoining the site, with the primary consideration being the rear adjoining property (No. 80 River Way). Significantly lesser weight is to be given to properties which may have views over side boundaries.

The applicant has prepared diagrams demonstrating how the proposed dwelling will affect the sightlines from No. 80 River Way. These diagrams are included in **Attachment (a)** and provide a visual indication of the width and depth of view obstructions.

The City has also undertaken its own assessment of sightlines and concludes that the proposed dwelling is unlikely to have any impact on the existing views which No. 80 River Way currently enjoys to Canning River. It is considered that No. 80 River Way will maintain full, unobstructed views over No. 7 Salter Point Parade to the Canning River from its first floor.

From the ground floor, No. 80 River Way currently enjoys approximately 50% of the maximum potential vertical viewing angle towards the Canning River, with views to the closer section of the river obstructed by the existing dwelling. The proposed dwelling presents less obstruction compared with the existing dwelling as viewed from the ground floor of No. 80 River Way and therefore does not further compromise existing views.

Should the application be approved, a condition ensuring that any external fixtures do not exceed the height of the proposed roof to ensure that views are not inadvertently impacted by the proposal is recommended.

In addition to the rear adjoining property at No. 80 River Way, concerns were raised by the residents at No. 78 River Way, which is located north-west of the subject site. LPP 5.1 states that greatest weight will be given to any line-of-sight established from a property directly 'behind' a site in reference to its position to Canning River. Significantly lesser weight will be given to a line-of-sight established from a property to the 'side' of a site.

As No. 78 River Way will retain its primary views over No. 5 Salter Point Parade, any impact resulting from the proposal is considered to impact on secondary views. Notwithstanding, to better understand the potential impact the City also undertook a significant view impact assessment for this property.

With the exception of the very highest ridge of the roof (1.3m long) which occupies a minor portion of the overall field of view from No. 78 River Way, it is considered that approximately half of the potential vertical viewing angle towards the Canning River will be maintained over the remainder of the dwelling, which is considered an acceptable outcome for views over a side boundary.

The proposal is considered to present minimal impact on the existing views of adjoining properties to the Canning River and therefore achieves the objectives of LPP 5.1.

(g) **Residential Design Codes**

In addition to the site-specific requirements of LPS 7 and LPP 5.1, the proposal is required to be assessed against the R-Codes.

Applications not satisfying the deemed-to-comply requirements are then assessed against the associated design principles for that element. The proposal has been assessed to comply with all applicable deemed-to-comply provisions of the R-Codes, with the exception of those detailed in the table below:

R-Codes Provision	Comment
<u>Lot boundary setbacks</u>	
<i>Deemed-to-comply</i>	
1. Upper floor south-east (internal) lot boundary setback of 1.6m in lieu of 1.8m to 2.5m minimum.	
<i>Design principles</i> P3.1 Buildings set back from lot boundaries or adjacent buildings on the same lot so as to: <ul style="list-style-type: none"> • reduce impacts of building bulk on adjoining properties; • provide adequate sunlight and ventilation to the building and open spaces on the site and adjoining properties; and • minimise the extent of overlooking and resultant loss of privacy on adjoining properties. 	The reduced lot boundary setback relates to an indicative lot boundary with the existing dwelling on site. The area on the adjacent site contains a carport and therefore is considered unlikely to result in any notable impact on the habitable areas of the site. The reduced setbacks to the south-east allow for building mass to be located further from the north-west lot boundary, which reduces prominence and visual impact of the dwelling to the rear adjoining properties.
<u>Site works</u>	
<i>Deemed-to-comply</i>	
1. Up to 1.7m cut within 1.5m of the south-west lot boundary in lieu of 1.5m maximum.	
2. Up to 0.8m cut within 1m of the north-west lot boundary in lieu of 0.5m maximum.	
<i>Design principles</i> P7.1 Development that considers and responds to the natural features of the site and requires minimal excavation/fill. P7.2 Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the	The site works relate to cut and therefore will only reduce potential impact by allowing for lower finished floor levels and building heights. A Construction Management Plan has been included as a recommended condition of approval to assist in

<p>site and as viewed from the street.</p> <p>P7.3 Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clause 5.4.1.</p>	<p>managing potential impacts associated with site works.</p>
<p><u>Visual privacy</u></p>	
<p><i>Deemed-to-comply</i></p> <ol style="list-style-type: none"> 1. Retreat south-east facing window setback 1.6m from the internal south-east lot boundary (indicative) in lieu of 6.0m minimum. 2. Master bedroom south-east facing window setback 1.6m from the internal south-east lot boundary (indicative) in lieu of 4.5m minimum. 	
<p><i>Design principles</i></p> <p>P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</p> <ul style="list-style-type: none"> • building layout and location; • design of major openings; • landscape screening of outdoor active habitable spaces; and/or • location of screening devices. <p>P1.2 Maximum visual privacy to side and rear boundaries through measures such as:</p> <ul style="list-style-type: none"> • offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; • building to the boundary where appropriate; • setting back the first floor from the side boundary; 	<p>The area overlooked contains a carport and is not a habitable space or outdoor living area and therefore any overlooking is of minimal impact. It is also noted that the dwelling is on the same site in the same ownership.</p>

<ul style="list-style-type: none"> • providing higher or opaque and fixed windows; and/or • screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters). 	
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(h) **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 30 January 2025 and 13 February 2025 in the following manner:

- A total of 15 letters were sent to owners and occupiers of properties within the vicinity; and
- A copy of the application was made available for review on the City's website.

At the close of the consultation period, six submissions were received as detailed in the Schedule of Submissions contained as **Attachment (b)**. A summary of the key matters raised in the submissions are provided in the table below, in addition to the Officer's comments:

Matter	Comment
<u>Significant views</u> Concerns that the proposed dwelling will significantly impact on existing views of the Canning River from adjoining properties.	The dwelling height has been reduced since the consultation period, and the amended plans have been assessed as having minimal impact on views to the Canning River from adjoining properties as detailed in this report.
<u>Visual privacy</u> Concerns of visual privacy impacts from the upper floor master bedroom and retreat windows on the adjacent properties.	Whilst the potential for direct line of sight between the windows and outdoor spaces on adjoining properties are acknowledged, the windows meet the deemed-to-comply requirements of the R-Codes.

Policy and Legislative Implications

In accordance with the Regulations, the Local Government may determine an application for development approval by:

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

Financial Implications

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

Key Risks and Considerations

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

Strategic Implications

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

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

Conclusion

The development has been designed having due regard to the requirements of LPS 7 and LPP 5.1. It is considered the proposal will not detrimentally impact adjoining neighbouring properties and will result in minimal impact to access to views of significance from adjoining properties to the Canning River.

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

Attachments

- 10.3.5 (a): Development Plans
- 10.3.5 (b): Schedule of Submissions

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 Listing of Payments March 2025

File Ref: D-25-10251
Author(s): Abrie Lacock, Manager Finance
Reporting Officer(s): Danielle Cattalini, A/ Director Corporate Services

Summary

This report presents to Council a list of accounts paid under delegated authority between 1 March 2025 to 31 March 2025 for information. It also includes purchase card transactions between 1 February 2025 to 28 February 2025 in line with new legislative requirements. The City made the following payments:

EFT Payments to Creditors	(430)	\$3,862,212.95
Cheque Payments to Creditors	(1)	\$3,956.30
Total Monthly Payments to Creditors	(431)	\$3,866,169.25
EFT Payments to Non-Creditors	(39)	\$45,511.46
Cheque Payments to Non-Creditors	(9)	\$4,517.08
Total EFT & Cheque Payments	(479)	\$3,916,197.79
Credit Card Payments	(80)	\$19,123.00
Fleet Card Payments	(38)	\$2,935.71
Total Payments	(597)	\$3,938,256.50

Officer Recommendation

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

Background

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

Comment

The payment listing for March 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

10.4.1 (a):	Listing of Payments March 2025
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10.4.2 Monthly Financial Statements March 2025

File Ref: D-25-10211
Author(s): Abrie Lacock, Manager Finance
Reporting Officer(s): Danielle Cattalini, A/ Director Corporate Services

Summary

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

Officer Recommendation

That Council notes the Financial Statements and report for the month ended 28 March 2025.

Background

Regulations 34(1) of the Local Government (Financial Management) Regulations 1996, requires each local government to present a Statement of Financial Activity reporting on income and expenditure as set out in the annual budget. Regulation 34(3) specifies that the nature or type classification must be used. In addition, regulation 34(5) requires a local government to adopt a percentage or value to report on material variances between budgeted and actual results. In addition to the above, Regulation 35 requires a local government to present a Statement of Financial Position. The 2024/25 budget adopted by Council at its meeting held 25 June 2024, determined the material variance amounts of \$10,000 or 10% for the financial year. The Financial Management Reports contains an Original and Revised Budget column for comparative purposes.

Comment

The Local Government (Financial Management) Regulations 1996 requires that a Statement of Financial Position and a Statement of Financial Activity are produced monthly. The Statement of Financial Activity is a financial report unique to local government drawing information from other reports to include operating revenue, expenditure, capital income, expenditure, loan funding and transfers to and from reserves.

Monetary policy measures taken by the Reserve Bank of Australia (RBA) appears to be achieving its objective of lowering inflation in Australia. The February 2024 to February 2025 CPI of 2.4% was slightly lower compared to the 2.5% for January 2024 to January 2025 and stable compared to the 2.5% for December 2024 to December 2025. Maintaining the February monthly weighted average inflation within RBA target rates of between 2% and 3%.

To curb the high inflation the RBA have raised interest rates. At its February meeting the RBA decided to cut the cash rate by 25 basis points to 4.10%, however it decided to leave the cash rate target unchanged at 4.10% at its 1 April 2025 meeting.

Michele Bullock (Governor) of the RBA also made the following statement at a media conference on the 1 April 2025: “The Board is focused on risks to activity and inflation in Australia. But there’s also a lot of uncertainty around the global outlook at the moment. One of the things we’re cautious about is that policy unpredictability overseas could lead to slower growth. The implications for inflation here, though, in Australia are less clear.”

Council adopted the mid-year budget review at its meeting held 25 February 2025, reflecting a forecasted operating surplus of \$1.81m as opposed to the original budgeted operating surplus of \$0.55m. The year-to-date budget versus actual expenditure have been updated to reflect the revised budget. Budget phasing has also been revised as part of the review this is demonstrated by the lower year-to-date (YTD) variances between revised budget and actual results. The City continues to prudently manage its finances whilst remaining conscious of the need to provide quality services to our community.

Actual income from operating activities for March year-to-date (YTD) is \$69.91m in comparison to budget of \$69.64m, favourable to budget by an insignificant \$0.27m. Actual expenditure from operating activities for March is \$51.04m in comparison to the budget of \$51.31m, favourable to budget by \$0.27m or 0.54%. The March Net Operating Position of \$18.87m is \$0.54m favourable in comparison to budget.

Actual Capital Revenue is \$1.98m, slightly lower than the budget of \$2.04m. Actual Capital Expenditure YTD is \$8.71m in comparison to the budget of \$9.12m, \$0.41m lower than budget. A variance analysis is provided within **Attachment (e)** titled Significant Variance Analysis.

Cash and Cash Equivalents amounted to \$89.84m. 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 the anticipated rate cut by the RBA, offering average interest rates of 4.46% 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 March 2025, the City held 41.80% of its investments in institutions that do not provide fossil fuel lending. The Summary of Cash Investments illustrates the percentage invested in each of the non-fossil fuel institutions and the short-term credit rating provided by Standard & Poors for each of the institutions.

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

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

Key Risks and Considerations

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

Strategic Implications

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

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

Attachments

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

10.4.3 City of South Perth Dogs Local Law 2025

File Ref: D-25-8274
Author(s): Toni Fry, Manager Governance
Reporting Officer(s): Danielle Cattalini, A/ Director Corporate Services

Summary

This report proposes that Council, in accordance with section 3.12(4) of the *Local Government Act 1995*, makes the City of South Perth Dogs Local Law 2025.

This local law will repeal the City of South Perth Dogs Local Law 2016 and was presented to Council at its meeting held 10 December 2024, at which time Council endorsed the proposed new local law and resolved to give local public notice.

This report considers the feedback received during this process and recommends the City of South Perth Dogs Local Law 2025 be made.

Officer Recommendation

That Council:

1. Notes the public submissions contained in **Attachment (a)**.
2. In accordance with section 3.12(4) of the *Local Government Act 1995*, adopts the City of South Perth Dogs Local Law 2025, subject to:
 - a. Clause 4.9 Breach of license has been amended to represent consistency with Section 27(2) of the *Dog Act 1976*, thereby showing a flat penalty of \$5,000 for both dangerous and non-dangerous dogs, in relation to a breach of licence.
 - b. Clause 3.1 Confinement of dangerous dogs has been amended to remove the \$4,000 penalty for failure to confine a dangerous and detailed that the confinement of a dangerous dog is dealt with in the *Dog Act 1976* and Dog Regulations 2013.
 - c. Minor amendments as 'marked up' on **Attachment (b)**.
3. In accordance with section 3.12(5) of the *Local Government Act 1995*, resolves that the local law be published in the Government Gazette and a copy sent to the Director General of the Department of Local Government, Sport and Cultural Industries.
4. After gazettal, in accordance with section 3.12(6) of the *Local Government Act 1995*, resolves that local public notice be given –
 - a. Stating the title of the local law
 - b. Summarising the purpose and effect of the local law and the day on which it comes into operation; and

- c. Advising that copies of the local law may be inspected or obtained from the City's Civic Centre and is available online on the City's website.

Absolute Majority Required

Background

The City of South Perth Dogs Local Law 2016 (2016 Local Law) was Gazetted on 13 January 2017 replacing the *City of South Perth Dogs Local Law 2011* and was developed taking into consideration significant changes which had occurred to the *Dog Act 1976* (the Act) and the introduction of the Dog Regulations 2013 (the Regulations). Changes to the Act and the establishment of the Regulations in 2013 realigned many areas previously dealt with under a local law to being dealt with by the Act and Regulations.

In 2024, City officers conducted a review of the 2016 Local Law and the outcome was presented to Council at its meeting held 10 December 2024, with the recommendation that the 2016 Local Law be repealed and a proposed new Dogs Local Law 2025 be created. At that time Council endorsed that the City give public notice of the proposed Dogs Local Law 2025.

Comment

Section 51 of the Act provides local governments with the power to make local laws on specific matter which include, but is not limited to:

- providing for the registration of dogs;
- specifying areas within which it shall be an offence (unless the excreta are removed) for any person liable for the control of a dog to permit that dog to excrete on any street or public place or on any land without the consent of the occupier;
- requiring that in specified areas a portion of the premises where a dog is kept must be fenced in a manner capable of confining the dog;
- providing for the detention, maintenance, care and release or disposal of dogs seized; and
- providing for the licensing, regulating, construction, use, and inspection of approved kennel establishments.

In reviewing the 2016 Local Law, City Officers reviewed the WALGA model local law for dogs and has expanded the City's local law to provide the City with additional powers as reflected in the WALGA model, therefore providing all stakeholders with further clarification of the City's requirements and providing the City with powers as available. The report presented to Council at its meeting held 10 December 2024 detailed a description of the following key inclusions in the City of South Perth Dogs Local Law 2025 (at **Attachment (a)**):

- Impounding of dogs.
- Requirements and limitations on the keeping of dogs.
- Approved kennel establishments.
- Offence to excrete.
- Enforcement.

Considerations

The *Local Government Amendment Act 2024* (*the Amendment Act*) was proclaimed on 6 December 2024; amending the *Local Government Act 1995* (the Act), at which time the period review of local laws was amended from every 8 years to every 15 years.

Subdivision 3 – Local Laws Clause 65 Periodic review of local laws, schedule 9.3 of the Amendment Act deals with the transition to the new requirements for reviewing local laws.

Subclauses (5) – (7) provide that:

- Where a local government on one or more occasions before the amendments to section 3.16 took effect gave local public notice of a local law review under section 3.16(2); but
- Did not complete that review before the day the amendments to section 3.16 took effect;

The local government must complete the review as if the amendments to section 3.16 had not taken effect and upon completing that review, the new section 3.16 applies with the 15-year review period beginning the day after that review was completed.

As the City commenced the process of the review of the local law by presenting a report to Council at its meeting held 10 December 2024, the City will be required to continue as if the changes to the Act had not taken effect. Following completion of this review, in the future the City will not be required to review the Dogs Local Law for 15 years.

Consultation

Local Public Notice

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

The **purpose** of the proposed Dogs Local Law 2025 is to make provisions about the confinement of dogs, control the number of dogs that can be kept on premises in the district, the impounding of dogs, regulate kennel establishments; and to require removal of excreta.

The **effect** of the proposed Dogs Local Law 2025 is to extend the controls over dogs which exist under the *Dog Act 1976* and Dog Regulations 2013.

Feedback from this consultation must be considered by Council before it resolves to make the local law. The proposed City of South Perth Dogs Local Law 2025 was advertised for public comment in the following ways:

- Public notice in PerthNow Southern on 19 December 2024.
- Public notice on the City's website.
- Public notice on the City's notice boards including the Civic Centre and the two public libraries between 19 December 2024 to 14 February 2025.
- Request for submissions on the City's 'Your Say' online engagement website.
- Request for submissions circulated within the district via the City's 'mySnapshot' electronic newsletter on 9 January 2025.

In total, 10 submissions were received from members of the public, details of the comments from the respondents and the City's response are detailed in **Attachment (a)**.

Of the submissions received no one objected to the local law, with some respondents requesting clarification in relation to various sections of the local law, having concerns on the number of dogs which can be kept at a residence without specific approval, the inclusion of kennel establishments and the general control of dogs in our community. Comments have been provided in **Attachment (a)** providing responses to all questions raised.

Department of Local Government, Sport and Cultural Industries

In accordance with section 3.12(3)(b) of the Act, a copy of the proposed Dogs Local Law 2025 was sent to the Director General of the Department of Local Government, Sport and Cultural Industries (the Department). The Department reviews all local laws developed by local government and the Joint Standing Committee of Delegated Legislation (the Committee) encourages local governments to accept the advice being provided by the Department prior to a local law being published in the Government Gazette.

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

- a) Clause 4.9 of the local law to be amended to be consistent with section 27(2) of the Dog Act.
- b) Clause 3.1 of the local law to be amended to reflect that notwithstanding subclauses (1) and (2), the confinement of dangerous dogs is dealt with in the Act and Regulations, based on that schedule 3 was also amended to remove the dangerous dog penalty.
- c) Some minor edits in relation to the appearance of the local law.

The City was also advised to consider the use of penalty units to define a modified penalty and the application of clause 4.4. Both of these matters have been considered by the City and remain unchanged.

All changes to the proposed Dogs Local Law 2025 have been marked up on the copy of the local law at **Attachment (b)** and are considered to be minor in nature as they do not amend the rights, privileges, or liability which the local law would otherwise have conferred.

Policy and Legislative Implications

Section 3.12 of the Act prescribes the process for the making of a local law.

Section 51 of the *Dog Act 1976* provides local governments with the power to make local laws on all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be prescribed, for it to perform any of its functions under the Act.

Financial Implications

The costs associated with the statutory advertising of the proposed Local Law is contained within the adopted 2024/25 Annual Budget.

Key Risks and Considerations

Risk Event Outcome	Legislative Breach Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation.
Risk rating	Low
Mitigation and actions	Following the requirements of section 3.12 of the <i>Local Government Act 1995</i>

Strategic Implications

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

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

Attachments

10.4.3 (a):	Submissions
10.4.3 (b):	Proposed Dogs Local Law 2025

10.4.4 Chief Executive Officer Selection Committee - Appointment of Presiding Member and Deputy Presiding Member

File Ref: D-25-10517
Author(s): Toni Fry, Manager Governance
Reporting Officer(s): Danielle Cattalini, A/ Director Corporate Services

Summary

This report seeks the appointment of the Presiding Member and Deputy Presiding Member for the Chief Executive Officer Selection Committee.

Officer Recommendation

That Council:

1. In accordance with section 5.12 (1) of the *Local Government Act 1995*, appoints _____ as the Presiding Member of the Chief Executive Officer Selection Committee.
2. In accordance with section 5.12 (2) of the *Local Government Act 1995*, appoints _____ as the Deputy Presiding Member of the Chief Executive Officer Selection Committee.

Absolute Majority Required

Background

At its meeting held 25 March 2025, Council resolved to establish the Chief Executive Officer Selection Committee (the Committee) in accordance with section 5.8 and section 5.9 (2)(d) of the *Local Government Act 1995* (the Act).

The Committee comprises of nine Elected Members and one independent person. The Committee has been established to coordinate the recruitment and selection process for a new Chief Executive Officer by making recommendations to Council.

Comment

The *Local Government Amendment Act 2024* proclaimed on 6 December 2024, introduced provisions to improve transparency and clarity around the operation of Council committees. One key change is in relation to the process for appointing the Presiding Member and Deputy Presiding Member. Under the amended Section 5.12 of the Act, these positions must now be appointed by an absolute majority of Council, rather than being elected by the committee via secret ballot.

Local governments are required to appoint these roles by 1 July 2025.

It is therefore recommended that Council appoint a Presiding Member and Deputy Presiding Member for the CEO Selection Committee in accordance with the new requirements.

Consultation

Nil.

Policy and Legislative Implications

Local Government Act 1995 - Section 5.12.

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	Appointment of Presiding and Deputy Presiding Member in accordance with the Act.

Strategic Implications

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

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

Attachments

Nil.

10.4.5 Perth Airports Municipalities Group Inc.

File Ref: D-25-10933
Author(s): Toni Fry, Manager Governance
Reporting Officer(s): Garry Adams, A/ Chief Executive Officer

Summary

This report seeks Council's consideration of the options presented in the Agenda for the Special General Meeting of the Perth Airports Municipalities Group Inc.

Officer Recommendation

That Council support the recommendation as contained within **Confidential Attachment (a)**.

Background

On Thursday 10 April 2025, the City received an agenda for the Special General Meeting of the Perth Airports Municipalities Group Inc. (PAMG) to be held on Monday 28 April 2025.

Comment

In 1981/82, a group of nine local governments formed a coalition as a result of community issues surrounding the redevelopment of Perth Airport. With the success of that coalition, the nine local governments determined in January 1983 to formally establish as the Perth Airports Municipalities Group.

The PAMG is a not-for-profit association which comprises of 13 local government members. The group meets with various stakeholders to discuss matters which either directly or indirectly impact on the community such as aircraft noise, flight paths, and both on and off airport development.

Current Members are:

- City of Armadale.
- Town of Bassendean.
- City of Bayswater.
- City of Belmont.
- City of Canning.
- City of Cockburn.
- City of Gosnells.
- City of Kalamunda.
- City of Melville.
- Shire of Mundaring.
- City of South Perth.
- City of Swan.
- Town of Victoria Park.

The City is represented in the group by the CEO due to Council not appointing delegates at its meeting held 31 October 2023.

Based on the information contained within **Confidential Attachment (a)**, it is requested that Council support the recommendation listed on page 9 of the Special General Meeting Agenda.

Consultation

Nil.

Policy and Legislative Implications

Nil.

Financial Implications

Nil.

Key Risks and Considerations

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

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):	Perth Airports Municipalities Group Inc. Special General Meeting Agenda (<i>Confidential</i>)
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10.5 MATTERS REFERRED FROM COMMITTEE MEETINGS

Debate on Item 10.5.1 Policy Review was adjourned to the April Ordinary Council Meeting at the Ordinary Council Meeting held 25 March 2025. Prior to the adjournment, the Item was moved by Councillor Nic Coveney and seconded by Mayor Greg Milner. During debate on the Officer's Recommendation, the mover and seconder chose not to speak. At this point in the debate, Councillor Mary Choy moved a motion to adjourn the debate.

10.5.1 Policy Review

File Ref: D-25-9753
Author(s): Toni Fry, Manager Governance
Reporting Officer(s): Danielle Cattalini, A/ Director Corporate Services

Summary

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

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Ms Shona Zulsdorf
Seconded: Mr Warwick Gately

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

1. Adopts the following revised policies with amendments as shown in **Attachment (a)**:

P210	Street Verges – and Vegetation
P672	Agenda Briefings and Concept Forums

CARRIED (5/0)

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

Against: Nil.

Background

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

Due to the volume of documents held within the City's policy portfolio, the annual review of all policies will be staggered across the year, based on Directorate commencing in June 2025. The below-mentioned policies have been identified as requiring immediate review and amendment, therefore are presented to the Audit, Risk and Governance Committee for recommendation and adoption to Council outside of the scheduled review timeframe.

This policy review was conducted to facilitate administrative processes in improving the efficiencies and amenity of these policies with no new policies drafted for consideration, and no policies recommended to be revoked.

Amended Policies

The policies listed below and at **Attachment (a)** are recommended with amendments as shown by track changes in each document. To assist members of the committee in reviewing these documents a clean version of each policy is provided as shown in **Attachment (b)**.

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

P210 Street Verges and Vegetation

Amendments to P210 Street Verges and Vegetation are proposed to establish clear parameters regarding verge treatments including vegetation and street trees.

The policy includes activities which are prohibited without the prior written approval of the City and the criteria for Street Tree Removal. These amendments also introduce guidelines for amenity valuations in cases where tree removal is approved.

Residential Design Codes

The Residential Design Codes (R-Codes) - Volume 1 is applicable to most of the district outside activity centres/ reserved land. The R-Codes include deemed-to-comply criteria and design principles. Applications that do not comply with the deemed-to-comply criteria are assessed against relevant design principles.

The following outlines the relationship of the deemed-to-comply criteria in respect to matters pertaining to street trees, being vehicle access and car parking.

Vehicle Access

The deemed-to-comply criteria of the R-Codes Volume 1 requires access to on-site car parking spaces to be provided:

- where available, from a communal street or right-of-way available for lawful use to access the relevant site and which is adequately paved and drained from the property boundary to a constructed street; or
- from a secondary street where no right-of-way or communal street exists; or
- from the primary street frontage where no secondary street, right-of way, or communal street exists.

Driveways shall be located so as to avoid street trees, or, where this is unavailable, the street trees replaced at the applicant's expense or replanting arrangement to be approved by the decision-maker.

The relevant design principle requires vehicular access provided for each development site to provide:

- vehicle access safety;
- reduced impact of access points on the streetscape;
- legible access;
- pedestrian safety;
- minimal crossovers; and

- high quality landscaping features.

The City seeks to ensure driveways and associated crossovers are located to avoid street trees in the first instance. The City also requires access to grouped dwelling developments to be obtained from the common property access way (communal driveway) in lieu of two crossovers being provided to serve each dwelling in the development where the preference of the applicant is to have separate accessways.

Design Principle Compliance

If the applicant can demonstrate compliance with the design principles for both car parking and driveways, and if the removal of street trees is necessary to facilitate the development, the proposed amendments to P210 will provide a transparent pathway for the City to impose conditions requiring an amenity valuation fee and/or replacement tree and maintenance when street trees are removed for car parking and vehicle access.

Car Parking

The deemed-to-comply criteria of the R-Codes - Volume 1 requires car parking to be located on-site, however, where this is not achieved, the design principles provide for consideration of some or all of the required car parking spaces to be located off-site, provided that these spaces meet the following:

- The off-site car parking area is sufficiently close to the development and convenient for use by residents and/or visitors;
- Any increase in the number of dwellings or possible plot ratio being matched by a corresponding increase in the aggregate number of car parking spaces;
- Permanent legal right of access being established for all users and occupiers of dwellings for which the respective car parking space is to be provided; and
- Where off-site car parking is shared with other uses, the total aggregate parking requirement for all such uses, as required by the R-Codes and the Scheme being provided. The number of required spaces may only be reduced by up to 15 per cent where the non-residential parking occurs substantially between 9:00am and 5:00pm on weekdays.

Whilst approval of the City is required to construct bays within the verge area, the approval process for applications assessed under the R-Codes - Volume 1 provides the ability for the above design principle assessment and use of the verge for parking bays associated with the development where the deemed-to-comply criteria has not been achieved.

As such, P210 should not be amended to prohibit the use of the verge for this purpose in areas where the R-Codes Volume 1 are applicable, given it is an assessment pathway available under the R-Codes – Volume 1. The City seeks to ensure car parking bays are located on site to serve the development in the first instance.

For areas assessed under R-Codes – Volume 2 – Apartments, including activity centres, the guidelines do not explicitly require car parking to be located on-site. Instead, parking must be designed for safety and accessibility, with consideration for the location's public transport and cycling networks, while minimising negative impacts on amenity and streetscape. Amendments to the Policy to specify that parking will not be supported in the verge within the Canning Bridge Activity Centre has previously been included in P210.

Tree Removal

Although the City is not the owner of local road reserves, it has the care, control of management of road reserves and by association, street trees within the road reserves, and can therefore determine when the removal of a street tree is deemed appropriate.

Management of the road reserve is an executive function of local governments and as such, there is no right of review to the State Administrative Tribunal for decisions related to requests to remove a street tree. This does not extend to formal applications to remove a street tree (such as via crossover permit or development applications).

The proposed parameters for tree removal are as follows:

- **Dead or Dying:** The street tree is dead or dying with no potential to recover.
- **Diseased:** The street tree is diseased and unlikely to respond to treatment.
- **Public Safety and/or Liability Risk:** The street tree poses a significant, demonstrable risk to public safety or property, and the risk cannot be mitigated through pruning or other management strategies.
- **Declared Noxious Weed:** The street tree is a species declared as a noxious weed by the Department of Primary Industries and Regional Development or required to be removed under a Quarantine Area Notice.
- **Value:** The street tree has been assessed by the City to be of no ecological, amenity or community value.
- **Strategy Removal:** The street tree is being removed as part of a broader strategic plan to enhance the urban canopy or align with landscape design objectives.
- **Development Compliance:** The applicant has demonstrated compliance with the relevant design principles of the Residential Design Codes or planning framework and obtained development approval, where all other design options have been exhausted.

The City may require a Tree Risk Assessment or Arborist Report in support of the above criteria, prepared by a suitably qualified consultant at the expense of the applicant.

The City also receives requests to relocate street trees to accommodate development/ crossovers. Given the low likelihood of survival, the Policy has been updated to state the City will not support relocation for this purpose.

Amenity Valuation

The City considers that an amenity fee for the removal of a street tree could reasonably be charged as part of the City's function to exercise care, control and management over local road reserves.

Conditions of Development Approval

Conditions of development approval must:

- Serve a planning purpose;
- Fairly and reasonably relate to the development;
- Is not so unreasonable that no reasonable planning authority could have imposed it; and
- Be certain and final.

A condition requiring payment for the removal of a street tree, along with the cost of a replacement tree and its maintenance, is likely to meet the above necessary criteria. The framework for applying a condition requiring payment for the amenity value of the removed tree should be publicly available and transparent to ensure consistent application, provide certainty and to express how the fee serves a planning purpose.

For this reason, amendments to P210 are proposed to clearly outline:

- How the amenity valuation is calculated;
- The intended use of the amenity fee where collected;
- How the cost of removing the tree has been calculated; and
- How the cost of a new tree and the maintenance of a new tree has been calculated.

Valuation Methodology

The City uses the Amenity Valuation of Trees and Woodlands (Helliwell) method for amenity valuations for trees. This method focuses on visual amenity and rates seven factors at 1 to 4 points each (occasionally less than 1). The factor points are multiplied together and then by an assigned monetary value per point as follows:

TREE VALUE (\$) = TREE SIZE x LIFE EXPECTANCY x IMPORTANCE IN THE LANDSCAPE x PRESENCE OF OTHER TREES x RELATION TO SETTING x FORM x SPECIAL FACTORS x \$ ASSIGNED MONETARY VALUE PER POINT.

This is proposed to be outlined in P210 to ensure the valuation methodology is transparent. This fee is in addition to the costs associated with Street Tree Removal and Replacement and Maintenance Costs.

P672 Agenda Briefings, Concept Forums and Workshops

In consultation with the Elected Members and the community, the Governance Business Unit has commenced publishing the agenda for Council Agenda Briefings (the Briefing) on the Wednesday prior to the Briefing (being 2 days earlier than previously published). This is to allow Elected Members and the community sufficient time to read the documentation, engage with the content, prepare for the meetings and facilitate more informed decision making.

To facilitate this change, P672 has been amended to increase the minimum submission period from seven working days to nine prior to the Council Agenda Briefing. This change will ensure sufficient time is available to the administration to provide a full and considered officer response to Notice of Motions.

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

In relation to P210 Street Verges – Vegetation, it is recommended that Council establish a reserve account for tree amenity contributions as part of the 2025/26 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	Review of all City policies on a regular basis.

Strategic Implications

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

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

Attachments

10.5.1 (a):	Amended Policies with Track Changes
10.5.1 (b):	Clean Copy of Amended Policies

11. APPLICATIONS FOR LEAVE OF ABSENCE

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

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

13. QUESTIONS FROM MEMBERS

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

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

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

15. MEETING CLOSED TO THE PUBLIC

Nil.

16. CLOSURE