

MINUTES

Ordinary Council Meeting

26 August 2025

Mayor and Councillors

Here within are the Minutes of the Ordinary Council Meeting of the City of South Perth Council held Tuesday 26 August 2025 in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth.



MATTHEW SCOTT
ACTING CHIEF EXECUTIVE OFFICER

29 August 2025

Acknowledgement of Country

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

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

Our Guiding Values



Disclaimer

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

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

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Ordinary Council Meeting - Minutes

Minutes of the Ordinary Council Meeting held in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth at 6.00pm on Tuesday 26 August 2025.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 6.02pm.

2. DISCLAIMER

The Presiding Member read aloud the City's Disclaimer.

Councillor Blake D'Souza arrived at the meeting at 6.06pm during consideration of Item 3.

Councillor Bronwyn Waugh arrived at the meeting at 6.14pm during consideration of Item 3.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

The Presiding Member read aloud the following statement:

'The first announcement is a sad one, regarding the passing of Former Councillor Ken Manolas. Ken Manolas passed away on 9 August 2025, and the City extends its deepest and heartfelt sympathies to the Manolas family at this time.

Ken was an active member of the community where he resided in South Perth for many decades. He was elected as a Mill Point Ward Councillor in 2015 and Ken served on Council for eight years, retiring at the conclusion of his term in 2023. Well known for his approachability and commitment, Ken was always willing to assist members of the public and took his role as an advocate for his community very seriously. His contributions have left a lasting impact on the City of South Perth, and he will be remembered fondly by all who knew him. We would like to thank Ken for his dedicated service to his community.

I would also like to announce the resignation of Former Councillor Nic Coveney. Nic Coveney resigned from his position as a Councillor, effective from 26 July 2025. On behalf of the City of South Perth, I would like to thank Mr Coveney for his service to the City and the community. Mr Coveney wished me to note the following on his behalf:

"It is with a mixture of gratitude and reflection that I submit my resignation as Councillor of the Mill Point Ward. Serving our community has been an immense honour. I have deeply valued the opportunity to contribute to meaningful initiatives, collaborate with dedicated colleagues, and advocate for the people of South Perth. This decision comes as I embrace a new chapter in life: spending time with my newborn child. While public service has been a defining part of my journey, the early months of parenthood are fleeting and precious. I have chosen to step away to be fully present during this time of growth, bonding, and new beginnings. I remain deeply committed to the values that brought me to this role and hope to return to community engagement in the future. I leave with deep respect for the work Council accomplished together. I thank you for your understanding and the privilege of serving as your local Mill Point Ward Councillor."

We wish Mr Coveney all the very best for the future and sincerely thank him for his service to the City of South Perth.

Councillors, will you please join me in showing our appreciation for Former Councillor Ken Manolas and Former Councillor Nic Coveney.'

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

'On Wednesday 23 July, I was interviewed on ABC Radio about Council's decision at the 22 July 2025 Ordinary Council Meeting on Item 12.1, being Council Resolution Number 0725/140 - Removal of Six Trees Planted on the South Side of Lake Douglas During Winter 2024. Also on Wednesday 23 July, I attended and participated in a meeting of the CEO Selection Committee.

On Thursday 24 July, I caught up with Teresa Lynes, Mayor of the City of Gosnells and Patrick Hall, Mayor of the City of Canning. I have mentioned in previous reports that I try to catch up with the Mayors of neighbouring local governments, or local governments that the City shares strategic interests with every so often. We discussed a range of issues including media coverage of decisions at the City's July Ordinary Council Meeting, projects happening in our respective districts, challenges in the local government sector, and some of the restrictions that Mayors are subject to when publicly discussing local government affairs.

On Friday 25 July, I attended and spoke at the opening of the WA Women's Hall of Fame display of the 2025 inductees at Heritage House.

On Sunday 27 July, my children and I braved the rain and the cold to attend the City's annual Tree Planting Day at the Elderfield Wetlands in Salter Point. On behalf of the community, I would like to say 'thank you' to the City staff and the community volunteers who turned out in force and rolled up their proverbial sleeves to plant trees, sedges, rushes and seedlings. The kids and I have been participating in the City's Tree Planting Day for years now, and you can see the results from the work of City staff and community volunteers from previous years, just by walking around the area. The Elderfield Wetlands are being transformed into a gorgeous green space for our community and local wildlife. Literally tens of thousands of trees and plants have been planted over the last few years, and it is a genuine testament to what local governments and communities can do by working together - and even when it's wet and cold, it is a lot of fun.

On Tuesday 29 July, I was interviewed on ABC Radio about the revocation motion to revoke Council's decision at the 22 July 2025 Ordinary Council Meeting on Item 12.1, being Council Resolution Number 0725/140 - Removal of Six Trees Planted on the South Side of Lake Douglas During Winter 2024; which appears at Item 10.4.1 of tonight's agenda. Also on Tuesday 29 July, I met with Acting CEO Matthew Scott. As you all know, I meet with the CEO, or Acting CEO, at least once per week to discuss the local government's affairs and the performance of its functions, in line with section 2.8 of the Local Government Act. In an effort to try and reduce the length of this report, I will note that I also met with Mr Scott on 5 August, 12 August, 19 August and today for the same purpose.

On Wednesday 30 July, I attended Aquinas College to meet with Just Start It founder Lainey Weiser and the very talented student who were participating in the Just Start It program finals. I think that I mentioned in last month's Mayoral Report that Just Start It is a brilliant 18-week educational program run in high schools that teaches students the value of the partnership of technology and business. Teams are formed of hackers, hawks, and hipsters and are led through the process of creating their own startup from idea creation; to app development; to business plan development; to budgeting; to monetization; and market strategy. I have been involved with the program for three years now and it never ceases to amaze me just how creative and dedicated these student teams are.

On Thursday 31 July, I met with Karen Vernon, the Mayor of the Town of Victoria Park. We met at the popular local café Hoopla in Kensington and discussed a range of issues including media coverage of a decision at the City's July OCM, and projects happening in our respective districts, as well as governance issues relating to the local government sector generally.

On Friday 1 August, I attended the Special Olympics Australian Sports Medal Presentation at the Chevron Australia Building at Elizabeth Quay. The Australian Sports Medal honours individuals who have represented Australia as official members of a national team on the international stage. Our Special Olympics athletes have shown exceptional dedication, courage, and sportsmanship to earn this recognition. It was an absolute pleasure to attend and help honour our amazing Special Olympics athletes.

On Monday 4 August, I met with the Acting CEO Matthew Scott and the City's Communications team. As you all know, I meet with the City's Communications team once per week to discuss current and upcoming communications by the City, potential third-party media relevant to the City and my duties as spokesperson for the City. In an effort to try and reduce the length of this report, I will note that I also met with the City's Communications team on 12 August, 18 August and 25 August for the same purpose.

On Tuesday 5 August, I attended the Manning Men Shed's Annual General Meeting at the Manning Senior Citizens Centre to listen to the presentations and discussions. As you all know, I try to make myself available to the various sporting clubs and community organisations in our City to better understand their needs and get a perspective on what the City might be able to do to help keep making our district a better place to live, work and play. Also on Tuesday 5 August, I attended the finals of the Just Start It program at Sacred Heart College in Sorrento. I've had the privilege of being part of the panel of Judges for the last three years, and like I said earlier, it never ceases to amaze me just how creative and dedicated these student teams are.

On Wednesday 6 August, I attended the Clubs Club meeting hosted by our local Member of Parliament, Mr Geoff Baker MLA at John McGrath Pavillion. It was a great opportunity to hear from a wide range of our local sporting clubs and community organisations and I thank Mr Baker for the invitation.

On Sunday 10 August, my son Harvey and I attended the 'Turtles in the Trees' walk and talk community event presented by Ian Barlow at Lake Douglas in South Perth. It was a great opportunity to take a closer look at a part of South Perth that has been received a fair bit of attention lately, and to listen to community perspectives on how the City should be dealing with it.

On Tuesday 12 August, I served as Presiding Member at a Special Council Meeting to appoint the City's new CEO.

On Wednesday 13 August, I met with the new President of the South Perth Baseball Club for an update on how the Club has been going and what the club's priorities are. I also attended the meeting of the City's Community Safety and Crime Prevention Advisory Group to stay informed on issues affecting our community.

On Friday 15 August, I attended a reception at the Indian Community Centre in Willetton to help celebrate the 79th Independence Day of India.

On Monday 18 August, I attended the opening of the City's new Reuse Shop. Operated by Workpower, a leading Western Australian disability service provider and social enterprise contracted by the City, the store is part of our broader push towards sustainability and recycling. Located at our Recycling Centre at 199 Thelma Street in Como, the Reuse Shop gives pre-loved items a second life, while creating meaningful employment for people with disability. Our residents will be able to drop off no-longer-needed but still useful goods at the Reuse Shop, which can then continue to be of service to the wider community, supporting a circular economy and generating better environmental outcomes for everyone.

On Tuesday 18 August, I served as Presiding Member at the August Council Agenda Briefing.

On Friday 21 August, I attended the South Perth United Football Club's Quiz Night at Challenger Reserve in Manning. It was great to see so many people there enjoying a fun night out and raising money for one of our wonderful sporting clubs.

On Monday 25 August, I served as Presiding Member at a Special Electors Meeting held in response to an electors' petition received for the purposes of:

- 1. Expressing a lack of confidence in the Council for their decision on Councillor Coveney's Notice of Motion Item 12.1 (Resolution 0725/140) - Removal of the Six Trees Planted on the South Side of Lake Douglas During Winter 2024 of the July 2025 Ordinary Council Meeting Agenda; for the reasons set out in that petition; and*
- 2. In accordance with the above, we call upon Council to rescind or change Resolution 0725/140 resulting from Item 12.1, in its entirety or as possible under the Standing Orders, at its earliest opportunity.*

As you all would be aware, the motion was carried unanimously.

Earlier today, I was pleased to attend and participate in a Sod Turning Ceremony for the new Recital Hall and Music Precinct at Aquinas College, which marks the commencement of a very exciting new program at Aquinas. That brings us up to tonight's Ordinary Council Meeting.

Second Part of Report

The three main issues that I've been working on since the last Council Meeting are:

- 1. How Elected Members can work better with each other and with the City administration to deliver on our community's priorities;*
- 2. Ensuring that the process for recruiting and appointing the City's new CEO is managed properly; and*
- 3. Being responsive to the community and media interest on Council's decision on Item 12.1 at last month's Ordinary Council Meeting.'*

4. ATTENDANCE

Mayor Greg Milner (Presiding Member)

Councillors

Como Ward
Como Ward
Manning Ward
Manning Ward
Moresby Ward
Moresby Ward

Councillor Glenn Cridland
Councillor Bronwyn Waugh (Arrived at 6.14pm)
Councillor Blake D'Souza (Arrived at 6.06pm)
Councillor André Brender-A-Brandis
Councillor Jennifer Nevard
Councillor Hayley Prendiville

Officers

A/ Chief Executive Officer	Mr Matthew Scott
A/ Director Corporate Services	Mr Abrie Lacock (Retired at 10.04pm)
Director Development and Community Services	Ms Donna Shaw
Director Infrastructure Services	Ms Anita Amprimo
Manager Customer, Communications & Engagement	Ms Danielle Cattalini
Manager Development Services	Ms Fiona Mullen (Retired at 10.34pm)
Manager Governance	Ms Toni Fry
Communications and Marketing Coordinator	Ms Sonya Kimbar (Retired at 10.03pm)
Governance Officer	Ms Jane Robinson
Governance Administration Officer	Ms Kira Digwood

Gallery

There were approximately 26 members of the public present.

4.1 APOLOGIES

Nil.

4.2 APPROVED LEAVE OF ABSENCE

- Mayor Greg Milner for the period 24 July 2025 to 17 October 2025, inclusive.

5. DECLARATIONS OF INTEREST

- Mayor Greg Milner – Financial and Proximity Interest in Item 10.1.1 as ‘some of the proposed listings either include, or are adjacent to, or are across the road from, properties that are owned or indirectly owned by persons who contributed to my re-election campaign in 2023.’
- Councillor Glenn Cridland – Impartiality Interest in Item 10.1.1 as ‘I know some of the owners of properties on the list.’
- Councillor André Brender-A-Brandis – Impartiality Interest in Item 10.1.1 as ‘I know of someone who is not a closely associated person to me, and their property is on the Draft Local Heritage Survey for adoption. I have had a conversation with Ms Logue, an owner of 2 Parker Street, South Perth with a proposed category 2 in the Draft Local Heritage Survey (for adoption). The impartiality interests will not impair my decision making, which will be based on merit.’

- Councillor Hayley Prendiville – Impartiality Interest in Item 10.1.1 as ‘I have had communication with some of the home owners and those connected to sites included in this item, I have submitted an amendment to this item.’
- Councillor Bronwyn Waugh – Impartiality Interest on Item 10.1.1 as ‘my son attends Wesley College, and I know some people who have an interest in some of the properties on the list, but none of those people are closely associated persons.’
- Mayor Greg Milner – Impartiality Interest in Item 10.1.4 as ‘over the years, I have developed positive working relationships with many local sporting organisations and community clubs, including some of the applicants mentioned in this Item.’
- Councillor Glenn Cridland – Impartiality Interest in Item 10.1.4 as ‘my children and I have been members of the South Perth Lawn Tennis Club.’
- Councillor Hayley Prendiville – Impartiality Interest in Item 10.1.4 as ‘a family member of mine is a member of the South Perth Lawn Tennis Club and my son has been involved in one season at the South Perth Junior Cricket Club.’
- Councillor Bronwyn Waugh – Impartiality Interest in Item 10.1.4 as ‘I am a member of the Manning Bowling Club.’
- Councillor Jennifer Nevard – Proximity Interest in Item 10.1.5 as ‘my property is opposite the section of Sir James Mitchell Park in proximity to the Flagpole where this event will be conducted. On the previous occasion the Nokturnl event did not impact land in front of my property. I will not participate in the vote on this Agenda item.’
- Councillor Jennifer Nevard – Impartiality Interest in Item 10.3.1 as ‘I do not believe there is a need to declare a Proximity Interest in decision-making on Policy 7.2 Significant Views because the policy is not an enactment of any decision relating to the land opposite my dwelling. I do not believe that the development of private land in the vicinity of my property would impact views from my property.’
- Councillor Bronwyn Waugh – Impartiality Interest in 10.3.1 as ‘my office is located one block back from the river in Harper Terrace in South Perth. I declare this interest out of an abundance of caution as I note that my view from my office is not likely to be captured by this policy. Our office is located on a lower level with windows oriented towards Ferry Street, Mill Point Road and the rear of another apartment building that is located on South Perth Esplanade. All of the surrounding buildings have several stories higher than our office.’
- Councillor Jennifer Nevard – Impartiality Interest in Item 10.3.2 as ‘if agreed to by Council, the Local Planning Policy - Trees will become an advisory direction for Council decision-making in relation to development approvals on private property. I therefore declare an Impartial Interest on the matter because some community members may be concerned that a conflict of interest may be present.’
- Councillor Hayley Prendiville – Impartiality Interest in Item 10.3.3 as ‘one of the policies within this item refers to public art and I hold a position on the City of South Perth’s Arts Advisory Committee.’
- Mayor Greg Milner – Impartiality Interest in Item 10.3.4 as ‘I know at least one person who lives close to the site of the proposed development.’
- Councillor Hayley Prendiville – Impartiality Interest in Item 10.3.5 as ‘a family member of mine is a member of the Collier Pines Ladies Golf Club.’

- Mayor Greg Milner – Impartiality Interest in Item 10.4.1 as ‘I voted against Council Resolution Number 0725/140 titled “Removal of Six Trees Planted on the South Side of Lake Douglas During Winter 2024” at the 22 July 2025 Ordinary Council Meeting. I supported the revocation motion by Councillor Jennifer Nevard being brought to Council for consideration, as set out at page 67 of the Agenda.’
- Councillor Jennifer Nevard – Impartiality Interest in Item 10.4.1 as ‘I voted against Council Resolution Number 0725/140 titled “Removal of Six Trees Planted on the South Side of Lake Douglas During Winter 2024,” at the 22 July 2025 Ordinary Council Meeting. I have initiated a Revocation of Motion 12.1 passed at the 22 July 2025 Ordinary Council Meeting and this has now been brought to Council for reconsideration, as set out at page 67 of the Agenda Briefing 19 August 2025. The focus of my concern is the process that has led to the decision taken regarding the six trees. I do not have a Proximity Interest or Direct Financial Interest in this matter as my property is located on a different street and in a different location. I am making this declaration to clarify my position as I received a copy of correspondence indicating a community concern on my eligibility to participate in the decision-making.’
- Councillor Glenn Cridland – Impartiality Interest in Item 10.4.1 as ‘two of the speakers are known to me with one presenter being the parent of a child who plays sport in a team with one of my children.’
- Councillor André Brender-A-Brandis – Impartiality Interest in Item 10.4.1 as ‘Mr David Coldham, a resident of Jubilee Street, South Perth contacted me on 21 July 2025 regarding this item. The views from Mr Coldham’s property may or may not be affected in the future regarding the six juvenile trees proposed for removal. My decision making on this agenda item will be unaffected as it will be based on merit.’
- Councillor Bronwyn Waugh – Impartiality Interest in Item 10.4.1 as ‘I have been lobbied by many persons on both sides of this item. None of them are known to me personally.’
- Mayor Greg Milner – Financial and Proximity Interest in Item 10.4.4 as ‘I have read Cr Cridland’s proposed amendment to Item 10.4.4. At least one of the persons who contributed to my re-election campaign in 2023 either owns or has an indirect interest in a property on Canning Highway that may be affected by Cr Cridland’s proposed amendment.’
- Mayor Greg Milner – Impartiality Interest in Item 12.1 as ‘I know a significant number of the City’s many wonderful volunteers.’
- Councillor Bronwyn Waugh – Impartiality Interest in Item 12.1 as ‘I have been lobbied by quite a number of people within the community. None of them are known to me personally.’
- Councillor Bronwyn Waugh – Impartiality Interest in Item 12.2 as ‘I have been lobbied by quite a number of people within the community. None of them are known to me personally.’

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

6.2 PUBLIC QUESTION TIME: 26 AUGUST 2025

The Presiding Member opened Public Question Time at 6.29pm.

Written questions were received prior to the meeting from:

- Mr Stephen Russell of Como.
- Ms Bronwyn David of South Perth.
- Ms Joanne Ord of Como.
- Mr Phil Knight of Como.

At 6.45pm, in accordance with Clause 6.7 of the City of South Perth Standing Orders Local Law 2007, the Presiding Member extended Public Question Time by an additional 15 minutes to hear those questions not yet heard.

- Kathy Lees of South Perth.
- Mr John Bassett of Como.

There being no further questions, the Presiding Member closed Public Question Time at 7.00pm.

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 22 July 2025

Officer Recommendation AND COUNCIL DECISION

0825/145

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Hayley Prendiville

That the Minutes of the Ordinary Council Meeting held 22 July 2025 be taken as read and confirmed as a true and correct record.

CARRIED (7/0)

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

Against: Nil.

7.1.2 Special Council Meeting Held: 12 August 2025

Officer Recommendation AND COUNCIL DECISION

0825/146

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Jennifer Nevard

That the Minutes of the Special Council Meeting held 12 August 2025 be taken as read and confirmed as a true and correct record.

CARRIED (7/0)

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

Against: Nil.

7.2 CONCEPT BRIEFINGS

7.2.1 Concept Briefings and Workshops

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

Date	Subject	Attendees
5 August 2025	Advocacy Strategy Briefing	Councillors André Brender-A-Brandis, Bronwyn Waugh, Glenn Cridland, Blake D'Souza, Jennifer Nevard, Hayley Prendiville.
5 August 2025	Cultural and Social Strategy Briefing	Councillors André Brender-A-Brandis, Bronwyn Waugh, Glenn Cridland, Blake D'Souza, Hayley Prendiville.
5 August 2025	Communications Policy Briefing	Councillors André Brender-A-Brandis, Bronwyn Waugh, Glenn Cridland, Blake D'Souza, Hayley Prendiville.

Attachments

Nil.

7.2.2 Council Agenda Briefing - 19 August 2025

Officers of the City presented background information and answered questions on Items to be considered at the August Ordinary Council Meeting at the Council Agenda Briefing held 19 August 2025.

Attachments

7.2.2 (a): Briefing Notes

Officer Recommendation AND COUNCIL DECISION

0825/147

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Jennifer Nevard

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

- 7.2.1 Concept Briefings and Workshops
- 7.2.2 Council Agenda Briefing - 19 August 2025

CARRIED (7/0)

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

Against: Nil.

8. PRESENTATIONS

8.1 PETITIONS

Nil.

8.2 PRESENTATIONS

Nil.

8.3 DEPUTATIONS

Deputations were heard at the Council Agenda Briefing held 19 August 2025.

9. METHOD OF DEALING WITH AGENDA BUSINESS

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

The Presiding Member advised that the following Agenda Items:

- 10.3.2 – Draft Local Planning Policy – Trees - The Local Planning Policy that was presented to the Council Agenda Briefing has been amended.
- 10.4.6 – 2025 Western Australian Local Government Association Annual General Meeting - a new report that was not presented to the Council Agenda Briefing held 19 August 2025.

The Acting Chief Executive Officer confirmed all the report items were discussed at the Council Agenda Briefing held 19 August 2025, with the exception of Item 10.4.6.

ITEMS WITHDRAWN FOR DISCUSSION

- | | |
|--------|---|
| 10.1.1 | Draft Heritage List (Advertising) |
| 10.1.5 | Amendment to Large Scale Commercial Event Proposal on Sir James Mitchell Park – Nokturnl Food and Beverage Village in November 2025 |
| 10.3.2 | Draft Local Planning Policy - Trees |
| 10.4.1 | Revocation - Councillor Jennifer Nevard - Removal of Six Trees Planted on the South Side of Lake Douglas During Winter 2024 |
| 10.4.4 | Advocacy Strategy and Advocacy Priorities 2025/26 |
| 10.4.6 | 2025 Western Australian Local Government Association Annual General Meeting |

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

Officer Recommendation AND COUNCIL DECISION

0825/148

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Jennifer Nevard

- 10.1.2 Proposed Closure and Amalgamation of Road Reserves Near the Collins Street Centre - Submissions
- 10.1.3 Endorsement of the City's Updated Local Emergency Management Arrangements (LEMA) Plan and Local Recovery Plan
- 10.1.4 Department of Creative Industries, Tourism and Sport – Community Sport and Recreation Facilities Fund (CSRFF) Small Grants Program 2025/26
- 10.3.1 Draft Local Planning Policy 7.2 – Significant Views (Adoption)
- 10.3.3 Amendment to Local Planning Policies (Adoption)
- 10.3.4 Amendment to Development Application (Additions and Alterations to Four Grouped Dwellings) Lot 22, No. 16 Swan Street, South Perth
- 10.3.5 Collier Park Golf Course Development Appointment of the Construction Contractor
- 10.4.2 Listing of Payments July 2025
- 10.4.3 Monthly Financial Statements July 2025
- 10.4.5 Proposed Council Meeting Schedule 2026

CARRIED (7/0)

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

Against: Nil.

10. REPORTS

10.1 STRATEGIC DIRECTION 1: COMMUNITY

Mayor Greg Milner disclosed a Financial and Proximity Interest in Item 10.1.1.

Mayor Greg Milner accordingly left the Chamber at 7.08pm prior to consideration of Item 10.1.1 and Councillor Bronwyn Waugh assumed the Chair.

Councillors Glenn Cridland, André Brender-A-Brandis, Hayley Prendiville and Bronwyn Waugh disclosed an Impartiality Interest in Item 10.1.1.

10.1.1 Draft Heritage List (Advertising)

File Ref: D-25-26699

Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

The City of South Perth is required to establish and maintain a heritage list to identify places within the Scheme area that are of cultural heritage significance and worthy of built heritage conservation.

This report presents the draft Heritage List for the purpose of advertising.

Moved: Councillor Glenn Cridland

Seconded: Councillor Jennifer Nevard

That Council adopts the draft Heritage List as contained in **Attachment (a)** for the purpose of advertising.

Amendment

Moved: Councillor Hayley Prendiville

Seconded: Councillor Blake D'Souza

That Council adopts the draft Heritage List as contained in **Attachment (a)** for the purpose of advertising, subject to deletion of the following places:

- Place No. 38, 99B Coode Street, South Perth (Residence).
- Place No. 80. 16 and 18 Hobbs Avenue, Como (Residences).
- Place No. 85, No. 44 Angelo Street, South Perth (Residence).

COUNCIL DECISION**0825/149****Moved:** Councillor Bronwyn Waugh**Seconded:** Councillor Hayley Prendiville

In accordance with Clause 8.10 of the City of South Perth Standing Orders Local Law 2007 Councillor Glenn Cridland be granted an additional five minutes to speak.

CARRIED (7/0)

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

Against: Nil.

Amendment**0825/150****Moved:** Councillor Hayley Prendiville**Seconded:** Councillor Blake D'Souza

That Council adopts the draft Heritage List as contained in **Attachment (a)** for the purpose of advertising, subject to deletion of the following places:

- Place No. 38, 99B Coode Street, South Perth (Residence).
- Place No. 80. 16 and 18 Hobbs Avenue, Como (Residences).
- Place No. 85, No. 44 Angelo Street, South Perth (Residence).

Reasons for Change

1. The owner of #44 Angelo Street property would have objected to this property's classification change from category 3 to 2 at the June Ordinary Council Meeting if they were aware of the change.
2. The owner was not afforded the right to due process to object against such reclassification via the help of their local Councillor as City correspondence advising of the proposed change of classification was mailed to the wrong address, resulting in the property owner being unaware of the proposed changes.
3. All other private property owners who were impacted by the classification changes had the opportunity to be included in the amendment to Council's Local Heritage Survey Motion (Item 10.3.1 in the Council Meeting Agenda for 24 June 2025) with the help of Mill Point Ward's Council Representative, Cr Nic Coveney, to have the proposed changes to their property classification repealed. In these instances, the council took into account the concerns around individual private property rights and the right for owners to object to proposed LHS classifications, in making the decision to pass the amendment in relation to the property of those who had objected.

4. Local Heritage Survey classification changes proposed to the property at 49 Forrest Street (Previous address 44 Angelo Street) was passed without objection from the owner, as they was not afforded the due process to object.
5. The property in question has previously been assessed by the Heritage Council of WA in 2023, at South Perth Council's request, and the WA Heritage Council had concluded that the property did not demonstrate significant heritage value to warrant listing.
6. The owner requests that his property be given the same treatment as other private properties whose proposed Local Heritage Survey re-classification was repealed in the last council meeting on the grounds of impact to personal property rights and objections received from owners.
7. The homeowners at 99B Coode Street are quite happy for their home to remain a Category 2 but have respectfully requested that they remain off the Local Heritage List. Under the current LHS any proposed external modifications are subject to approval by the City of South Perth, ensuring oversight, which will preserve the nature of the front façade. However, internally it would be unreasonable to require permission for renovations and works. Given particularly that the interior was entirely renovated more than three decades ago.
8. Remaining on the LHS sufficiently protects the property's heritage value, while upgrading to the Heritage list could reduce its monetary value and impact the future livelihood of the homeowners.
9. I understand the need to preserve what we have, to look after our heritage and preserve the character of our beautiful City, but not at the expense of local families.
10. A person's home is often their main asset - where they have sunken their life savings and invested time, money and energy maintaining.
11. Character homes are already traditionally more costly to buy and maintain. I don't wish to make these owners lives more difficult and costly, nor do I wish to risk unilaterally causing a fall in the value of their homes.
12. Private property rights are important because they are a foundation of individual freedom, economic stability, and democracy.
13. Your home, your choice, simple.

The amendment was put and declared CARRIED (5/1) and formed part of the substantive motion.

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

Against: Councillor André Brender-A-Brandis.

Amendment**0825/151**

Moved: Councillor Glenn Cridland
Seconded: Councillor Jennifer Nevard

That Council adopts the draft Heritage List as contained in **Attachment (a)** for the purpose of advertising, subject to the inclusion of the following place:

- Place No. 34, Residence, No. 426 Canning Highway, Como (Blue Waters).

Reasons for Change

I was conflicted about bringing this change because it probably should have been better to raise it by myself and I know I mentioned it in the debate when we were looking at the categories of various properties on the Survey. One of my regrets is that rather than simply speaking about it at the debate, I should have raised a motion for its categorisation then. This motion will not change its categorisation on the Local Heritage Survey, it will remain a category three. Which to me is a bit strange, because the residence known as Blue Waters has truly outstanding architectural value, in Como in particular and certainly to the City of South Perth. It also has a lot of history to it (involvement in artistic enterprises and films). To my view only the Como Cygnet Theatre, which of course is not a residential building, is more impressive as an art deco exemplar in our City. I think that everyone who drives down Canning Highway sees the impressive building (the Blue Waters) on the top of the hill. I emphasise that the amendment does not change the categorisation of the property. By sending it out for advertising on the draft heritage list, it will allow the owner and the public to make comments on whether it should be included on the Heritage List when that comes back. Now it may be that the owner is disappointed that they thought that Category Three will not be considered. This building to me is just of such exceptional value to the City culturally, historically and architecturally that we really should give the opportunity to see if they have views on whether or not it should be included on the Heritage List.

The amendment was put and declared CARRIED (6/0) and formed part of the substantive motion.

For: Councillors André Brender-A-Brandis, Glenn Cridland, Blake D'Souza, Jennifer Nevard, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

Amended Substantive Motion and COUNCIL DECISION**0825/152**

Moved: Councillor Glenn Cridland
Seconded: Councillor Jennifer Nevard

That Council adopts the draft Heritage List as contained in **Attachment (a)** for the purpose of advertising subject to the following amendments:

- Delete Place No. 38, 99B Coode Street, South Perth (Residence).
- Delete No. 80. 16 and 18 Hobbs Avenue, Como (Residences).
- Delete Place No. 85, No. 44 Angelo Street, South Perth (Residence).
- Include Place No. 34, Residence, No. 426 Canning Highway, Como (Blue Waters).

CARRIED (5/1)

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

Against: Councillor André Brender-A-Brandis.

Background

The Heritage List is an instrument that is afforded powers under the *Planning and Development Act 2005* and therefore carries statutory weight when determining development outcomes for heritage places.

Including a place on the Heritage List gives the place recognition and statutory protection under the local planning scheme. It requires the local government to give due regard to the heritage significance of the listed place when determining a related development application.

Places on the Heritage List require development approval for all demolition, alterations or other development affecting the cultural heritage significance of the place. Including a place on the Heritage List also means that landowners must submit development applications for proposals that would otherwise be exempt from the requirement for development approval, including internal building works, single dwellings, ancillary dwellings and outbuildings.

At its meeting held 27 February 2024, Council adopted Local Planning Policy 8.1 – Heritage Conservation and Development, which provides guidance on the assessment of proposals for development for those places included on the Heritage List.

At its meeting held 24 June 2025, Council adopted the Local Heritage Survey (LHS) subject to the following amendments as recommended by an independent heritage consultant, and as a result of amended motions:

- Place No. 11, Residence, No. 75 Robert Street, Como (L3 to L2);
- Place No. 20, Collier Pine Plantation (fmr), Kensington, Como, Karawara (L4 to L3);
- Place No. 80, Inter-war California Bungalow Group (L3 to L2);
- Place No. 85, 44 Angelo Street, South Perth (L3 to L2);
- Place No. 86, 39 Anstey Street, South Perth (L4 to L2);
- Place No. 89, 9 Onslow Road, South Perth (L3 to L2);

10.1.1 Draft Heritage List (Advertising)

- Place No. 93, 15 River View Street, South Perth (L3 to L2);
- Place No. 34, Residence, No. 426 Canning Highway, Como (L2 to L3);
- Place No. 37, Commercial Premises, No. 91 Coode Street, South Perth (L2 to L3);
- Place No. 90, Residence, 2 Parker Street, South Perth (L2 to L3);
- Place No. 91, 5, 7, 9 Queens Street, South Perth (L3 to L4);
- Place No. 87, Residence, 19 Glyde Street, South Perth (L2 to L3); and
- Place No. 82, Residences, Hovia Terrace, Kensington (L2 to L3).

Comment

Heritage Lists are informed by the LHS, but do not necessarily include all places included in the LHS.

The Heritage Council's 'Guidelines for Establishing a Heritage List' recommend that each local government determine the threshold of significance that will be applied when considering whether a place should be included in the Heritage List. As a minimum, the Guidelines recommend that all places in the State Register, and those identified in the LHS as having 'Exceptional' or 'Considerable' (Category 1 and 2) significance for the local area should be considered worthy of conservation and therefore warrant inclusion in the heritage list.

Whilst Council could include all places in the LHS in the Heritage List (Category 1-4), in presenting the LHS to Council, the City recommended that only Category 1 or 2 within the LHS, being those with the highest level of local heritage significance, be included for consideration on the Heritage List. As such, and in accordance with the Guidelines, the City has only included Category 1 or 2 within the LHS in the draft Heritage List. A summary of places recommended for inclusion is provided below and a copy of the draft Heritage List is contained as **Attachment (a)**.

Category 1		
Place No.	Address	Detail
1	Canning Highway, Como	Canning Bridge
9	No. 112 Melville Parade, Como	Pagoda Ballroom (fmr)
10	No. 16 Preston Street, Como	Como Theatre (fmr Cygnet)
24	No. 58 Mount Henry Road, Salter Point	Aquinas College
36	No. 40 Coode Street, South Perth	Wesley College
39	No. 25 Forrest Street, South Perth	St Columba's Church Group
48	Kwinana Freeway, South Perth	Narrows Bridge
49	Kwinana Freeway, South Perth	Milyu Nature Reserve and Marine Park
51	No. 20 Labouchere Road, South Perth	Perth Zoo

55	Melville Place, South Perth	Old Mill and Cottage (fmr)
56	Various, Mends Street, Labouchere Road, Mill Point Road, South Perth	Mends Street Precinct
57	No. 2 Mends Street, South Perth	South Perth Police Station and Quarters (fmr)
58	No. 2 Mends Street, South Perth	South Perth Road Board Offices (fmr)
59	No. 2 Mends Street, South Perth	Mechanic's Institute Hall (fmr)
64	No. 103 Mill Point Road, South Perth	South Perth Post Office
66	No. 112 Mill Point Road, South Perth	Windsor Hotel
67	No. 112 Mill Point Road, South Perth	Stidworthy Residence and Tearooms (fmr)
73	No. 9 Ridge Street, South Perth	Saint Mary the Virgin Church, Saint Mary's Hall (fmr), and Monument
79	No. 295 Manning Road, Waterford	Clontarf
Category 2		
Place No.	Address	Detail
2	No. 20 Clydesdale Street, Como	McDougall Dairy Farm and House (fmr)
3	No. 181 Coode Street, Como	Summerhill (fmr)
6	Kwinana Freeway, Como	Como Beach, Jetty and Sea Scouts Hall
7	No. 164 Labouchere Road, Como	Church of Jesus Christ of Latter-Day Saints
11	No. 75 Robert Street, Como	Residence
13	No. 29 Thelma Street, Como	Como Primary School
18	No. 50 Dyson Street, Kensington	Memorial Church of St Martin in the Field and Durbridge Hall
25	Sandgate Street, South Perth	Field Gun
27	No. 59 Angelo Street, South Perth	Angelo Street Post Office
28	No. 84 Angelo Street, South Perth	Shops

32	No. 182 Canning Highway, South Perth	Roma
33	No. 243 Canning Highway, South Perth	Como Hotel
38	No. 99 Coode Street, South Perth	South Perth Fire Station (fmr #2)
41	No. 51 Forrest Street, South Perth	South Perth Primary School
45	No. 4 Hampden Street, South Perth	South Perth Methodist Church
46	No. 46 Hensman Street, South Perth	South Perth Child Health Centre (fmr)
50	Labouchere Road, South Perth	Royal Perth Golf Club (course)
52	No. 20 Labouchere Road, South Perth	World War 1 War Memorial
53	No. 35 Labouchere Road Place, South Perth	Residence (fmr)
60	Nos. 11-15 Mends Street, South Perth	Shops
61	Nos. 16-20 Mends Street, South Perth	Shops
62	Mill Point Road, South Perth	Sir James Mitchell Park and Clydesdale Park
65	No. 111 Mill Point Road, South Perth	Windsor Park and South Perth Bowling Club
69	No. 254 Mill Point Road, South Perth	Commercial Premises
70	No. 271 Mill Point Road, South Perth	Clayton's Butcher Shop
74	No. 20 Ridge Street, South Perth	Hewett Residence (fmr)
80	Nos. 6-18 and Nos. 7-13 Hobbs Avenue, Como	Inter-war California Bungalow Group
85	No. 44 Angelo Street, South Perth	Residence
86	No. 39 Anstey Street, South Perth	Residence
89	No. 9 Onslow Road, South Perth	Residence
93	No. 15 River View Street, South Perth	Residence

Consultation

In accordance with Schedule 2, Part 3, Clause 8(3) of the Regulations, the local government must not enter a place in, or remove a place from, the heritage list or modify the entry of a place in the heritage list unless the local government:

- “(a) notifies in writing each owner and occupier of the place and provides each of them with a description of the place and the reasons for the proposed entry; and*
- (b) invites each owner and occupier to make submissions on the proposal within a period specified in the notice; and*
- (c) carries out any other consultation the local government considers appropriate; and*
- (d) following any consultation and consideration of the submissions made on the proposal, resolves that the place be entered in the heritage list with or without modification, or that the place be removed from the heritage list.”*

The period for making submissions must not be less than 21 days after the day on which the notice is given.

Policy and Legislative Implications

Pursuant to Schedule 2, Part 3, Clause 8(1) of the Regulations, the local government must establish and maintain a Heritage List to identify places within the Scheme area that are of cultural heritage significance and worthy of built heritage conservation.

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	High
Mitigation and actions	Council must establish a Heritage List to ensure compliance with the Regulations.

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:	1.1 Culture and community
Strategy:	1.1.3 Celebrate, support and value heritage and culture within the City for present and future generations

Attachments

10.1.1 (a):	Draft Heritage List
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10.1.2 Proposed Closure and Amalgamation of Road Reserves Near the Collins Street Centre - Submissions

File Ref: D-25-26700
Reporting Officer(s): Abrie Lacock, A/Director Corporate Services
Donna Shaw, Director Development and Community Services

Summary

The purpose of this report is for Council to consider authorising a request being made to the Minister for Lands for the permanent closure and amalgamation of portions of road reserve near the Collins Street Centre, South Perth following advertising.

Officer Recommendation AND COUNCIL DECISION

0825/153

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Jennifer Nevard

That Council:

1. Authorises a request being made to the Minister for Lands and the Mayor and Chief Executive Officer to execute all necessary documentation under the City's Common Seal, to effect the following road closures and amalgamations in accordance with section 58 and section 87 of the *Land Administration Act 1997* and regulation 9 of the Land Administration Regulations 1998:
 - a. Close and amalgamate a 817m² portion of dedicated road bounded by Broome Street, Collins Street, Shaftesbury Street and Douglas Avenue, South Perth with adjoining Lot 24 on Plan 576.
 - b. Close and amalgamate a 748m² portion of dedicated road bounded by Cliffe Street, Shaftesbury Street, Collins Street and Canning Highway, South Perth with adjoining Lot 16 on Plan 576.
 - c. Close and amalgamate a 728m² portion of dedicated road bounded by Collins Street, Shaftesbury Street, Canning Highway and Salisbury Avenue, South Perth with adjoining Lot 13 on Plan 576.
 - d. Close and amalgamate a 817m² portion of dedicated road bounded by Shaftesbury Street, Salisbury Avenue, Broome Street and Collins Street, South Perth with adjoining Lot 11 on Plan 576.

CARRIED BY EXCEPTION RESOLUTION (7/0)

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

Against: Nil.

Background

At its meeting held 25 March 2025, Council resolved as follows:

1. *In accordance with section 58 and section 87 of the Land Administration Act 1997 and regulation 9 of the Land Administration Regulations 1998, give public notice and invite public submissions on a proposal to request the Minister for Lands:*
 - a. *Close and amalgamate a 817m² portion of dedicated road bounded by Broome Street, Collins Street, Shaftesbury Street and Douglas Avenue, South Perth with adjoining Lot 24 on Plan 576.*
 - b. *Close and amalgamate a 748 m² portion of dedicated road bounded by Cliffe Street, Shaftesbury Street, Collins Street and Canning Highway, South Perth with adjoining Lot 16 on Plan 576.*
 - c. *Close and amalgamate a 728 m² portion of dedicated road bounded by Collins Street, Shaftesbury Street, Canning Highway and Salisbury Avenue, South Perth with adjoining Lot 13 on Plan 576.*
 - d. *Close and amalgamate a 817 m² portion of dedicated road bounded by Shaftesbury Street, Salisbury Avenue, Broome Street and Collins Street, South Perth with adjoining Lot 11 on Plan 576.*
2. *Requests the Chief Executive Officer provide a further report for Council to consider the closure and subsequent amalgamation of the subject road reserves and any submissions received on their closure.*
3. *If no submissions are received, authorise the Mayor and Chief Executive Officer to execute all necessary documentation under the City's Common Seal, to effect the road closures and amalgamations in accordance with section 58 and section 87 of the Land Administration Act 1997 and regulation 9 of the Land Administration Regulations 1998.*



Figure 1: Location of Road Reserves

Following Council's resolution on the matter, consultation was undertaken; the outcomes of which are further discussed in this report.

Comment

Road Closure Process

Should Council resolve to proceed with the road closures, the process is as follows:

- The City engages a licensed surveyor approved by Landgate to draft a Deposited Plan.
- The City lodges a Crown Land Enquiry and a copy of the Deposited Plan with the Department of Planning, Lands and Heritage (DPLH) requesting the Minister approve the road closure in accordance with the Council resolution and the Act.

If the Minister grants the request, the closed portions of road reserve will become unallocated Crown land. Unallocated Crown land is not under the City's care, control and management and does not have a particular purpose.

Amalgamation of Unallocated Crown Land Process

Subsequent to section 58 of the Act the City will also be required to undertake the provisions pursuant to section 87 of the Act. These provisions allow the unallocated Crown land to be amalgamated into the City's adjoining freehold land by lodgement of a Conveyance and Amalgamation Order by the DPLH.

The process to amalgamate the unallocated Crown land is as follows:

- Subject to the Ministers approval, the closed portions of road reserve become ownership of the Crown (State) for disposal.
- An initial survey is undertaken by a surveyor to facilitate a valuation of the unallocated Crown land by DPLH's Valuation Services.
- Value of the unallocated Crown land and total expenditure is established.
- Subject to Council resolving to acquire the unallocated Crown land, the new Deposited Plan and associated details are submitted to the Western Australian Planning Commission and the City liaises with the DPLH and Landgate.
- To facilitate the acquisition of the unallocated Crown land by the City, the DPLH will provide the City with an Offer and Acceptance (OA) requesting payment of the subject land parcels including statutory charges. The OA will also require the payment of any applicable duties at the Office of State Revenue.
- The City makes an application for a new Certificate of Title. Landgate fees and charges apply.



Figure 2: Access easement over consolidated land parcel

Upon finalisation of the land amalgamation process for the unallocated Crown land adjacent to the Collins Street Centre, the City will be able to undertake a detailed site investigation to determine whether any land asset optimisation opportunities exist for the Collins Street Centre site. This matter would be subject to a future report to Council.

Consultation

Following Council's resolution at its meeting held 25 March 2025, the road closures were advertised for public comment for a period of 42 days between 5 April 2025 and 16 May 2025 in the following manner:

- On the City's website;
- Via the City's social media channels;
- On the City's Civic Centre, South Perth Library and Manning Library notice boards;
- A copy of the notice was provided in the West Australian Newspaper (State-wide advertising) and Southern Gazette; and
- Letters were issued directly to Main Roads WA, Water Corporation, Western Power, ATCO and landowners immediately adjacent to each road reserve.

At the close of the public consultation period, seven submissions were received. A Schedule of the Submissions on the proposal is contained at **Attachment (a)**. The submissions received do not require any amendments to the road closure proposals.

Following consultation, further discussions with utility providers and adjacent landowners have taken place which relate to a requirement for an access easement and a proposal by an adjacent private landowner to acquire a portion of unallocated Crown land.

The creation of an easement will be incorporated in the amalgamation and transfer of land process for a portion of road reserve abutting the rear lot boundaries of 121 and 123 Canning Highway to provide these properties with a right to use a portion of the amalgamated site for the purpose of access.

A Deed of Easement outlining the specific rights granted to these landowners and the limitations on the City's use of the land being the burdened property will be prepared.

Noting the land subject to the acquisition proposal, currently accommodates a row of mature trees, the City does not support the proposal as there is no control mechanism that allows the City to preserve or protect trees once they become situated within private land.

Policy and Legislative Implications

Section 58 of the Act and Regulation 9 of the Land Administration Regulations 1998 requires that before a local government formally closes a road, the local government is to advertise the proposed road closure for a period of 35 days and seek public comment, and before proceeding Council is to consider any submissions received.

It is open to Council to:

1. Proceed with the closure of four road reserves not functioning as road and amalgamation of unallocated Crown land with the City's adjoining freehold land to amend the land tenure; or
2. Not proceed with the closure of four road reserves not functioning as road and amalgamation of unallocated Crown land with the City's adjoining freehold land and maintain the status quo.

It is recommended that Council authorises the CEO to proceed with the road closures to rationalise these road reserves not functioning as road and rectify the land tenure issue.

When a road is closed under section 58 of the Act, the land comprising the former road becomes unallocated Crown land. Therefore, the City must also comply with section 87 of the Act. Subject to the Minister's consideration, the Minister may, with the consent of the adjoining landowner and on payment to the Minister on the price, convey the unallocated Crown land in fee simple and amalgamate it with the adjoining land.

Financial Implications

The initial cost to amend the land tenure and undertake the initial survey is approximately \$9,680 (inc GST).

The financial implications associated with acquiring the unallocated Crown land is unknown and subject to a valuation assessment by the DPLH's Valuation Services.

Once the valuations are known, a further report will be brought back to Council for a final decision.

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	Comply with section 58 and section 87 of the <i>Land Administration Act 1997</i> and provide the required information.

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

10.1.2 (a):	Collins Street Centre Road Closures - Schedule of Submissions and Responses
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10.1.3 Endorsement of the City's Updated Local Emergency Management Arrangements (LEMA) Plan and Local Recovery Plan

File Ref: D-25-26701

Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

This report seeks Council's endorsement of the City's updated Local Emergency Management Arrangements Plan and Local Recovery Plan to provide guidance on how the City will coordinate and operate during the recovery phases of a local emergency.

Officer Recommendation AND COUNCIL DECISION

0825/154

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Jennifer Nevard

That Council endorses the City of South Perth Local Emergency Management Arrangements (LEMA) Plan as shown at **Attachment (a)** and the City of South Perth Local Recovery Plan as shown at **Attachment (b)**.

CARRIED BY EXCEPTION RESOLUTION (7/0)

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

Against: Nil.

Background

The *Emergency Management Act 2005* requires local governments to prepare and maintain Local Emergency Management Arrangements (LEMA) for their district and to manage community recovery following an emergency affecting the district.

The City has an existing LEMA Plan and Local Recovery Plan that was developed in 2020.

It is recommended that local governments undertake a major review of their LEMA Plans and Local Recovery Plans every five years to ensure that effective local emergency management arrangements will be in place for its district; and to manage community recovery following an emergency affecting its district.

The City of South Perth partners with the City of Canning to facilitate a shared Local Emergency Management Committee (LEMC) that oversees local emergency management planning for both municipalities. The LEMC is comprised of staff and Elected Member representatives from both local governments, WA Police, Department of Fire and Emergency Services (DFES), Department of Communities, State Emergency Service, St John Ambulance, Curtin University and Perth Zoo.

10.1.3 Endorsement of the City's Updated Local Emergency Management Arrangements (LEMA) Plan and Local Recovery Plan

To assist with the management of local emergencies, the City has developed a suite of documents collectively referred to as the LEMA comprising:

- Local Emergency Management Arrangements Plan
- Local Recovery Plan
- Risk Register and Treatment Schedule
- Emergency Contacts Register
- Resources/Assets Register and
- Department of Communities Local Emergency Welfare Plan for the Cannington Region (supporting City of Belmont, Town of Victoria Park, City of Canning, City of South Perth) for the provision of Welfare Support.

The LEMA Plan and the Local Recovery Plan require endorsement by Council.

Comment

If an emergency occurs, Hazard Management Authorities (HMAs) such as the WA Police or DFES oversee the response phase. The main purpose of the City's LEMA Plan and Local Recovery Plan is to ensure that appropriate strategies are in place to minimise the adverse effects on the community post a natural disaster, emergency or major incident. The Plans provide structure as to how response occurs by other authorities; and how the City shall oversee the recovery phases of an emergency. The plans also outline the mechanisms and strategies for the City to effectively recover from the aftermath of a disaster or emergency, with the objective of having minimal impact on the community and to restore normality as quickly as possible.

The updated LEMA Plan and Local Recovery Plan will be subject to minor reviews annually and another major review after five years to enable the documents to be updated to reflect current emergency management information, such as community profiling, contact information, hazards etc. Once endorsed, the LEMA Plan and Local Recovery Plan (with the confidential information redacted) will be available on the City's website to assist in achieving emergency management preparedness by the local community.

Consultation

During the development of the updated LEMA Plan and Local Recovery Plan, consultation occurred with the LEMC and the District Emergency Management Advisor at the DFES. Following this process, the City received confirmation that its proposed LEMA Plan and Local Recovery Plan complies with the legislative requirements.

Following Council's endorsement, the plans shall be presented to the District Emergency Management Committee (DEMC) and State Emergency Management Committee (SEMC) for noting as detailed below.

Stage	Actions	Timeframe
1	Presentation of the City's LEMA Plan and Local Recovery Plan to the LEMC for endorsement.	August 2025 <i>The City's LEMA Plan and Local Recovery Plan was endorsed by the LEMC.</i>

2	Presentation of the City's LEMA Plan and Local Recovery Plan to Council for endorsement.	August 2025
3	Presentation of the City's LEMA Plan and Local Recovery Plan to the East Metropolitan DEMC for noting.	October 2025 <i>Note: Alternatively, the DEMC may decide to endorse the City's LEMA Plan and Local Recovery Plan 'out of session'.</i>
4	Presentation of the City's LEMA Plan and Local Recovery Plan to the SEMC for noting.	October or December 2025

Policy and Legislative Implications

Clause 36 of the *Emergency Management Act 2005* requires the following:

"It is a function of a local government —

- (a) subject to this Act, to ensure that effective local emergency management arrangements are prepared and maintained for its district; and*
- (b) to manage recovery following an emergency affecting the community in its district; and*
- (c) to perform other functions given to the local government under this Act."*

Financial Implications

There are no financial implications associated with the endorsement of the LEMA Plan and Local Recovery Plan.

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> <p>Legislative Breach</p> <p>Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation.</p>
Risk rating	Low
Mitigation and actions	<p>The development of an updated LEMA Plan and Local Recovery Plan in accordance with the requirements of the <i>Emergency Management Act 2005</i> will enable the City to optimise its risk management practices aimed at reducing hazards and supporting the local community during the recovery process.</p>

Strategic Implications

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

Strategic Direction:	Community
Aspiration:	Our diverse community is inclusive, safe, connected and engaged
Outcome:	1.3 Community safety and health
Strategy:	1.3.1 Enhance community safety in conjunction with other agencies

Attachments

10.1.3 (a):	Local Emergency Management Arrangements (LEMA) Plan
10.1.3 (b):	Local Recovery Plan

Mayor Greg Milner and Councillors Glenn Cridland, Hayley Prendiville and Bronwyn Waugh disclosed an Impartiality Interest in Item 10.1.4.

10.1.4 Department of Creative Industries, Tourism and Sport - Community Sport and Recreation Facilities Fund (CSRFF) Small Grants Program 2025/26

File Ref: D-25-26702

Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

Each year the Department of Creative Industries, Tourism and Sport calls for applications via its Community Sport and Recreation Facilities Fund (CSRFF) to invite eligible community groups and local governments to apply for funding to assist with sport and recreation infrastructure projects.

CSRFF applications must be presented to the relevant local government to request its 'in-principle' support of the project, including the financial contribution requested by the applicant under the CSRFF program.

Three applications (all external applicants) are presented for the current round of the CSRFF for 2025/26:

1. Manning Bowling Club – Bowling Green Synthetic Conversion Project;
2. South Perth Cricket Club - Practice Wicket Net Replacement Project; and
3. South Perth Lawn Tennis Club - Patio Extension Project.

Officer Recommendation AND COUNCIL DECISION

0825/155

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Jennifer Nevard

1. That Council approves the submission of three funding applications to the Department of Creative Industries, Tourism and Sport via its Community Sport and Recreation Facilities Fund (CSRFF) together with comments from the Officer report and the following rankings and ratings:

Applicant	Project	Ranking	Rating
Manning Bowling Club	Manning Bowling Club Synthetic Bowling Green Conversion Project	1	A
South Perth Cricket Club	South Perth Cricket Club Practice Wicket Net Replacement Project	2	A
South Perth Lawn Tennis Club	South Perth Lawn Tennis Club Patio Extension Project	3	B

2. That subject to the CSRFF applications for the above projects being successful with the Department of Creative Industries, Tourism and Sport, a provisional amount of up to \$123,059 (ex GST) is considered in the 2025/26 Budget (mid-year review), as the City's financial contributions to the projects, as follows:
- (a) Manning Bowling Club Synthetic Bowling Green Conversion Project - \$83,772 (ex GST);
 - (b) South Perth Cricket Club Practice Wicket Net Replacement Project - \$30,198 (ex GST); and
 - (c) South Perth Lawn Tennis Club Patio Extension Project - \$15,317 (ex GST).

CARRIED BY EXCEPTION RESOLUTION (7/0)

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

Against: Nil.

Background

The Department of Creative Industries, Tourism and Sport (CITS) invites applications annually for financial assistance to assist community groups and local governments to develop sustainable infrastructure for sport and recreation under the CSRFF. Projects that will be considered include new playing surfaces, upgrades to change rooms and ablutions and improvements to clubrooms. The CSRFF program aims to increase participation in sport and recreation with an emphasis on physical activity through development of good quality, well designed and well utilised facilities. Priority is given to projects that lead to facility sharing and rationalisation. Two CSRFF categories are offered as detailed in the table below:

Grant Category	Total Project Costs Range	Standard CITS Contribution	Frequency
Small Grants	\$7,500 - \$500,000	\$2,500 - \$166,666	Bi-annual
Forward Planning Grants	\$500,000 +	\$166,666 - \$2,500,000	Annual

The maximum grant awarded by CITS is no greater than one-third of the project, up to a maximum of \$2.5m. The CSRFF grant must be at least matched by the applicant's own cash contribution, equivalent to one-third of the total project costs. There is no guarantee that the full requested amount would be funded, and any shortfall would need to be funded by the applicant. There is no obligation on a local government to make a financial contribution to the project, however, a contribution from all stakeholders (which may include local government, state sporting associations and user clubs) in a project that meets local and sporting needs is viewed more favourably. CSRFF applications must initially be presented to the relevant local government for its assessment to provide project ratings and prioritised rankings (in the case of multiple applications); and to request its in-principal support for the proposed project(s), including the financial contribution requested by the application under the CSRFF programs.

CommentProposals

Three projects are proposed for the current funding round of the 2025/26 CSRFF:

1. Manning Bowling Club Synthetic Bowling Green Conversion Project.
2. South Perth Cricket Club Practice Wicket Net Replacement Project.
3. South Perth Lawn Tennis Club Patio Extension Project.

The tables below provide a summary of the grants being sought, City contributions and Club contributions for the proposed projects.

Manning Bowling Club – Bowling Green Synthetic Conversion Project

Source of Funding	Amount (ex GST)
State Government Contribution <ul style="list-style-type: none"> Election Commitment - \$90,000; and CSRFF Grant Sought - \$77,544 <i>Note: The CSRFF guidelines place a 50% cap on the State Government's financial contribution for projects</i>	\$167,544
City Contribution (Mid-Year Budget Review funds to be sought)	\$83,772
Club Contribution (Financial and in-kind, as it includes \$2,610 worth of donated project materials)	\$83,772
Estimated Total Project Cost	\$335,088

South Perth Cricket Club Practice Wicket Net Replacement Project

Source of Funding	Amount (ex GST)
CITS Contribution (CSRFF Grant Sought)	\$30,198
City Contribution (Mid-Year Budget Review Funds to be Sought)	\$30,198
Club Contribution (includes \$4,800 in Volunteer Labour)	\$34,998
Estimated Total Project Cost	\$95,394

South Perth Lawn Tennis Club Patio Extension Project

Source of Funding	Amount (ex GST)
CITS Contribution (CSRFF Grant Sought)	\$15,317
City Contribution (Mid-Year Budget Review Funds to be Sought)	\$15,317
Club Contribution	\$15,317
Estimated Total Project Cost	\$45,951

CSRFF Assessment Guidelines

Under the CSRFF guidelines, applications must initially be presented to the relevant local government to review and to request its 'in-principle' support of the project, including the financial contribution required by the applicant under the CSRFF program. The City has assessed and ranked the application against the criteria in the table set out below by CITS.

A	Well planned and needed by the municipality
B	Well planned and needed by the applicant
C	Needed by the municipality, more planning required
D	Needed by the applicant, more planning required
E	Idea has merit, more preliminary work required
F	Not recommended

The assessment is summarised in the table below.

Applicant	Manning Bowling Club	South Perth Cricket Club	South Perth Lawn Tennis Club	Total
Project Summary	Conversion of a bowling green at Manning Bowling Club from natural grass to synthetic surface	Replacement of the Richardson Park practice cricket wickets netting	Extension of the outdoor patio area adjacent to the tennis pavilion	
Ranking	1	2	3	
Rating	A	A	B	
State Government Contribution (ex GST)	\$167,544 (comprised of \$90,000 + \$77,544)	\$30,198	\$15,317	\$213,059
City Contribution (ex GST)	\$83,772	\$30,198	\$15,317	\$129,287
Club Contribution (ex GST)	\$83,772	\$34,998	\$15,317	\$134,087
Total Project Cost (ex GST)	\$335,088	\$95,394	\$45,951	\$476,433

Assessment

Manning Bowling Club Bowling Green Synthetic Conversion Project

Manning Bowling Club is situated on Challenger Avenue, Manning, and is on Crown Land vested with the City for recreational purposes. The clubrooms and associated storage areas are leased to the Club.

The Club has four bowling greens comprised of three natural grass greens and one synthetic green. The proposed project will involve the conversion of one of the existing natural grass greens to a synthetic playing surface. Synthetic bowling greens have an expected lifespan of approximately 10 years, depending on usage, wear and tear and maintenance.

Conversion of natural grass sports playing surfaces to synthetic can generate additional sport and recreation participation opportunities through extending community facility usage periods and decrease watering requirements and facility maintenance costs.

The Manning Bowling Club is the largest bowling club in the district. The proposed project should increase community participation in sport and recreation and is aligned with the Challenger Reserve Concept Plan. Additionally, the Club has received some financial support from the City in recent years to renew its changerooms and universal access toilets.

Council has previously provided its support for this project. The project is being reconsidered as its project ranking has changed from 2nd to 1st, and CITS requires Council to approve its improved ranking.

The City recommends that the project receive a '1' ranking; and a 'A' rating for the CSRFF program for the following reasons:

- The project aligns with relevant strategies in the City's Strategic Community Plan;
- The project aligns with the City's Community Recreation Facility Plan;
- The project aligns with the City's Challenger Reserve Masterplan;
- The project is well planned and needed by the Municipality;
- The project costs will be partially offset through recent State Government funding (\$90k election commitment);
- The Club is willing to contribute funds towards the project costs;
- The state sporting association for lawn bowls (Bowls WA) supports the development of synthetic playing surfaces in Western Australia; and
- The project supports club sustainability and growth.

South Perth Cricket Club Practice Wicket Net Replacement Project

South Perth Cricket Club is situated at Richardson Park, South Perth on Crown Land vested with the City for parks and recreational purposes.

The existing cricket practice nets are 30 years old and require replacement. The project will involve the installation of new netting for the existing cricket practice wickets. It will also enable the Club to improve safety for the users and encourage further utilisation for their female and junior members. The Club has a membership of approximately 190 people and the cricket practice nets are used for approximately 12 hours per week. The Club is responsible for all ongoing maintenance costs over the life cycle of this product.

The City recommends that the project receives a '2' ranking; and an 'A' rating for the CSRFF for the following reasons:

- The project will enable the cricket facilities to meet Cricket Australia's 'Community Cricket Facility Guidelines';
- The project aligns with the City's Community Recreation Facility Plan;
- The project is well planned and needed by the Municipality;
- The Club has demonstrated signs of membership growth and increased participation; and
- The Club has demonstrated it is a sustainable club and is a good tenant of the City.

South Perth Lawn Tennis Club Patio Extension Project

South Perth Lawn Tennis Club is situated at 107 Murray Street, Como, on Crown Land vested with the City for parks and recreational purposes. The clubrooms, courts and associated storage areas are leased to the Club. The Club currently utilises 12 grass courts, four floodlit synthetic hard courts and six floodlit Plexipave hard courts.

This project will involve a patio extension to make provision for a larger area for their players to sit under before and after tennis games; and enhance the spectator's area whilst viewing tennis training sessions and matches. The Club's growth in coaching, court hire and pennant teams has increased the requirement to use these facilities.

The Club has a membership of approximately 231 registered members; 3,506 registered players and the tennis courts are used for approximately 133 hours per week. The Club is responsible for all ongoing maintenance costs over the life cycle of this product.

The City recommends that the project receives a '3' ranking; and an 'B' rating for the CSRFF for the following reasons:

- The project aligns with the City's Community Recreation Facility Plan;
- The project is well planned and needed by the Club;
- The Club has demonstrated signs of membership growth and increased participation; and
- The Club has demonstrated it is a sustainable club and is a good tenant of the City.

Consultation

The City advertised the CSRFF funding program to local clubs and received three club applications for the current funding round, being from the Manning Bowling Club, South Perth Cricket Club and South Perth Lawn Tennis Club.

The City has undertaken preliminary consultation with the CITS for the proposed projects and was advised that all projects are eligible for funding consideration under the CSRFF.

Policy and Legislative Implications

The following policies are relevant to this report:

- Policy P106 'Use of City Reserves and Facilities' – P106 prescribes that the City may enter into agreements with sporting groups for the regular use of reserves and facilities, which is the case for the Manning Bowling Club, South Perth Cricket Club, and South Perth Lawn Tennis Club.
- Policy P110 'Support of Community and Sporting Groups' – P110 prescribes that groups may apply to the City with requests for capital funding through the CSRFF administered by the State Government, whereby the City's preferred stance is that it will contribute a maximum of one third of the project cost. The Manning Bowling Club, South Perth Cricket Club and South Perth Tennis Club have complied with the policy requirement on this occasion as they are seeking a one-third contribution from the City for their projects.

Financial Implications

This report seeks Council's endorsement to consider an allocation of \$129,287 in the 2025/26 Budget (mid-year budget review) as the City's proposed financial contributions towards the projects, which would be subject to future Council approval. The total cost of the three proposed projects is estimated at \$476,433, with the City's funds, State Government funds and club funds required for each project shown above.

Key Risks and Considerations

Risk Event Outcome	Reputational Damage Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
Risk rating	Low
Mitigation and actions	The City has liaised with the relevant stakeholders during the preparation of this report. The clubs understand that sourcing funding from the City and the State Government is a competitive process and is not guaranteed.

Strategic Implications

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

Strategic Direction:	Community
Aspiration:	Our diverse community is inclusive, safe, connected and engaged
Outcome:	1.2 Community infrastructure
Strategy:	1.2.1 Maintain, plan, develop and facilitate community infrastructure to respond to community needs and priorities

Attachments

Nil.

At 7.53pm, following consideration of Item 10.1.1 Mayor Greg Milner returned to the meeting and resumed the Chair.

Councillor Jennifer Nevard disclosed a Proximity Interest in Item 10.1.5 and accordingly left the meeting at 7.54pm prior to the consideration of Item 10.1.5.

10.1.5 Amendment to Large Scale Commercial Event Proposal on Sir James Mitchell Park - Nokturnl Food and Beverage Village in November 2025

File Ref: D-25-26703

Reporting Officer(s): Matthew Scott, Acting Chief Executive Officer

Summary

At its meeting held 24 June 2025, Council approved a Licence Agreement to Nokturnl Events Pty Ltd to use part of Sir James Mitchell Park in South Perth to facilitate a three-day Food and Beverage Village Festival in November 2025.

The applicant is seeking approval to modify the approved event site area.

This item is referred to Council as City of South Perth Policy (P106) 'Use of City Reserves and Facilities' requires large scale events and activations facilitated by commercial organisations to be referred to Council for approval.

For the reasons outlined in this report, it is recommended that the Expression of Interest for the Food and Beverage Village Festival be approved subject to Nokturnl Events Pty Ltd complying with the stated event terms and conditions.

Officer Recommendation AND COUNCIL DECISION

0825/156

Moved: Councillor Blake D'Souza

Seconded: Councillor André Brender-A-Brandis

That Council approves a Licence Agreement to Nokturnl Events Pty Ltd to use part of Sir James Mitchell Park in South Perth to facilitate a three-day Food and Beverage Village Festival from 28-30 November 2025 pursuant to City of South Perth Policy (P106) 'Use of City Reserves and Facilities' and subject to the following terms:

1. **Licensed Area:** Part of Crown Reserve 34565 (Sir James Mitchell Park) comprising an area of approximately 11,650m² within Lot 11835 on Deposited Plan 240379, as contained in **Attachment (a)**.
2. **Term:** 28-30 November 2025 plus two or three days for setup and dismantling of operation.
3. **Operating Times:** Session 1: Friday evening 5pm-11pm; Session 2: Saturday 11am-4pm; Session 3: Saturday 5pm-11pm; and Session 4: Sunday 11am-4pm.
4. **Permitted Use:** Installation and operation of a food and beverage village festival with associated infrastructure, such as: stages, lighting, audiovisual equipment, music, food and beverage vendors, shade structures, tables and chairs, toilets, bins, and perimeter fencing.

5. **Event Requirements:** Site Plan, Risk Management Plan, Noise Management Plan, Public Liability Insurance Coverage, Resident Notification Letter, Parking and Traffic Plan, Crowd Control Plan, First Aid Plan, Food and Beverage Plan (including liquor licencing), Amenities/Toilets Plan and Waste Management Plan.
6. **Special Conditions:**
 - a. Nokturnl Events Pty Ltd to liaise with South Perth StrEats to discuss potential partnering opportunities for involving food trucks in the Food and Beverage Village Festival, where possible.
 - b. The licence area is not to encroach on any surrounding cycle paths, public infrastructure or the adjacent licence area allocated to South Perth StrEats.
7. **Fees and Charges:** The payment of the Fees and Charges (excluding GST) as contained in **Confidential Attachment (b)**.
8. **Renewal Option:** 1 x renewal option to enable Nokturnl Events Pty Ltd to facilitate a subsequent Food and Beverage Village Festival at Sir James Mitchell Park in November/December 2026.
9. **Other Approvals:** Nokturnl Events Pty Ltd will be required to source all necessary event approvals before their event, including:
 - a. Environmental Protection (Noise) Regulations 1997 – Regulation 18 application to be submitted to the City of South Perth for approval, as the proposed festival will likely be a non-conforming noise event.
 - b. Swan and Canning Rivers Management Regulations 2007 – Form 8 (Application for Commercial Activities Permit) to be submitted to the Department of Biodiversity, Conservation and Attractions, as the land requested for the festival falls within the Swan River Trust Riverpark area.
 - c. *Liquor Control Act 1988* - Liquor Consumption Licence application to be submitted to the City of South Perth and Occasional Liquor Licence application to be submitted to the Department of Local Government, Sport and Cultural Industries as the proposed festival will involve consumption and sale of liquor.

CARRIED (6/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Glenn Cridland, Blake D'Souza, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

Background

Following an Expression of Interest process for temporary small-scale café and/ or temporary food and beverage outlets to be operated at Node 2 - Coode Street (as described in the South Perth Foreshore Strategy and Management Plan, at its 24 June 2025 Ordinary Meeting, Council approved a Licence Agreement to Nokturnl Events Pty Ltd to use part of Sir James Mitchell Park in South Perth to facilitate a three-day Food and Beverage Village Festival from 28-30 November 2025 pursuant to City of South Perth Policy (P106) 'Use of City Reserves and Facilities'.

The proposed three-day Food and Beverage Village Festival is proposed to comprise of food and beverage producers (up to 100 vendors); live music across multiple stages; and roaming performers within an enclosed/fenced event site.

The Food and Beverage Village Festival is targeted at people aged 25 years - 60+ years and the attendees will be required to pay an entrance fee of approximately \$40 - \$60/ticket (to be determined). Whilst the proponent is planning to build a temporary event site capable of hosting up to 5,000 people per session; they anticipate the event will likely only attract 2,000-2,500 people per session in the first year as the event will not yet be established (i.e. a total of 8,000-10,000 people over the four sessions).

The applicant had previously requested an event area of approximately 7,300m². In refining the details, the applicant has confirmed that an area of approximately 11,650m² is required, comprising of:

- Main event area (10,100m²);
- Storage area (1,200m²); and
- Beach area (350m²).

The event dates, operating times and anticipated attendance numbers remain the same.

Comment

The previously approved Nokturnl licenced area in comparison to the South Perth StrEats existing licence area is shown below (green and red areas respectively).



Nokturnl Events Pty Ltd is seeking to extend further west to include a silent disco; extend slightly east, which should abut the food truck area; extend south for an event storage; and add a small 'chill out' zone on the beach area to the north. The proposed new licence area is shown below and contained as **Attachment (a)**:



The applicant is aware that approval from the Department of Biodiversity, Conservation and Attractions (DBCA) and the Department of Creative Industries, Tourism and Sport (Racing, Gaming and Liquor) is required.

If a larger licence area is approved by Council, it will include a requirement for the licence area to not encroach on any surrounding cycle paths, public infrastructure or the adjacent licence area allocated to South Perth StrEats.

Consultation

The DBCA has previously advised that if the event is approved by Council and the City of South Perth, then Nokturnl Events Pty Ltd would also need to seek a Form 8 Commercial Activities Permit from them as the proposed event site falls within the Swan River Trust Development Control Area. This application would need to be made based on the revised land area, including the section of beach.

The City has not undertaken further consultation with South Perth StrEats, as the proposed additional area does not encroach into the food truck licenced area and remains adjacent.

Policy and Legislative Implications

The following are relevant to this report:

- Policy (P106) 'Use of City Reserves and Facilities'
- City of South Perth Public Places and Local Government Property Local Law 2011
- Environmental Protection (Noise) Regulations 1997
- Swan and Canning Rivers Management Regulations 2007
- *Liquor Control Act 1988*
- Department of Health Guidelines for Concerts, Events and Organised Gatherings

Financial Implications

The City's Schedule of Fees and Charges includes the fees and charges setting mechanism that is applicable to commercially facilitated large scale events and activations. These fees and charges include a licence fee, turf maintenance fee, noise monitoring fee, non-conforming noise event fee, vehicle access fee, Ranger's fee, site inspection fee, signage fee, and liquor consumption licence fee.

The licence fee for use of the land is negotiated between the parties and comprises of commercial information and is contained in **Confidential Attachment (b)**. The licence fee has been increased to reflect the increased land area. However, increased fees are not recommended for the addition of the small storage and beach 'chill out' areas.

Additionally, each vendor associated with the event will be required to seek a vendor's permit by making an online application via the City's website and paying the nominated vendor licence fee. A reserve hire bond will also be levied; and Nokturnl Events Pty Ltd will be required to reimburse the City for any legal costs for development and execution of the Licence Agreement.

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	Large scale events and activations may have positive and/or negative impacts on the community. The negative impacts are mitigated by the City entering into a licence agreement with the event organiser to comply with prescribed terms and conditions; and requiring the organiser to pay a site bond and demonstrate effective event planning, including Site Plan, Risk Management Plan, Noise Management Plan (including Regulation 18 requirements), Public Liability Insurance Coverage, Resident Notification Letter, Parking and Traffic Plan, Crowd Control Plan, First Aid Plan, Food and Beverage Plan (including liquor licencing and consumption requirements), Amenities/Toilets Plan and Waste Management Plan.

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:	1.1 Culture and community
Strategy:	1.1.1 Develop, facilitate and/or support events, services and programs to respond to community needs and priorities

Attachments

10.1.5 (a):	Nokturnal Event Site Plan
10.1.5 (b):	Updated Fees and Charges - Nokturnl Events Pty Ltd (Confidential)

10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

Councillors Jennifer Nevard and Bronwyn Waugh disclosed an Impartiality Interest in Item 10.3.1.

10.3.1 Draft Local Planning Policy 7.2 - Significant Views (Adoption)

File Ref: D-25-26704

Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

The purpose of this report is for Council to consider adopting draft Local Planning Policy 7.2 - Significant Views following advertising.

Officer Recommendation AND COUNCIL DECISION

0825/157

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Jennifer Nevard

That Council:

1. Pursuant to Schedule 2, Part 2, Clause 4 (3) of the Planning and Development (Local Planning Schemes) Regulations 2015 adopts draft Local Planning Policy 7.2 – Significant Views as contained within **Attachment (a)**.
2. Pursuant to Schedule 2, Part 2, Clause 6 of the Planning and Development (Local Planning Schemes) Regulations 2015, revokes Policy P350.09 – Significant Views as contained as **Attachment (b)**.

CARRIED BY EXCEPTION RESOLUTION (7/0)

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

Against: Nil.

Background

At its meeting held 24 June 2025, Council resolved to advertise draft Local Planning Policy 7.2 – Significant Views.

A copy of the draft Policy is contained as **Attachment (a)**. Should Council adopt the draft amended Policy, it is recommended that the existing Policy P350.09 – Significant Views as contained as **Attachment (b)** be revoked.

Comment

The provisions in the draft LPP and are generally consistent with the findings of the State Administrative Tribunal decisions in Warden and Town of Mosman Park (WASAT 88), Ionic Projects Pty Ltd and City of Melville (WASAT 133) and Attree and City of Melville (WASAT 35).

In determining whether it is appropriate to maintain access to views of significance, the draft LPP provides that the City will consider the relative impact of the proposed development having regard to other development which might reasonably be anticipated in the locality. Development that might reasonably be expected to occur in the locality or on the subject site would include a dwelling with a deemed-to-comply building height.

Consultation

An Elected Member workshop was held on 4 March 2025 and facilitated by an external planning consultant.

An Elected Member workshop was held on 13 May 2025 to present and discuss the draft LPP.

Following Council's resolution on the matter, the draft Policy was advertised for public comment between 3 July 2025 and 24 July 2025 (21 days) in the following manner:

- On the City's Your Say South Perth website; and
- Copies of the draft Policy and hard copy feedback forms were made available at the City's Civic Centre, South Perth Library and Manning Library.

At the close of the submission period, five submissions were received, with three supporting the draft Policy and two providing comment.

A schedule of submissions is contained as **Attachment (c)**.

Policy and Legislative Implications

In accordance with the Regulations, after the expiry of the period within which submissions may be made, the local government must —

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

(b) resolve to —

- (i) proceed with the policy without modification; or*
- (ii) proceed with the policy with modification; or*
- (iii) not to proceed with the policy.”*

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

Financial Implications

Nil.

Key Risks and Considerations

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

Strategic Implications

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

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

Attachments

10.3.1 (a):	Draft Local Planning Policy 7.2 - Significant Views
10.3.1 (b):	P350-09 - Significant Views
10.3.1 (c):	Draft Local Planning Policy 7.2 - Significant Views - Schedule of Submissions

At 7.56pm, following consideration of Item 10.1.5, the Presiding Member moved a motion to adjourn the meeting for five minutes.

COUNCIL DECISION

0825/158

Moved: Mayor Greg Milner

Seconded: Councillor Glenn Cridland

That the meeting be adjourned for five minutes.

CARRIED (6/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Glenn Cridland, Blake D'Souza, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

Councillor Jennifer Nevard returned to the Chamber following the consideration of Item 10.1.5.

At 8.01pm, the meeting reconvened prior to consideration of Item 10.3.2.

Councillor Jennifer Nevard disclosed an Impartiality Interest in Item 10.3.2.

10.3.2 Draft Local Planning Policy - Trees

File Ref: D-25-26705

Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

A recent State Administrative Tribunal decision has confirmed that depending on the context, tree removal may constitute 'works' for which development approval is required in accordance with the *Planning and Development Act 2005*.

The City has therefore prepared draft Local Planning Policy - Trees, to exempt certain tree removal from requiring development approval, and to provide guidance as to matters to be considered where an application is made to remove a tree.

The purpose of this report is for Council to consider adopting draft Local Planning Policy – Trees, for the purpose of advertising.

Moved: Councillor Jennifer Nevard

Seconded: Councillor Bronwyn Waugh

That Council:

1. Pursuant to Schedule 2, Part 2, Clause 4(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, advertises draft amended Local Planning Policy – Tree Retention – as presented to Council at its 23 July 2024 Ordinary Meeting.

2. Requests the Chief Executive Officer to present a report on the effectiveness of the adopted Local Planning Policy – Tree Retention (if adopted), by no later than the 25 August 2026 Ordinary Council Meeting.

During debate on the Item, it was suggested that in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 that the Draft Local Planning Policy – Tree Retention is adopted without advertising.

With the agreement of the mover and seconder, recommendation 1 of the Motion was amended as follows:

Moved: Councillor Jennifer Nevard
Seconded: Councillor Bronwyn Waugh

That Council:

1. Pursuant to Schedule 2, Part 2, Clause 4(3) of the Planning and Development (Local Planning Schemes) Regulations 2015, adopts the Local Planning Policy – Tree Retention – as presented to Council at its 23 July 2024 Ordinary Meeting.
2. Requests the Chief Executive Officer to present a report on the effectiveness of the adopted Local Planning Policy – Tree Retention (if adopted), by no later than the 25 August 2026 Ordinary Council Meeting.

During debate on the Item, Mayor Greg Milner foreshadowed the Officer Recommendation.

COUNCIL DECISION

0825/159

Moved: Councillor Glenn Cridland
Seconded: Councillor Blake D'Souza

In accordance with Clause 8.10 of the City of South Perth Standing Orders Local Law 2007 Mayor Greg Milner be granted an additional five minutes to speak.

CARRIED (7/0)

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

Against: Nil.

Alternative Motion and COUNCIL DECISION**0825/160****Moved:** Councillor Jennifer Nevard**Seconded:** Councillor Bronwyn Waugh

That Council:

1. Pursuant to Schedule 2, Part 2, Clause 4(3) of the Planning and Development (Local Planning Schemes) Regulations 2015, adopts the Local Planning Policy – Tree Retention – as presented to Council at its 23 July 2024 Ordinary Meeting.
2. Requests the Chief Executive Officer present a report on the effectiveness of adopted Local Planning Policy – Tree Retention (if adopted), by no later than the 25 August 2026 Ordinary Council Meeting.

Reasons for Change

- a) Members of Council considered the Draft Local Planning Policy - Tree Retention (Final Adoption) in July 2024 but had raised concerns on its potential efficacy. Twelve months later, Council has the benefit of knowing of successful trial locations of similar policies implemented in other metropolitan councils that have also been based on the WALGA-developed tree policy framework.
- b) The Council has endorsed the Urban Greening Strategy 2025 and now we have an opportunity to endorse a policy that will support that Strategy by requiring a development application be submitted to the City for the removal of larger trees that conform with the City's proposed tree retention requirements.
- c) The Draft Local Planning Policy - Tree Retention has already gone to public comment; has addressed feedback provided by the community, and similar policies have been adopted successfully by other metropolitan local governments. This draft policy would therefore be ready for implementation.
- d) Where it is possible, it is preferable that metropolitan local governments adopt similar approaches in policy setting for matters that are relevant beyond their own boundaries, and this Alternative Motion therefore seeks to address this aspect of the City of South Perth's Local Planning Policy process.
- e) The Cities of Fremantle, Claremont, Nedlands, Bayswater, Vincent, Cockburn and the Town of Victoria Park have experience with recently having adopted policies that are similar to Draft Local Planning Policy - Tree Retention (Final Adoption) that had been presented to Council, but not passed at the Ordinary Council Meeting, at Agenda Item 10.3.1 p12 on 23 July 2024. Feedback through WALGA has indicated that, in general, these policies are working well.
- f) Should the Draft Local Planning Policy - Tree Retention (Final Adoption) from 2024, be passed tonight, then a review of the adopted policy would be undertaken in 12 months, so that any adjustments to the policy can be considered at that time.

- g) There is no shame in Council reconsidering an item presented previously. The strength of any responsible decision-making body is to be prepared to review a process or decision. The end goal is always to achieve an optimum outcome and I believe this Alternative Motion is doing that.
- h) I therefore commend this process to Council and recommend the adoption of the version of the policy presented to Council in 2024.

CARRIED (4/3)

For: Councillors André Brender-A-Brandis, Jennifer Nevard, Hayley Prendiville and Bronwyn Waugh.

Against: Mayor Greg Milner, Councillors Glenn Cridland and Blake D'Souza.

Officer Recommendation

That Council pursuant to Schedule 2, Part 2, Clause 4(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, advertises draft Local Planning Policy – Trees.

Background

Planning and Development Act 2005 (the Act)

The definition of development in the Act does not specifically refer to the pruning, modification or removal of trees; in most circumstances, local governments have previously not sought development approval for tree removal on private property.

Given the broad definition of ‘works’ contained within the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), it was considered that a case could be made that tree removal is ‘works’ that would constitute development that otherwise requires approval, however, consideration would need to be given to the nature and scale of the activity.

Notwithstanding the above use of ‘works’ as development, various local planning schemes have previously been approved by the Minister for Planning that include ‘clause 61 – development for which development approval is not required’, stating that *“Development approval of the Local Government is not required for the following works – The removal of a tree unless it is identified on the significant tree register.”*

In responding to a Notice of Motion from Councillor Hayley Prendiville considered by Council at its meeting held 26 March 2024, the City advised given the Act requires development approval for all works, separate scheme provisions are not required to otherwise require a development application to be lodged. The City further advised that a Local Planning Policy (LPP) may be adopted to specify that tree removal constitutes ‘works’ for which development approval is required, as well as outlining instances where development approval is not required for tree removal (e.g. invasive species or trees under a certain height).

WALGA Tree Retention Model Local Planning Policy

In early 2024, the Western Australian Local Government Association released its ‘Tree Retention Model Local Planning Policy’ (WALGA Model Template) to provide clarification and to establish consistent policy settings and provisions for regulating trees on private land.

The basis of the Policy was that 'tree damaging activity' as defined in the Policy would constitute works under the Regulations and development under the *Planning and Development Act 2005* for which development approval would be required. The Policy clarifies the circumstances in which a development application and approval is required for any tree damaging activity and guides the assessment of these applications and other planning proposals.

At its meeting held 23 July 2024, Council considered a draft LPP – Tree Retention, which was generally consistent with the WALGA Model Template, and resolved to not adopt the draft Policy and to request the CEO write to the State Government requesting the State Government adopt a consistent position concerning trees on private property, to provide certainty on this issue.

ZORZI and TOWN OF CAMBRIDGE [2025] WASAT 77

On 20 May 2025, the case of ZORZI and TOWN OF CAMBRIDGE [2025] WASAT 77 was heard at the State Administrative Tribunal, which related to whether a development approval granted to the applicant for a Single House showing a 'new' tree in almost precisely the same location of a large Tuart tree authorised the removal of the Tuart tree.

The applicant had been issued a written direction by the Town pursuant to section 214(2) of the Act to cease felling works to the Tuart tree, with the Town alleging that the approval for the Single House did not authorise removal of the tree and that by undertaking such works, the applicant was carrying out 'tree damaging activity', contrary to the Town's Local Planning Scheme No 1 and LPP 3.25 – Tree Retention (which is generally consistent with the WALGA Model Template).

Whilst the Tribunal concluded that the development approval authorised the removal of the tuart tree, the Tribunal was also satisfied that the removal of the tree involved 'works' which constituted development for the purposes of the Town's Local Planning Scheme No.1 and therefore required development approval. This was based on the Tuart tree being significant based on its height, thick trunk and broad canopy, and being a prominent tree in the context and immediate locality.

Importantly, the Tribunal reiterated that in the circumstances of this case, LPP 3.25 did not make 'tree damaging activities' works that constituted development. The works necessary to remove the Tuart tree were, based on the orthodox principles of planning law, 'development' that required approval before LPP 3.25 was adopted.

Whilst this position can now satisfy local governments that a development approval can be sought for tree removal on the basis that such removal is 'works' for the purposes of the Act, and in the absence of an adopted LPP that specifies that tree damaging activity constitutes works, the Tribunal found that the question of whether the felling of a tree constitutes 'works', and is thus 'development', is always context dependent, and that in a residential context, *de minimis* arises for consideration.

Effectively, whilst tree removal on private property can be considered development for which approval is required, consideration should be given to the significance of the tree and the planning context as to whether the local government should require a development application.

Comment

Draft Local Planning Policy

Whilst the WALGA Model Template effectively sought to require a development application for tree damaging activity to a regulated tree as defined in the Policy, as WASAT 77 has confirmed, tree removal may be considered works for which approval is required in any instance.

On the basis that a development application may be required to remove any tree, Council may consider exempting the need to obtain development approval for tree removal in certain circumstances.

Clause 61(1) of the deemed provisions of the Regulations provides that works specified in an LPP that applies to the works as works that do not require development approval, are exempt from requiring development approval.

The City has prepared a draft LPP in this respect as contained as **Attachment (a)**. It is proposed that development approval is not required for tree removal in the following instances:

- The tree is less than 8.0m in height.
- The tree is a species included on State or local area weed register.
- The tree removal is required as part of an approved Bushfire Management Plan.
- The tree removal is a public work.
- The tree is a palm tree or a pencil pine tree.

The Policy does not preclude the City from determining that a development application is required for matters relating to trees beyond the above circumstances, however, provides guidance on when a development application is otherwise required.

The draft LPP also provides guidance as to matters to be considered where an application is made to remove a tree, including consideration of:

- Tree Characteristics.
- Streetscape and Environmental Value.
- Site Layout and Design.
- Safety and Risk.

Consultation

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

Policy and Legislative Implications

If the local government resolves to adopt an LPP for the purposes of advertising, the local government must, unless the WAPC otherwise agrees, advertise the proposed policy as follows:

“(a) publish in accordance with clause 87 the proposed policy and a notice giving details of

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

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

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	<p>Legislative Breach</p> <p>Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation.</p> <p>Environmental Damage</p> <p>Includes any detrimental impact upon the natural environment within the City. This includes pollutant spillages and leakages, failure to maintain or enhance the natural environment within the City or its connections with its natural or municipal neighbours.</p>
Risk rating	Medium
Mitigation and actions	<p>If the local government resolves to proceed with the policy, the local government must publish notice of the policy in accordance with clause 87 of the Regulations.</p> <p>In the absence of an appropriate statutory planning instrument, the City has limited guidance for the assessment of applications for tree removal on private property.</p>

Strategic Implications

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

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable, liveable, diverse and welcoming neighbourhoods that respect and value the natural and built environment
Outcome:	3.3 Enhanced environment and open spaces
Strategy:	3.3.2 Enhance the City's urban forest on public and private land

Attachments

10.3.2 (a): Draft Local Planning Policy - Trees

Councillor Hayley Prendiville disclosed an Impartiality Interest in Item 10.3.3.

10.3.3 Amendments to Local Planning Policies (Adoption)

File Ref: D-25-26706

Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

The purpose of this report is for Council to consider adopting amendments to Local Planning Policy 6.3 - Developer Contributions for Public Art and Public Art Spaces, Local Planning Policy 2.4 - Child Care Premises and Local Planning Policy 1.1 - Residential Development following advertising.

Officer Recommendation AND COUNCIL DECISION

0825/161

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Jennifer Nevard

That Council:

1. Pursuant to Schedule 2, Part 2, Clause 5(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, adopt the following draft amended Local Planning Policies:
 - (i) Local Planning Policy 6.3 Developer Contribution for Public Art and Public Art Spaces, contained as **Attachment (a)**;
 - (ii) Local Planning Policy 2.4 Child Care Premises, contained as **Attachment (b)**; and
 - (iii) Local Planning Policy 1.1 Residential Development, contained as **Attachment (c)**.

CARRIED BY EXCEPTION RESOLUTION (7/0)

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

Against: Nil.

Background

At its meeting held 24 June 2025, Council resolved to advertise the following draft amended Local Planning Policies (LPPs):

- (i) Local Planning Policy 6.3 Developer Contribution for Public Art and Public Art Spaces, contained as **Attachment (a)**;
- (ii) Local Planning Policy 2.4 Child Care Premises, contained as **Attachment (b)**; and
- (iii) Local Planning Policy 1.1 Residential Development, contained as **Attachment (c)**.

Copies of the original LPPs are contained as **Attachment (d)**, **Attachment (e)** and **Attachment (f)** respectively.

This report presents the outcomes of public advertising. No changes to the LPPs are proposed.

Comment

Local Planning Policy 6.3 Developer Contribution for Public Art and Public Art Spaces (LPP 6.3)

LPP 6.3 was amended to provide increased guidance on suitable development types that require public art contributions. Key amendments include removing the application of the Policy to single houses, applying construction value at the development application stage to exclude GST, and removing the \$500,000 cap on contributions.

No submissions were received on draft LPP 6.3. It is recommended that Council adopts the draft amended Policy.

Local Planning Policy 2.4 Child Care Premises (LPP 2.4)

LPP 2.4 was amended to provide more robust guidance in respect to site requirements and amenity considerations for Child Care Premises. Amendments included locational criteria preferencing new Child Care Premises to be located on corner sites, extensions to operational hours in mixed-use zones and updates to waste management requirements to align with recently adopted Local Planning Policy 3.1 – Waste Management.

A total of six submissions were received in support of the amendments, as detailed in the Consultation section of this report.

Matters raised in the submissions are summarised as follows:

Matter	Comment
<i>Land Use Permissibility</i>	<p>Feedback was received suggesting that Child Care Premises are better suited to mixed-use zones and does not support Child Care Premises in residential zones, given potential adverse amenity impacts.</p> <p>Land use permissibility is determined by Local Planning Scheme No. 7 (LPS 7), which identifies Child Care Premises as a 'P' or permitted land use in Mixed Use, Private Community Purpose and Neighbourhood Centre zones. In Residential zones, it is a 'D' (i.e. discretionary use), which means that the use is not permitted unless the local government has exercised its discretion by granting development approval.</p> <p>The Department of Planning, Lands and Heritage draft Position Statement: Child Care Premises recommends Child Care Premises be considered an 'A' use (i.e. (a use that is not permitted unless the decision maker has granted approval after advertising) within residential zones.</p> <p>Whilst the City has been using its discretion to advertise applications for Child Care Premises in residential zones in any instance given potential adverse amenity impacts, the City will further review whether an amendment to LPS 7 is required for land use permissibility consistency with the draft Position Statement once finalised.</p>

<i>Locational Criteria</i>	Feedback supported the draft provision to locate Child Care Premises on corner sites to maximise accessibility and reduce impact on adjoining sites.
<i>Noise Attenuation</i>	<p>Feedback recommended an independent review of acoustic reports to ensure compliance with appropriate acoustic measures for Child Care Premises. Measures identified by the Association of Australasian Acoustical Consultants are identified.</p> <p>LPP 2.4 requires an acoustic report and noise management plan prepared by a suitably qualified person to be submitted with the development application, to ensure any impacts are minimised to adjoining properties. This report is to be prepared to the satisfaction of the City. Compliance and implementation with recommendations and operational criteria identified in the acoustic report and noise management plan inform the conditions of the development approval. The City can investigate concerns regarding non-compliance with the conditions of approval.</p>
<i>Site Inspection</i>	Feedback requested that site inspections be undertaken as part of the assessment to understand the proposed site and potential impacts. The City undertakes site inspections as a part of the assessment of all development applications for Child Care Premises.
<i>Traffic Management</i>	<p>Feedback was received requesting the strengthening of provisions to reduce the potential impacts of traffic on neighbouring sites.</p> <p>LPP 2.4 requires Child Care Premises proposals to provide a Traffic Impact Statement or Traffic Impact Assessment addressing traffic, vehicle access and car parking design requirements. During the assessment process, the City may require an independent review of information submitted.</p>
<i>Hours of Operation</i>	<p>Feedback raised concerns that extended hours of operation in mixed-use zones to accommodate the provision of services outside regular business hours (7:00am-7:00pm) will impact local amenity.</p> <p>This provision aligns with the Department of Planning, Lands and Heritage draft Position Statement: Child Care Premises, which states that the hours of operation of a Child Care Premises may be extended on compatible scheme reserves and mixed commercial or similar type zones.</p> <p>During the assessment process, the justification provided in support of extended hours will be reviewed, and potential adverse impacts on the amenity of adjoining land uses resulting from extended hours will be considered.</p>

The proposed amendments to LPP 2.4 provide further guidance for applicants and assist in discretionary decision-making when considering development applications for Child Care Premises. As such, it is recommended that Council adopts the draft amended Policy.

Local Planning Policy 1.1 Residential Development (LPP 1.1)

LPP 1.1 was amended to expand its policy application to Part C of the Residential Design Codes Volume 1 (R-Codes Vol 1). The updates now include provisions relevant to Part C of the R-Codes Vol 1 and ensure consistency between both Part B (low density) and Part C (medium density).

It is recommended that Council adopts the draft Policy, noting that the Policy may require further review pending the outcome of the State Government's announced review of the R-Codes.

Consultation

Following Council's resolution on the matter, the draft amended Policies were advertised for public comment between 3 July 2025 and 24 July 2025 (21 days) in the following manner:

- On the City's Your Say South Perth website; and
- Copies of the draft Policy and hard copy feedback forms were made available at the City's Civic Centre, South Perth Library and Manning Library.

At the close of the submission period, six submissions were received on draft LPP 2.4. All submissions broadly supported the proposed changes to LPP 2.4. A schedule of submissions and responses are provided in **Attachment (g)**. No submissions were received on draft LPP 1.1 or LPP 6.3.

Policy and Legislative Implications

In accordance with the Regulations, after the expiry of the period within which submissions may be made, the local government must –

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

(b) resolve to –

- (i) proceed with the policy without modification; or*
- (ii) proceed with the policy with modification; or*
- (iii) not to proceed with the policy.”*

If the local government resolves to proceed with amendments to the local planning policies, the local government must publish a notice for each Policy in accordance with clause 87 of the Regulations.

Financial Implications

Nil.

Key Risks and Considerations

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

Strategic Implications

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

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

Attachments

10.3.3 (a):	Local Planning Policy 6.3 - Public Art (draft)
10.3.3 (b):	Local Planning Policy 2.4 - Child Care Premises (draft)
10.3.3 (c):	Local Planning Policy 1.1 - Residential Development (draft)
10.3.3 (d):	Local Planning Policy 6.3 - Developer Contributions for Public Art and Public Art Spaces (adopted version)
10.3.3 (e):	Local Planning Policy 2.4 - Child Care Premises (adopted version)
10.3.3 (f):	Local Planning Policy 1.1 - Residential Development (adopted version)
10.3.3 (g):	Schedule of Submissions - Local Planning Policy 2.4 - Child Care Premises

Mayor Greg Milner disclosed an Impartiality Interest in Item 10.3.4.

10.3.4 Amendment to Development Application (Additions and Alterations to Four Grouped Dwellings) Lot 22, No. 16 Swan Street, South Perth

Location: Lot 22, No. 16 Swan Street, South Perth
Ward: Mill Point Ward
Applicant: Moharich and More Pty Ltd
Owner: Cosmic Pty Ltd
File Reference: D-25-26683
DA Lodgement Date: 13 May 2025
Reporting Officer(s): Donna Shaw, Director Development and Community Services
Previous Reference: Nil.
Delegation: Delegation DC690 Local Planning Scheme No. 7
Council Role: Quasi-Judicial

Summary

The purpose of this report is to consider an application for development approval for additions and alterations to four Grouped Dwellings on Lot 22, No. 16 Swan Street, South Perth.

The item is referred to Council in accordance with Delegation from Council DC690 Local Planning Scheme No. 7 as the development seeks discretion against Local Planning Policy 350 Significant Views and Draft Local Planning Policy 7.2 - Significant views.

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

Officer Recommendation AND COUNCIL DECISION

0825/162

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Jennifer Nevard

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 additions and alterations to four Grouped Dwellings on Lot 22, No. 16 Swan Street, South Perth **be approved** subject to the following conditions:

The development shall be in accordance with the approved plans save that, in the event of an inconsistency between the approved plans and a requirement of the conditions set out below, the requirement of the conditions shall prevail.

1. Prior to the or in conjunction with the submission of a building permit, amended plans addressing the following matters shall be submitted to, and approved in writing by the City of South Perth:
 - (i) The first-floor terrace to the living/dining room of Unit 1 (located on the northern boundary) must include screening for a minimum length of 2.4m from the eastern lot boundary. The screening shall be in accordance with the Residential Design Codes by either:
 - (a) fixed and obscured glass to a height of 1.6m above finished floor level; or

- (b) fixed screening devices to a height of 1.6m above finished floor level that are at least 75% obscure, with horizontal or vertical gaps not more than 50mm and made of a durable material.
- (ii) The Unit 2 planter box located on the terrace is to be increased to a minimum width of 1.0m and include planting to the satisfaction of the City of South Perth.

The planter box and screening device are to be installed prior to occupation or use of the development and remain in place for the lifetime of the development to the satisfaction of the City of South Perth.

2. Prior to occupation or use of the development, external fixtures, such as air-conditioning infrastructure, shall be integrated into the design of the building and screened so as to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties, to the satisfaction of the City of South Perth.
3. All stormwater discharge from the development shall be contained and disposed of on-site unless otherwise approved by the City of South Perth.

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

CARRIED BY EXCEPTION RESOLUTION (7/0)

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

Against: Nil.

1.0 Details

Metropolitan Region Scheme - Zone/Reserve	Urban
Local Planning Scheme - Zone/Reserve	Residential R40
Activity Centre Plan	N/A
Activity Centre Land Use Designation	N/A
Use Class and Permissibility	Grouped Dwellings 'P' Permitted Use
Lot Size	835m ²
Existing Land Use	Grouped Dwellings
Heritage	N/A
Bushfire Prone Area	No

2.0 Proposal

The application seeks development approval for amendments to four Grouped Dwellings at Lot 22, No. 16 Swan Street, South Perth. The four Grouped Dwellings were previously granted approval under delegated authority on 10 March 2023.

The amendment relates to the southern units of the development, Unit 1 and Unit 2 (two units fronting Swan Street). The proposed development plans are contained as **Attachment (a)**. There are no changes to the northern units fronting Garden Street as part of this application. **Attachment (b)** provides an overlay of the proposed amendments against the previously approved first floor and roof terrace development.

The proposed amendment includes the following:

- Basement:
 - Expansion of laundry on western elevation of Unit 1.
- Ground Floor:
 - Expansion of store on western and northern elevation of Unit 1.
 - Relocation of lift shaft for Units 1 and 2.
- First Floor:
 - Expansion of Unit 1 northern facing balcony and increase to living/dining room size.
- Roof Terrace:
 - Expansion of floor area of Units 1 and 2 rooftop terraces.
 - Addition of a powder room on Units 1 and 2 roof terraces to the south of the stairwell.
 - Relocation of lift overrun on Units 1 and 2.
 - Increase to area of roof covering on Units 1 and 2 rooftop terraces.

Proposed Net Lettable Area	N/A
Proposed No. Storeys	4
Proposed No. Dwellings	4

3.0 Background

Following a complaint that work undertaken on site was inconsistent with the development approval and subsequent compliance action by the City, the development application the subject of this report was lodged seeking approval for the works.

The original development approval has substantially commenced with all four dwellings being constructed to plate height and roofing installed across all dwellings.

The site has three street frontages, Garden Street to the north, Olive Street to the west and Swan Street to the south. The existing development surrounding the subject site comprises of Multiple Dwellings (between two to eight storeys) and Grouped Dwellings (between two to four storeys).

An aerial image and zoning map are contained as **Attachment (c)**.



4.0 Legislation and Policy

Legislation

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 67(2) of the Regulations include matters which the local government is to have due regard to when considering an application for development approval. Relevant matters not otherwise addressed elsewhere in this report are detailed below.

Clause 67(2) Matter	Comment
<p>(m) the compatibility of the development with its setting, including —</p> <p>(i) the compatibility of the development with the desired future character of its setting; and</p> <p>(ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and</p>	<p>The development is compatible with its setting and reflects the desired future character of the locality, which anticipates increased density and building height.</p> <p>The additions are appropriate in scale, centrally located, and designed to integrate with the approved building form. The proposed height is in line with the existing rooftop structures and does not present additional bulk to adjoining properties.</p> <p>The open-framed patio structures and powder rooms addition maintain an appropriate relationship with surrounding</p>

appearance of the development.	development in terms of height, scale, and appearance.
(n) the amenity of the locality including the following — (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development.	The additions are consistent with the expected residential built form and are not considered to detract from the established or emerging character of the area. The proposal is consistent with the scale and form of surrounding development and maintains visual amenity and access to views.

Residential Design Codes - Volume 1 (R-Codes)

The R-Codes include 'deemed-to-comply' criteria (prefixed by "C") and design principles (prefixed by "P"). Applications not complying with the deemed-to-comply criteria can be assessed against relevant design principles.

The following aspects of the proposal do not meet the deemed-to-comply criteria and require assessment against the design principles:

- Building Height.
- Lot Boundary Setbacks.
- Visual Privacy.
- Views of Significance.

These matters are outlined and discussed in further detail below.

Building Height

Building Height (Lot 1 and Lot 2)

- 9.9m maximum building height to the powder rooms in lieu of 8.0m.
- 10.7m maximum building height to the rooftop terrace patio (roof coverings) in lieu of 8.0m.

Design Principle	Comment
P3.2.1 Building height, bulk and scale is appropriate for the existing and/or desired future streetscape and local character of the area and nearby development.	<p>Compliant. The proposed additions above the prescribed building height limit are limited in scale and function, comprising a powder room with a combined floor area of 8.4m² across Units 1 and 2, and lightweight, open-framed patio structures. These elements are appropriate in size with respect to the previously approved development and are functionally unobtrusive.</p> <p>The additions do not exceed the height of the approved lift shafts and stairwell overrun, ensuring that they remain visually recessive and subordinate to the main building form.</p>

<p>P3.2.2 Building height is considerate of the impact on the amenity of adjoining properties or the streetscape, including road reserves and public open space reserves, and where appropriate maintains:</p> <ul style="list-style-type: none"> i. adequate solar access into indoor and outdoor active habitable space and solar collectors; and ii. access to views of significance. 	<p>The site has a north-south orientation. The shadow cast by the proposed additions will fall within the subject site or over the adjoining public road (Swan Street).</p> <p>There is no overshadowing of neighbouring private properties, as a result, the additions do not compromise solar access for adjoining developments.</p> <p>Access to views of significance is not materially impacted as further discussed in this report.</p>
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Lot Boundary Setbacks

Lot Boundary Setbacks (Unit 2)

- Rooftop Terrace East - 1.0m setback in lieu of 3.0m.

Design Principle	Comment
<p>P3.4.1 Lot boundary setbacks reinforce the location's streetscape character and are consistent with the existing or desired built form local character.</p>	<p>Compliant. The proposed setback variation relates solely to the expansion of an existing rooftop terrace, which remains within the envelope of the originally approved flat roof form.</p> <p>The terrace does not include any solid or enclosed structures, and the expansion is visually recessive, maintaining the original profile and appearance of the building. As a result, it does not add bulk or massing when viewed from adjoining properties or the public realm and preserves the established built form of the approved development.</p>
<p>P3.4.2 The setback of development from lot boundaries provides a transition between sites with different land uses or intensity of development.</p>	<p>Compliant. The proposed setback variation relates solely to the expansion of an existing rooftop terrace.</p>
<p>P3.4.3 Buildings are set back from lot boundaries or adjacent buildings on the same lot to:</p> <ul style="list-style-type: none"> i. provide adequate solar access and natural ventilation to the building and open spaces on the site and 	<p>Compliant. The rooftop terrace expansion does not result in any additional overshadowing of adjacent properties. The orientation and scale of the addition ensure that all shadow cast remains consistent with the previous development approval.</p>

<p>adjoining properties; and</p> <p>ii. address the potential for overlooking and resultant loss of privacy on adjoining properties.</p>	
<p>P3.4.4 Buildings are built up to lot boundaries where this:</p> <p>i. makes more effective use of space for primary garden areas and/or private open space;</p> <p>ii. maintains adequate solar access to major openings and private open space of adjoining properties; and</p> <p>iii. contributes positively to the prevailing or future development context and streetscape as outlined in the local planning framework.</p>	<p>Compliant. The proposed side setbacks remain generally consistent with those of existing developments in the immediate area, including the adjoining property to the east at No. 18 Swan Street, South Perth.</p> <p>The proposal maintains compatibility with the established built form and ensures that the spacing between buildings in the streetscape remains appropriate.</p>

Visual Privacy

- Unit 1 (Overlooking internal to the development)
 - First Floor Balcony North – Nil visual privacy setback proposed in lieu of 7.5m.
- Unit 2 (Overlooking external to the development)
 - Rooftop Terrace North – 6.8m visual privacy setback in lieu of 7.5m.
 - Rooftop Terrace East – 1.8m visual privacy setback in lieu of 7.5m.

Design Principle	Comment
<p>P3.10.1 Direct overlooking of major openings and active habitable spaces of adjacent dwellings and adjoining properties minimised through:</p> <p>i. building siting, layout and design;</p> <p>ii. design and location of major openings;</p> <p>iii. landscape screening of outdoor active habitable spaces; and/or</p>	<p>Non-compliant. In respect to Unit 1, the City has recommended a condition of development approval requiring that the Level 1 northern terrace associated with the Living/Dining area of Unit 1 be screened along the eastern side of the northern edge for a minimum length of 2.4m, measured from the internal parapet wall separating Units 1 and 2.</p> <p>This condition and inclusion of an appropriate screening device will prevent overlooking into the adjoining Living/Bed 4 area of Unit 4.</p> <p>To the east of the development site is No. 18 Swan Street. To the north of 18 Swan</p>

<p>iv. design and location of screening devices.</p>	<p>Street, is a raised balcony/terrace that serves as the primary outdoor living area for this dwelling. The proposed expansion of the rooftop terrace on Unit 2 introduces potential for direct overlooking of this adjoining outdoor space.</p> <p>The City has recommended a condition of development approval requiring the planter box on the Unit 2 rooftop terrace be widened to a minimum horizontal dimension of 1.0m, increased from the currently proposed 0.5m.</p> <p>This expanded planter will reduce the potential available viewing angle toward the adjoining outdoor living area and allow for more substantial landscape planting to act as a visual buffer between the dwellings.</p> <p>Additionally, the City has recommended a condition requiring a landscaping plan for the planter box to be submitted for approval. This plan will ensure that appropriate plant species are selected to provide effective and enduring vegetative screening, increasing visual privacy for the adjoining property.</p>
<p>P3.10.2 Adequate visual privacy achieved through appropriate interfaces between dwellings and adjoining properties including measures such as:</p> <ul style="list-style-type: none"> i. offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; ii. building boundary walls where appropriate; iii. setting back the upper storeys from the lot boundary; iv. providing higher or lower windows, or windows with obscure glazing; and/or v. screening (including landscaping, fencing, timber screens, external blinds, window hoods and shutters). 	<p>Non-compliant. The City has recommended conditions requiring installation of screening to the balcony/terrace of Unit 1 and the widening of the Unit 2 rooftop terrace planter box. Overlooking is therefore minimised by offsetting viewing angles, ensuring views are oblique, not direct.</p> <p>Boundary walls are not included as part of the amendment.</p> <p>Upper storey additions are centrally placed and recessed from boundaries, reducing overlooking and maintaining separation from neighbouring properties.</p> <p>Obscure glazing is not proposed as part of this amendment but fixed screening to 1.6m high is required on Unit 1's terrace, achieving the same privacy outcome.</p> <p>Vegetative screening is provided through the conditioned widening of the planter box on the roof terrace of Unit 2 the widened planter box and landscaping</p>

	installation will creating a privacy buffer reducing overlooking potential of adjoining properties.
P3.10.3 Visual privacy strategies maintain amenity of habitable rooms and active habitable space with regard to solar access, natural ventilation and external outlook both within the development and for adjoining properties.	Visual privacy measures, such as screening and recessed rooftop additions, protect the amenity of both internal and neighbouring habitable spaces without compromising access to sunlight, ventilation, or outlook.

Local Planning Policies

Local Planning Policy 6.1 - Advertising of Planning Proposals

Refer to consultation and referrals section below.

Local Planning Policy P350.09 Significant Views

The purpose of P350.09 is to give balanced consideration to the reasonable expectations of both existing residents and applicants proposing new development with respect to a significant view.

Provision	Comment
The City will assess the proposal considering the objectives of this Policy.	The assessment of this development seeks to balance both existing residents and applicants proposing new development with respect to a significant view.
<p>The City may require modifications to the design of the proposed building to enable the adjoining property to retain a significant view. Accordingly, the following elements of the proposed building may be required to be modified:</p> <ul style="list-style-type: none"> (a) Setbacks from the street and lot boundaries; (b) Floor size; (c) Roof form; and (d) Any other design element that impacts upon views. 	<p>The proposal responds appropriately to this provision. The rooftop additions do not extend to boundary edges, alter the roof form, or include additions which would obstruct significant views.</p> <p>The additions are centrally located and do not exceed the height of existing approved structures. As a result, no modifications to setbacks, floor area, or design elements have been required to preserve views from adjoining properties.</p>
<p>The City will not require the following elements of the proposed development to be modified:</p> <ul style="list-style-type: none"> (a) A reduction to permitted residential density; or (b) A reduction to building height in terms of the number of storeys that the building height limit would normally permit. 	<p>The proposal aligns with this provision. No reduction to the permitted residential density or number of storeys has been required.</p> <p>The building height variations relate only to incidental rooftop additions and remain within the context of the approved built form.</p>

Draft Local Planning Policy 7.2 - Significant Views

Draft policies can be given weight once it becomes 'seriously entertained', which typically occurs after advertising has completed. The further towards approval the document it, the more 'seriously entertained' it is considered to be. Draft LPP 7.2 concluded advertising on 24 July 2025 and is therefore considered a seriously entertained planning proposal for the purposes of assessment.

Draft LPP 7.2 applies to applications for development approval that require a Design Principle assessment related to access to views of significance, where variations to the Deemed-to-Comply requirements of Building height in accordance with the Residential Design Codes are proposed.

The following is an assessment against draft LPP 7.2:

Provision	Comment
<p>5.3.1 Variations to building heights prescribed in the R-Codes may be considered appropriate where the proposed building height:</p> <ul style="list-style-type: none"> (a) Is consistent with the building heights of existing and adjacent buildings in the locality. (b) Ensures access to views of significance are maintained where appropriate. 	<p>Compliant. The existing built form on the subject site currently includes approved lift shafts and stairwell overruns at the highest point of the development. The proposed additions do not project above the previously approved lift shafts stairwell overrun and are located centrally to the development.</p> <p>The proposed powder room and patio additions sit in line with these structures on the same horizontal plane. The proposed additions are centrally located within the rooftop footprint, meaning they are not positioned on the roof edges or boundary interfaces.</p> <p>As the additions do not introduce any new vertical projections beyond the existing approved highest point of the development, the current access to views from surrounding properties remains materially unchanged.</p> <p>As a result, the proposed additions do not obstruct key view corridors from adjacent buildings.</p>
<p>5.4.4 Affected view – Weight given based on the value of the view</p> <ul style="list-style-type: none"> (a) River views are valued more highly than other significant views. 	<p>The relevant views of significance are the Swan River and Perth City skyline.</p>

<p>(b) Whole views are valued more highly than partial views (e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured).</p>	<p>The lightweight and open nature of the patio structures, combined with the limited floor area of the powder room (8.4m² in total), ensures minimal disruption to the continuity or extent of existing views.</p> <p>The proposal does not result in significant disruption to existing views, such as river interfaces or skyline elements.</p>
<p>5.4.5 Viewing point – Weight given based on the reasonableness of protecting the view</p> <p>(a) Retention of access to views of significance across front and rear boundaries affords more weight than those over side boundaries.</p>	<p>Compliant. The additions do not affect views across front or rear boundaries.</p>
<p>(b) Access to views of significance from a standing position will be afforded greater protection than views from a seated position.</p>	<p>Compliant. The rooftop additions do not obstruct key view corridors from standing positions in neighbouring properties.</p> <p>The limited height and central placement of the additions ensure that primary views, especially from upper-level standing viewpoints, are maintained.</p>
<p>5.4.6 View impact – Weight given based on the significance of impact on views</p> <p>(a) Impact on access to views of significance is to be considered across the whole property, not just a view which will be impacted by the development.</p>	<p>Compliant. Overall access to views from neighbouring properties is maintained.</p> <p>The additions are of a low scale, centrally located, and do not introduce new bulk at the edges of the approved development. Broader view corridors remain largely unaffected by the development.</p>
<p>(b) The impact on access to views of significance from regularly occupied areas such as living rooms and kitchens is more significant than impact on views from bedrooms or service areas.</p>	<p>Compliant. The additions do not alter the height of the perimeter walls or expand the roofline outward toward adjoining boundaries. Therefore, no part of the development affects primary view corridors that neighbouring residents currently enjoy from their primary living spaces.</p>
<p>5.4.7 Planning framework – Weight given based on the reasonableness of the proposal</p> <p>(a) Where an impact on access to views of significance arises as a direct result of an element of the design where discretion is</p>	<p>Compliant. Discretion is limited to rooftop elements that have been designed to integrate with the existing approved built form, have no visual dominance, and do not create a tangible view loss from adjacent properties.</p>

sought, such as setbacks or building height, the City may consider moderate impacts unreasonable.	
(b) Where a design requiring discretion is necessitated to address functionality or site constraints, the City will consider whether the applicant has considered design alternatives that achieve the same development potential and amenity whilst reducing the impact on views.	The proposal meets this provision. The rooftop additions are incidental to the approved development, functional, and positioned to minimise view impacts. The central location of the additions and alignment with existing structures reflect a considered design approach that balances amenity with minimal disruption to surrounding views.

5.0 Consultation and Referrals

Public Consultation

Consultation has been undertaken to the extent and in the manner required by the Deemed Provisions and Local Planning Policy 6.1 – Advertising of Planning Proposals.

A total of 198 letters were sent to adjoining landowners and occupiers. At the close of the consultation period, six submissions were received: four in opposition, one neutral and one in support. The Schedule of Submissions is contained as **Attachment (d)**.

A summary of the key matters raised in submissions is provided in the table below, in addition to the City's comments:

Matter	Comment
The ground levels have been unreasonably altered as part of the application.	No modification to the ground levels or floor levels previously approved under the original development application are proposed as part of the current development application.
Visual privacy of adjoining properties will be affected by the proposed additions.	The development seeks discretion for visual privacy both internally between the units subject to this application and the adjoining eastern lot at No. 18 Swan Street, South Perth. An assessment of visual privacy against the design principles of the R-Codes is provided in this report.
Concerns regarding air-conditioning screening to the south of the roof terrace.	Should the application be approved, the City has recommended conditions of development approval which will require any air conditioning units to be appropriately screened from view of the adjoining public realm and adjoining private properties.

Concerns regarding the external finish of the roof top terrace powder room additions.	The plans indicate that the external finish of the powder rooms is to be a 'sand finish render' which is consistent with the remainder of the dwellings. Should the application be approved, the additions are required to be appropriately finished as indicated on the plans.
Objections to the proposed additions above the deemed to comply building height.	The development seeks discretion for building height. An assessment of building height against the design principles of the R-Codes is provided in this report.
Concerns regarding the impact to adjoining properties' views of the river and the Perth skyline as a result of the additions.	The development seeks discretion for building height. Assessment against views of significance is contained in this report.

Referrals/consultation with Government/Service Agencies

The application was not referred to any external government agencies.

Design Review Panel Advice

The application was not referred to the design review panel.

5.0 Conclusion

The development is generally consistent with the local planning framework, including draft LPP 7.2 The additions are proportionate in scale, centrally located, and designed to integrate with the approved built form without unreasonably impacting access to views of significance.

Accordingly, subject to the inclusion of appropriate conditions, the application is considered to appropriately address the relevant design principles and is recommended for approval.

Financial Implications

This determination has some financial implications, to the extent if the applicant were to seek to have the application reviewed by the State Administrative Tribunal, the City may need to seek representation.

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	Determination of the development application in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.

Strategic Implications

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

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

Attachments

10.3.4 (a):	Development Plans
10.3.4 (b):	Original Development Approval and Current Amendment Overlay
10.3.4 (c):	Aerial Image and Zoning Map
10.3.4 (d):	Schedule of Submissions
10.3.4 (e):	Applicant Supporting Documents

Councillor Hayley Prendiville disclosed an Impartiality Interest in Item 10.3.5.

10.3.5 Collier Park Golf Course Development Appointment of the Construction Contractor

File Ref: D-25-26707
Reporting Officer(s): Abrie Lacock, A/Director Corporate Services
Anita Amprimo, Director Infrastructure Services

Summary

The purpose of this report is for Council to grant approval for Clublinks Management Pty Ltd to engage the construction contractor for the Collier Park Golf Course Development, in accordance with the executed Development Services Agreement. The preferred construction contractor was identified following a competitive tender process. This report requests Council to approve the engagement of the recommended construction contractor, which will be subject to the value engineering process and confirmation of the development costs at or below \$19.8m in accordance with the approved Development Services Agreement.

Officer Recommendation AND COUNCIL DECISION

0825/163

Moved: Councillor André Brender-A-Brandis
Seconded: Councillor Jennifer Nevard

That Council:

1. Grants approval for Clublinks Management Pty Ltd to engage the recommended contractor Badge Constructions, as contained in **Confidential Attachment (a)** as the construction contractor for the Collier Park Golf Course Development in accordance with the executed Development Services Agreement, subject to the value engineering process and confirmation of the total development costs at or below \$19.8m.

CARRIED BY EXCEPTION RESOLUTION (7/0)

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

Against: Nil.

Background

At its meeting held 12 December 2023, Council resolved:

That Council:

1. *Approves Clublinks Management Pty Ltd as the preferred Tenderer in accordance with Tender Number RFT 8/2023.*
2. *Authorises the Chief Executive Officer to negotiate with Clublinks Management Pty Ltd to finalise the Course Controller Agreement and Lease agreement.*
3. *Before the City enters into the Course Controller Agreement and Lease, authorises the Chief Executive Officer:*
 - a. *if, and when required, to prepare and advertise a business plan in accordance with section 3.59 of the Local Government Act 1995 in relation to any major land transaction and/or major trading undertaking contemplated by the Course Controller Agreement and Lease; and*
 - b. *to advertise the Lease in accordance with section 3.58 of the Local Government Act 1995.*

Additionally, at its meeting held 27 August 2024, Council resolved:

That Council approves the advertising of the Major Land Transaction Business Plan at Attachment (a) for the development of facilities at Collier Park Golf Course, pursuant to Section 3.59 of the Local Government Act 1995.

Furthermore, at its meeting held 12 December 2024 Council resolved:

That Council:

1. *Acknowledges and considers the submissions received in response to the Collier Park Golf Course Major Land Transaction Business Plan.*
2. *Agrees to proceed with the transaction and authorises the Chief Executive Officer to finalise negotiations with regard to the Lease, Course Controller and Development Agreements.*
3. *Notes that the Lease will be advertised in accordance with section 3.58 of the Local Government Act 1995 with any submissions being presented to Council for consideration.*
4. *Notes that a further decision of Council will be required for execution of the Lease, Course Controller and Development Agreements when negotiations have been finalised.*

Recently, at its meeting held 25 March 2025 Council resolved:

That Council:

1. *Notes that the lease has been advertised under section 3.58(3) of the Local Government Act 1995 with no submissions received.*
2. *Resolves to proceed with the grant of a lease to Clublinks Management Pty Ltd on the terms set out in the Lease (as contained in Confidential Attachment (b)).*
3. *Authorises the Chief Executive Officer and Mayor to execute the Development Services Agreement, Course Controller Agreement and Lease Agreement on the key terms as contained in Confidential Attachments (a), (b) and (c) with Clublinks Management Pty Ltd once finalised and certified by the City's legal representatives.*

4. *Authorises the Chief Executive Officer, if necessary, to negotiate and make minor amendments to the agreements in (3) above to finalise the agreements prior to execution.*
5. *Authorises Bridge 42 to commence and undertake the tender process for the procurement of a construction contractor for the development of facilities on Collier Park Golf Course as depicted in the schematic designs as contained in Confidential Attachments (d) and (e).*
6. *Notes that the results of the tender process will be presented to Council for a final decision on whether Clublinks Management Pty Ltd can proceed to enter into the construction contract with the preferred construction contractor.*

Summary Key Terms Development Services Agreement

- Clublinks is the developer.
- Developer to pay all delivery costs.
- Developer cannot make any changes to development approval, building permit or concept plans without written approval of the City.
- Development costs are capped at \$19.8m.
- Clublinks contribution is \$8.5m (deferred cost contribution).
- City responsible for overruns attributed to latent conditions or caused by changes requested by the City.
- Any other cost variations must be approved by the City (Council) at its sole discretion.
- Governance framework includes Steering Committee and Project Control Group.

Progress on the project since March 2025 is outlined below:

- All the agreements (Development Services Agreement, Course Controller Agreement and Lease Agreement) have been finalised and executed.
- Development approval was granted by the WAPC on 9 July 2025.
- Appointment of a consultant for the design of sewer and fire connections are nearing finalisation.
- Tender documents based on well advanced design construction documentation were prepared for market release.
- An open Expressions of Interest (EOI) for a design and construct contract was advertised from 17 June 2025 to Friday 11 July 2025.
- Eight EOI submissions were received and following assessment four tenderers were shortlisted and invited to submit a full tender. The tender submission period was from 18 July 2025 to 8 August 2025. Three tenderers provided submissions. The Head Contractor Recommendation Report (**Confidential Attachment (a)**) contains more detailed information regarding the assessment.

Comment

The Development Services Agreement (DSA) appointed Clublinks Pty Ltd (Clublinks) as the Developer. The Developer is responsible for the delivery the specified development services, including the engagement of a project manager and the successful construction contractor. The engagement of the construction contractor by Clublinks is subject to the final cost outcome of the tender process and Council's approval of the appointment.

The DSA mandates the undertaking of a competitive tender process for the selection and engagement of the construction contractor. Following an open EOI and subsequent tender process, the tender evaluation has now been completed. The competitive tender process called for a design and construct contract to ensure overall cost efficiencies. It should be noted however the construction documentation was well advanced with minimal aspects left to design, however this approach allows construction contractors to suggest areas of value engineering and build efficiencies within the scheduling to deliver the project within scope and budget.

The initial tender estimates for the overall project came in above budget, however through the design and construct tender process, value engineering cost savings and efficiencies have been identified. These efficiencies and cost savings are subject to further investigation and design. This report requests that Council approve Clublinks Pty Ltd's engagement of the recommended construction contractor, subject to the value engineering process and confirmation of the development costs at \$19.8m.

Due to the commercial nature of the tender submissions received, the Head Contractor Recommendation Report (**Confidential Attachment (a)**), is provided to Council as a Confidential Attachment.

Following confirmation of the conditional engagement of the successful contractor, it is anticipated that the value engineering and cost finalisation process will be completed around late September or early October 2025. With construction commencement around early November 2025, with an estimated target completion date of November 2026 for the main built form areas and February 2027 for the new carpark area.

Consultation

Consultation has been undertaken by Clublinks Pty Ltd with current users of the course to help inform the design process.

Policy and Legislative Implications

The City complied with Section 3.59 of the *Local Government Act 1995*, that requires the City to prepare a Major Land Transaction Business Plan before it enters into a major land transaction and/or major trading undertaking. Regulations 8 and 8A of the Local Government (Functions and General) Regulations 1996, provide the amount prescribed for the purposes of a major land transaction and/or major trading undertaking.

Financial Implications

The cost of this year's planned works is included in the 2025/26 capital budget. The costs for the subsequent year have been allowed for in the City's adopted Long Term Financial Plan and will be presented in the capital budget for 2026/27. Any increase in costs and resulting budget adjustments will be presented to Council.

Key Risks and Considerations

	Risk Event Outcome Project Cost This relates to any project exceeding the project budget. Ranging and exceeding the budget by up to 10% to 30% and over. Project Time This relates to any project exceeding the project deadline. Ranging from exceeding the deadline by up to 10% to 30% and over.
	Risk rating Medium
	Mitigation and actions The initial tender estimates for the overall project came in above budget, however through the design and construct tender process, value engineering cost savings and efficiencies have been identified, these efficiencies and cost savings are subject to further investigation and design. The appointment of the recommended construction contractor is subject to the value engineering process and confirmation of the development costs. At this stage there is no indication that this process will impact on the project timeline.

Strategic Implications

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

Strategic Direction:	Community
Aspiration:	Our diverse community is inclusive, safe, connected and engaged
Outcome:	1.2 Community infrastructure
Strategy:	1.2.1 Maintain, plan, develop and facilitate community infrastructure to respond to community needs and priorities

Attachments

10.3.5 (a): Head Contractor Recommendation Report (*Confidential*)

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

Mayor Greg Milner and Councillors Jennifer Nevard, Glenn Cridland, André Brender-A-Brandis and Bronwyn Waugh disclosed an Impartiality Interest in Item 10.4.1.

10.4.1 Revocation - Councillor Jennifer Nevard - Removal of Six Trees Planted on the South Side of Lake Douglas During Winter 2024

File Ref: D-25-26708

Reporting Officer(s): Anita Amprimo, Director Infrastructure Services

Summary

This report is to consider a motion submitted by Councillor Jennifer Nevard (and supported by two additional Councillors) to revoke Council Resolution Number 0725/140 Removal of Six Trees Planted on the South Side of Lake Douglas During Winter 2024 considered by Council at its meeting held 22 July 2025.

The motion also requests the Chief Executive Officer to arrange a workshop for Elected Members to develop a policy to Provide a Consistent Decision-making Path for Addressing Requests for Tree Removal from Public Land prior to any Decision being made on any Tree Removal on Public Land until that time.

Moved: Councillor Jennifer Nevard

Seconded: Councillor André Brender-A-Brandis

That the motion resolved at the Ordinary Council Meeting held 22 July 2025 concerning the Removal of Six Trees Planted on the South Side of Lake Douglas During Winter 2024 which reads:

"COUNCIL DECISION

0725/140

Moved: Councillor Nic Coveney

Seconded: Councillor Bronwyn Waugh

That Council requests the CEO to:

- 1. Remove the six juvenile trees planted on the south side of Lake Douglas during winter 2024;*
- 2. Investigate the appropriate location within the vicinity of Lake Douglas to plant approximately 135m² of low-level planting, not higher than two metres at maturity, as a comparative replacement for the removed trees canopy cover at maturity at paragraph 1;*
- 3. Include the adjustment of an additional \$30,000 expenditure within the operational budget in the mid-year budget review, to cover the costs associated with removal of the trees and preparation and planting of the low-level replacement planting; and*
- 4. No earlier than 1 January 2026, host a Councillor workshop to develop a policy on planting trees on public land.*

Reasons for Change

1. *The reason for my amendment regarding location, is there may be more suitable spots around the Lake for this sort of low-level flora. It allows, if more suitable, for new plantings to be spread across different areas proximate to the Lake.*
2. *The reason for my amendment regarding enforcing a height limit, is to ensure we aren't moving trees, in part to preserve a view, only to replace them with shrubs which may not do the same thing. We were told last week is this type of low-level planting will likely only be up to one metre anyway.*
3. *The reason for my amendment regarding a workshop/policy, is to ensure the City follows a consistent planting and consultation process, and Council follows a consistent decision-making process when dealing with objections.*
4. *Following consultation with the administration, I understand they are agreeable to the amendments as currently worded.*

CARRIED (4/3)

For: Councillors Nic Coveney, Blake D'Souza, Hayley Prendiville and Bronwyn Waugh.

Against: Mayor Greg Milner, Councillors André Brender-A-Brandis and Jennifer Nevard.

be revoked and replaced with:

That Council requests the CEO to arrange a workshop for Elected Members to Develop A Policy To Provide a Consistent Decision-making Path for Addressing Requests for Tree Removal from Public Land prior to any decision being made on any tree removal on public land until that time.

Absolute Majority required**COUNCIL DECISION****0825/164**

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Bronwyn Waugh

In accordance with Clause 8.10 of the City of South Perth Standing Orders Local Law 2007 Mayor Greg Milner be granted an additional five minutes to speak.

CARRIED (7/0)

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

Against: Nil.

COUNCIL DECISION**0825/165****Moved:** Mayor Greg Milner**Seconded:** Councillor Bronwyn Waugh

In accordance with Clause 8.10 of the City of South Perth Standing Orders Local Law 2007 Councillor Glenn Cridland be granted an additional five minutes to speak.

CARRIED (7/0)

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

Against: Nil.**Revocation Motion****Moved:** Councillor Jennifer Nevard**Seconded:** Councillor André Brender-A-Brandis

That the motion resolved at the Ordinary Council Meeting held 22 July 2025 concerning the Removal of Six Trees Planted on the South Side of Lake Douglas During Winter 2024 which reads:

"COUNCIL DECISION***0725/140******Moved:*** *Councillor Nic Coveney****Seconded:*** *Councillor Bronwyn Waugh**That Council requests the CEO to:*

- 1. Remove the six juvenile trees planted on the south side of Lake Douglas during winter 2024;*
- 2. Investigate the appropriate location within the vicinity of Lake Douglas to plant approximately 135m² of low-level planting, not higher than two metres at maturity, as a comparative replacement for the removed trees canopy cover at maturity at paragraph 1;*
- 3. Include the adjustment of an additional \$30,000 expenditure within the operational budget in the mid-year budget review, to cover the costs associated with removal of the trees and preparation and planting of the low-level replacement planting; and*
- 4. No earlier than 1 January 2026, host a Councillor workshop to develop a policy on planting trees on public land.*

Reasons for Change

- 1. The reason for my amendment regarding location, is there may be more suitable spots around the Lake for this sort of low-level flora. It allows, if more suitable, for new plantings to be spread across different areas proximate to the Lake.*

2. *The reason for my amendment regarding enforcing a height limit, is to ensure we aren't moving trees, in part to preserve a view, only to replace them with shrubs which may not do the same thing. We were told last week is this type of low-level planting will likely only be up to one metre anyway.*
3. *The reason for my amendment regarding a workshop/policy, is to ensure the City follows a consistent planting and consultation process, and Council follows a consistent decision-making process when dealing with objections.*
4. *Following consultation with the administration, I understand they are agreeable to the amendments as currently worded.*

CARRIED (4/3)

For: Councillors Nic Coveney, Blake D'Souza, Hayley Prendiville and Bronwyn Waugh.

Against: Mayor Greg Milner, Councillors André Brender-A-Brandis and Jennifer Nevard.

be revoked and replaced with:

That Council requests the CEO to arrange a workshop for Elected Members to Develop A Policy To Provide a Consistent Decision-making Path for Addressing Requests for Tree Removal from Public Land prior to any decision being made on any tree removal on public land until that time.

Absolute Majority required

LOST (3/4)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis and Jennifer Nevard.

Against: Councillors Glenn Cridland, Blake D'Souza, Hayley Prendiville and Bronwyn Waugh.

Background

At its meeting held 22 July 2025, Council considered a Notice of Motion received from Councillor Nic Coveney at Item 12.1 Removal of Six Trees Planted on the South Side of Lake Douglas During Winter 2024.

The revocation motion submitted by Councillor Jennifer Nevard, (in accordance with City of South Perth Standing Orders Local Law 2007) is supported by Mayor Greg Milner and Councillor André Brender-A-Brandis.

Reason for Revocation (provided by Councillor Jennifer Nevard)

'Use of private property and use of public land held for public good are separate issues and how they might successfully coexist is part of this problem. Planning Policy 7.2 Access to Views of Significance does not apply in this context because it only relates to contentions that may arise with private properties.

The Council recently voted in favour of a motion to remove recently planted trees from some public verges in Cygnet Cove where some residents and/or their neighbours were able to have recently planted trees removed, at cost to the public purse.

Foliage cover is variable and predicted growth may be hampered by periods of extreme heat, increasingly low rainfall, and pest attack. Vigilante attacks on public trees are relatively common and represent a recognisable annual loss to the City tree planting initiatives. The foliage cover on public land has not increased above 16% for some years, however the tree scape adjusts continuously with growth but also natural attrition.

Predicting how high a tree on public land may grow and whether a view will be substantially impacted is likely to be a bit of a lottery. However, should a view be substantially impacted, then Councillors would not like to see the City locked in a legal battle for compensation from a landowner incurring substantial financial loss at sale of their dwelling.

Removing planted trees from public land creates cost and potential wastage should relocated trees die. Replacing trees with lower growth foliage will not offer canopy cover but may contribute to overall biodiversity.

In the stakeholder engagement process comprising 38 identified participants who considered the City of South Perth Urban Greening Strategy in detail, the majority of the respondents preferred maximising urban greening on the foreshore over preserving views.

Foreshore borders three sides of the City of South Perth with many overlooks to the Swan and Canning Rivers from private land. The matter of views impacts residents along kilometres of private land with access to views of significance. This has been captured in a policy endorsed by Council in 2024 in Planning Policy 7.2 Significant Views. Where any group of rate payers may be materially disadvantaged can prompt sustained community disharmony.

Reflecting its predominantly residential and commercial character, City of South Perth comprises mainly private land. There is a certain irony in the rigour with which canopy cover is defended in the public space yet lack of foliage cover and lack of biodiversity in the private space lags much further behind.

It is therefore a complex issue and Council needs time to consider the impacts of this decision-making process for the longer term.'

Comment

Following the resolution passed by Council at its meeting held 22 July 2025, the City received a revocation motion from Councillor Jennifer Nevard on the 25 July 2025. As such, Council Resolution 0725/140 has been put on hold until a decision on the revocation motion has been made.

The City would be able to hold a Councillor workshop earlier than 1 January 2026, as part of a process to develop a policy on planting trees on public land.

Consultation

Nil.

Policy and Legislative Implications

Revoking or changing decisions made at Council Meetings is dealt with under Section 5.25(1)(e) of the *Local Government Act 1995*, Regulation 10 of the Local Government (Administration) Regulations 1996 and Part 16 of the City of South Perth Standing Orders Local Law 2007.

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. 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	Ensure appropriate advice is provided to Council to support their decision making.

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.

10.4.2 Listing of Payments July 2025

File Ref: D-25-26709

Reporting Officer(s): Abrie Lacock, A/Director Corporate Services

Summary

This report presents to Council a list of accounts paid under delegated authority between 1 July 2025 to 31 July 2025 for information. It also includes purchase card transactions between 1 June 2025 to 30 June 2025 in line with legislative requirements. The City made the following payments:

EFT Payments to Creditors	(485)	\$5,983,215.57
Cheque Payments to Creditors	(2)	\$500.34
Total Monthly Payments to Creditors	(487)	\$5,983,715.91
EFT Payments to Non-Creditors	(26)	\$33,110.57
Cheque Payments to Non-Creditors	(1)	\$61.65
Total EFT & Cheque Payments	(514)	\$6,016,888.13
Credit Card Payments	(131)	\$19,976.22
Fleet Card Payments	(28)	\$1,965.34
Total Payments	(673)	\$6,038,829.69

Officer Recommendation AND COUNCIL DECISION

0825/166

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Jennifer Nevard

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

CARRIED BY EXCEPTION RESOLUTION (7/0)

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

Against: Nil.

Background

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

Comment

The payment listing for July 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

10.4.2 (a):	Listing of Payments July 2025
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10.4.3 Monthly Financial Statements July 2025

File Ref: D-25-26710
Reporting Officer(s): Abrie Lacock, 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 AND COUNCIL DECISION

0825/167

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Jennifer Nevard

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

CARRIED BY EXCEPTION RESOLUTION (7/0)

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

Against: Nil.

Background

Regulation 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 2025/26 budget adopted by Council at its meeting held 24 June 2025, 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 June 2024 quarter to June 2025 quarter Perth CPI of 2.7% were within target. The national CPI figure of 2.1% for the 12 months to June 2025 were well within the target range of between 2% and 3%.

At its February 2025 meeting the RBA decided to cut the cash rate by 25 basis points to 4.10%, followed by a further 25 basis points cut at its 20 May 2025 meeting. The RBA did cut rates further by 25 basis points at its Monetary Policy Board Meeting on 12 August 2025, taking the cash rate to 3.60%.

The economic outlook remains uncertain, the RBA Monetary Policy Board released the following statement on the 12 August 2025: “Uncertainty in the world economy remains elevated. There is a little more clarity on the scope and scale of US tariffs and policy responses in other countries, suggesting that more extreme outcomes are likely to be avoided. Trade policy developments are nevertheless still expected to have an adverse effect on global economic activity, and there remains a risk that households and firms delay expenditure pending still greater clarity on the outlook. As in May, the forecasts assume that both effects weigh on activity and inflation in Australia for a period.”

In framing the Annual Budget 2025/26, the City considered the continued economic uncertainty. The City continues to prudently manage its finances through this uncertain time whilst remaining conscious of the need to provide quality services to its community.

Actual income from operating activities for July year-to-date (YTD) is \$68.98m in comparison to budget of \$68.91m, favourable to budget by an insignificant \$0.07m. Actual expenditure from operating activities for July is \$5.64m in comparison to the budget of \$5.74m, favourable to budget by \$0.10m or 1.78%. The July Net Operating Position of \$63.35m is \$0.18m favourable in comparison to budget.

Capital Revenue, budget and actual for the month of July is insignificant. Actual Capital Expenditure YTD is \$0.13m in comparison to the budget \$0.11m, favourable by \$0.02m. A variance analysis is provided within **Attachment (e)** titled Significant Variance Analysis. The estimation of Capital projects that may carry-forward from one year to the next is challenging as completion of at the 30 June it is affected by many factors for example contractors, material availability and the weather. As in previous years, there will be several Capital projects that require Budget adjustments to recognise carry forward projects.

Cash and Cash Equivalents amounted to \$71.75m. 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 3.99% 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 July 2025, the City held 53.30% of its investments in institutions that do not provide fossil fuel lending. The Summary of Cash Investments illustrates the percentage invested in each of the non-fossil fuel institutions and the short-term credit rating provided by Standard & Poors for each of the institutions.

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

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

Key Risks and Considerations

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

Strategic Implications

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

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

Attachments

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

Mayor Greg Milner disclosed a Financial and Proximity Interest in Item 10.4.4.

Mayor Greg Milner accordingly left the Chamber at 9.28pm prior to consideration of Item 10.4.4 and Councillor Bronwyn Waugh assumed the Chair.

10.4.4 Advocacy Strategy and Advocacy Priorities 2025/26

File Ref: D-25-26711
Reporting Officer(s): Abrie Lacock, A/Director Corporate Services
Matthew Scott, Acting Chief Executive Officer

Summary

This report provides the Council with the City of South Perth draft Advocacy Strategy (the Strategy) and the draft Advocacy Priorities 2025/26 for endorsement. This Strategy outlines the City's approach to advocacy and will provide high level direction for the City to secure support and funding which aligns with the City's aspirations and priorities. The draft Annual Advocacy Priorities 2025/26 provide focused advocacy areas for this financial year.

Officer Recommendation

Moved: Councillor Hayley Prendiville
Seconded: Councillor Jennifer Nevard

That Council adopts:

1. The City of South Perth Advocacy Strategy as contained at **Attachment (a)**; and
2. The Annual Advocacy Priorities 2025/26 as contained at **Attachment (b)**.

Amendment

0825/168

Moved: Councillor Glenn Cridland
Seconded: Councillor Blake D'Souza

That Council amends the Advocacy Priorities 2025/26 as contained at **Attachment (b)** subject to replacing 'Urban greening' with 'Urban greening in particular along Canning Highway.'

Reasons for Change

The amendment provides for a directed focus in the proposed advocacy priorities for 2025/26 in urban greening (in particular increased tree canopy and improved amenity and streetscape) over a substantial area within the City of South Perth and alignment with the Council's key advocacy principles (in particular partnerships and value for money). (The City is already working with other inner City councils to address the Polyphagous Shothole Borer impact on tree numbers in the City.)

Canning Highway is a lengthy, noisy high volume traffic corridor under the control of the Department of Main Roads ('Main Roads') rather than the City.

Canning Highway is in many places (largely on the eastern side in the Main Roads road reserve) unattractive, unkempt, devoid of trees and detracts from the look and amenity of the City. Main Roads has recently shown an interest in protecting and enhancing the visual outlook and character of major transport routes under its control in the City.

This amendment provides an opportunity to seek to partner with Main Roads in collaboratively planting trees and suitable vegetation in the Main Roads Canning Highway road reserve and adjoining / associated areas under City control to increase tree canopy, streetscape appeal, visual interest and reduce noise through screening and mitigate heat impacts - all with potentially lower social and financial costs and consultation requirements than alternative tree planting programmes.

A drive along Canning Highway shows diversity of vegetation with some very large and impressive (generally eucalypt) trees that greatly add to the attractiveness of the highway. On the other hand, on the western side of the highway there are lengthy unkempt and truly unsightly areas bereft of any landscaping and without any significant trees.

There is a great opportunity to improve this area for the benefit of South Perth residents and increase tree canopy with the cooperation of Main Roads. This change (if adopted) would reflect Council's position on advocacy priorities to include seeking an additional and complementary program (with Main Roads cooperation) for increasing tree numbers in South Perth while the City considers an overarching policy direction and approach to the placement of trees in the public realm under its control generally.

The amendment was put and declared CARRIED (6/0) and formed part of the substantive motion.

For: Councillors André Brender-A-Brandis, Glenn Cridland, Blake D'Souza, Jennifer Nevard, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

Substantive Amended Motion AND COUNCIL DECISION

0825/169

Moved: Councillor Hayley Prendiville

Seconded: Councillor Jennifer Nevard

That Council adopts:

1. The City of South Perth Advocacy Strategy as contained at **Attachment (a)**; and
2. The Annual Advocacy Priorities 2025/26 as contained at **Attachment (b)** subject to replacing 'Urban greening' with 'Urban greening in particular along Canning Highway.'

CARRIED (6/0)

For: Councillors André Brender-A-Brandis, Glenn Cridland, Blake D'Souza, Jennifer Nevard, Hayley Prendiville and Bronwyn Waugh.

Against: Nil.

Background

Advocacy is the process of influencing others to create beneficial outcomes for residents' businesses, ratepayers and visitors to the City of South Perth. It is aimed at influencing decision makers to achieve positive changes to public policy and resourcing for our community.

The City's strategy development approach is centred on aligning strategy documents with the outcome areas outlined in the Strategic Community Plan (SCP). Strategy documents offer guidance on goals, objectives and priorities, setting direction for implementation. The City's SCP includes a dedicated outcome area for advocacy.

Comment

The draft Advocacy Strategy (the Strategy) outlines the City's approach to advocacy and what benefits it will deliver to our community. It provides long term guidance and high-level direction to assist in securing support and funding which aligns with the City's aspirations and priorities. The Strategy outlines six key areas of importance:

- Infrastructure and facilities that encourage participation
- Support for local businesses.
- Improved integrated transport networks throughout the City.
- Vibrant hubs and neighbourhoods and enhance community safety.
- Enhanced open and green spaces and promotion of biodiversity.
- Improved waste and resource management.

Our approach to advocacy is driven by five principles to ensure our efforts are effective:

- Strong leadership.
- Council position.
- Connection and communication.
- Value for money.
- Partnerships.

The Strategy will provide a mechanism for assessing advocacy priorities using the following factors:

- Financial sustainability.
- Social and economic benefits.
- Community and Elected Member support.
- State and Federal Government alignment.

The City's advocacy priorities will be reviewed and agreed upon during each annual budget cycle to ensure any changes in community needs and external factors are considered, and current and emerging issues impacting social, economic and environmental outcomes are assessed.

A Council-approved Annual Advocacy Priorities will accompany each budget.

The Strategy is structured into two key pillars:

Engagement and influence

This pillar aims to raise awareness among government and the private sector about the City's needs, helping to support decisions and opportunities that align with our priorities. It also reflects the community's confidence in Council's leadership and vision, encouraging the community to also advocate for the City's priorities.

Investment

The goal of this pillar is for the City to attract diverse sources of investment that support the achievement of our objectives and enable our community to flourish.

The Strategy includes objectives and performance measures which will be used as indicators of the success of the Strategy. Strategic priorities provide high level direction on how the objectives will be achieved and guidance on how the Strategy will be implemented.

The Strategy will be reviewed every four years and progress will be reported annually in the City's Annual Report.

Annual Advocacy Priorities 2025/26

Key advocacy areas identified are:

- Indoor multi-sport courts
- South Perth Foreshore Playground
- Challenge Reserve Masterplan
- Angelo Street Activation
- Preston Street Activation
- South Perth Train Station
- South Perth Ferry Services
- 40km/h speed zones
- Urban Greening
- Karawara Pedestrian and Cycle Access Plan
- Riverbank Stabilisation

These priorities are the proposed advocacy focus area for this financial year. The Annual Advocacy Priorities will be reviewed annually as part of the City's budgeting process with the Elected Members.

Consultation

Elected Member Workshops were held on 11 June 2025 and 5 August 2025.

Policy and Legislative Implications

Nil.

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	Reputational Damage Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
Risk rating	Low
Mitigation and actions	The Strategy outlines the City's approach to advocacy and what benefits it will deliver to our community. It provides long term guidance and high- level direction to assist in securing support and funding which aligns with the City's aspirations and priorities in the Strategic Community Plan.

Strategic Implications

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

Strategic Direction:	Leadership
Aspiration:	A local government that is receptive and proactive in meeting the needs of our community
Outcome:	4.2 Advocacy
Strategy:	4.2.1 Advocate for State and Federal Government investment to improve public infrastructure and to address community issues

Attachments

10.4.4 (a):	Draft Advocacy Strategy
10.4.4 (b):	Draft Annual Advocacy Priorities 2025/26

10.4.5 Proposed Council Meeting Schedule 2026

File Ref: D-25-26712

Reporting Officer(s): Abrie Lacock, A/Director Corporate Services

Summary

This report seeks Council's endorsement of the City of South Perth 2026 Meeting Schedule.

Officer Recommendation AND COUNCIL DECISION

0825/170

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Jennifer Nevard

That Council endorses the Council meeting dates, times and places proposed for 2026 as detailed in Table (1) within this report.

CARRIED BY EXCEPTION RESOLUTION (7/0)

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

Against: Nil.

Background

The *Local Government Act 1995* and the Local Government (Administration) Regulations 1996 require local governments to give local public notice of the dates on which and the time and place at which the Ordinary Council Meetings are to be held. This public notice is to be published prior to the beginning of the year that the meetings are to be held.

All City of South Perth Council meetings commence at 6pm and are held in the Council Chamber, corner Sandgate Street and South Terrace, South Perth.

Typically, the City of South Perth holds Council Agenda Briefings on the third Tuesday of each month, and the Ordinary Council Meetings on the fourth Tuesday of each month.

Comment

It is proposed that all Council Meetings for the 2026 calendar year continue to be held at 6pm in the City of South Perth Council Chamber.

Following on from previous years, it is proposed to have a recess in January and for the November and December Agenda Briefings and Council Meetings to be brought forward by one week respectively, to fit in with the Christmas period.

The Proposed Meeting Schedule for 2026 is as follows:

Table 1	
Council Agenda Briefing City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth.	Ordinary Council Meeting City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth.
6pm Tuesday 17 February	6pm Tuesday 24 February
6pm Tuesday 17 March	6pm Tuesday 24 March
6pm Tuesday 21 April	6pm Tuesday 28 April
6pm Tuesday 19 May	6pm Tuesday 26 May
6pm Tuesday 23 June	6pm Tuesday 30 June
6pm Tuesday 21 July	6pm Tuesday 28 July
6pm Tuesday 18 August	6pm Tuesday 25 August
6pm Tuesday 22 September	6pm Tuesday 29 September
6pm Tuesday 20 October	6pm Tuesday 27 October
6pm Tuesday 10 November	6pm Tuesday 17 November
6pm Tuesday 8 December	6pm Tuesday 15 December

The 2026 Western Australian Public Holidays as shown below do not affect the proposed City of South Perth Council Meeting Schedule:

Public Holiday	2026
New Year's Day	Thursday 1 January
Australia Day	Monday 26 January
Labour Day	Monday 2 March
Good Friday	Friday 3 April
Easter Monday	Monday 6 April
Anzac Day	Monday 27 April
WA Day	Monday 1 June
King's Birthday	Monday 28 September
Christmas Day	Friday 25 December

Boxing Day	Monday 28 December
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Consultation

In accordance with Regulation 12 of the Local Government (Administration) Regulations 1996, the details for the 2026 meetings will be placed on the City's website and on the notice board in the Civic Centre, and at both of the City's Libraries before the beginning of 2026.

Policy and Legislative Implications

Sections 5.25 (1)(g) of the *Local Government Act 1995*.

Regulation 12 of the Local Government (Administration) Regulations 1996.

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	An annual report is scheduled to have the Council meeting dates, times and places proposed for the following 12 months endorsed.

Strategic Implications

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

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

Attachments

Nil.

At 10.04pm, following consideration of Item 10.4.4, Mayor Greg Milner returned to the meeting and resumed the Chair.

Councillor Blake D'Souza left the meeting at 10.04pm and returned at 10.06pm during consideration of Item 10.4.6.

10.4.6 2025 Western Australian Local Government Association Annual General Meeting

File Ref: D-25-26912

Reporting Officer(s): Abrie Lacock, A/Director Corporate Services

Summary

This report is to determine the City of South Perth voting delegates and proxy voting delegates for the 2025 Western Australian Local Government Association Annual General Meeting.

COUNCIL DECISION

0825/171

Moved: Mayor Greg Milner

Seconded: Councillor Glenn Cridland

1. That Council approves the following Elected Members to be registered as voting delegates on behalf of the City of South Perth at the 2025 Western Australian Local Government Association Annual General Meeting to be held on Tuesday 23 September 2025:

a. Councillor Jennifer Nevard b. Councillor Bronwyn Waugh

CARRIED (7/0)

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

Against: Nil.

Officer Recommendation

1. That Council approves the following Elected Members to be registered as voting delegates on behalf of the City of South Perth at the 2025 Western Australian Local Government Association Annual General Meeting to be held on Tuesday 23 September 2025:

a. _____ b. _____

2. That Council approves the following Elected Members as proxy voting delegates should the registered voting delegates be unable to attend the 2025 Western Australian Local Government Association Annual General Meeting to be held on Tuesday 23 September 2025:

a. _____ b. _____

Background

The Western Australian Local Government Association (WALGA) Annual General Meeting (AGM) will be held at the Perth Convention and Exhibition Centre on Tuesday 23 September 2025 at 2.15pm. The AGM is being held in conjunction with the Local Government Convention 2025.

Comment

Attendance at the AGM is free for all Elected Members and Officers from member local governments however registration is essential. Each member local government is entitled to be represented by two voting delegates and a voting delegate is entitled to one vote. A proxy is entitled to vote in the absence of a voting delegate.

The City's South East Metropolitan Zone delegate is Councillor Bronwyn Waugh and the deputy delegate is Councillor Jennifer Nevard, neither which are automatically voting delegates at the WALGA AGM.

Voting Delegates and Proxies must be registered by the Chief Executive Officer prior to 5pm on Monday, 8 September 2025.

The 2025 AGM documents have been published on WALGA's website and the Agenda is attached to this report.

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	Elected Members have the opportunity to nominate to be included and be able to vote on behalf of the City of South Perth.

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

10.4.6 (a):	WALGA Annual General Meeting Agenda
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11. APPLICATIONS FOR LEAVE OF ABSENCE

- Councillor Hayley Prendiville for the period 23 September 2025 to 10 October 2025, inclusive.

The Presiding Member called for a Motion to approve the Leave of Absence application.

COUNCIL DECISION

0825/172

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Glenn Cridland

That Council Approve the Leave of Absence application received from:

1. Councillor Hayley Prendiville for the period 23 September 2025 to 10 October 2025, inclusive.

CARRIED (7/0)

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

Against: Nil.

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Councillor Bronwyn Waugh disclosed an Impartiality Interest in Item 12.1.

12.1 NOTICE OF MOTION - COUNCILLOR BRONWYN WAUGH - DEVELOPMENT OF A VOLUNTEER CODE OF CONDUCT

File Ref: D-25-26713

Reporting Officer(s): Matthew Scott, Acting Chief Executive Officer

Summary

Councillor Bronwyn Waugh submitted the following Notice of Motion prior to the Council Agenda Briefing held 19 August 2025.

Notice of Motion Recommendation and COUNCIL DECISION

0825/173

Moved: Councillor Bronwyn Waugh

Seconded: Councillor Hayley Prendiville

That Council requests the Chief Executive Officer to prepare a draft Volunteer Code of Conduct, for Council consideration, which:

1. Is specifically tailored to individuals who engage in voluntary work on behalf of, or in collaboration with, the City of South Perth;
2. Clearly separates the expectations, obligations, and responsibilities of volunteers from those applicable to City employees under the existing Employee Code of Conduct;
3. Provides clear guidance on standards of behaviour, confidentiality, public representation, conflict of interest, and respectful engagement with staff, Councillors, and the community; and
4. Is developed in consultation with relevant staff and volunteer representatives to ensure it is practical, accessible, and supports a positive volunteer culture.

CARRIED (5/2)

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

Against: Mayor Greg Milner, Councillor André Brender-A-Brandis.

Background

Councillor Bronwyn Waugh submitted a Notice of Motion regarding the development of a Volunteer Code of Conduct. The reasons for the Notice of Motion are as follows:

"Volunteers play a vital role in supporting City initiatives, community programs, and civic engagement. While the City of South Perth currently applies its Employee Code of Conduct to volunteers in the absence of a separate framework, this approach may lead to confusion or inappropriate expectations, given the distinct role volunteers play."

Establishing a dedicated Volunteer Code of Conduct recognises the unique contribution of volunteers and ensures they are provided with appropriate guidance, clarity, and support in their work with the City. A tailored Code will also help to protect both volunteers and the City by fostering clear and consistent standards of behaviour in line with community expectations.

This motion seeks to promote a respectful, inclusive, and well-governed volunteer environment that enhances the City's capacity to deliver community benefit through civic participation.

That the CEO present the draft Volunteer Code of Conduct to Council no later than November 2025 for review and adoption."

Comment

Code of Conduct

A Code of Conduct sets out the ethical and behavioural standards expected of all individuals representing the organisation, covering integrity, accountability, lawful and respectful behaviour, appropriate use of resources, conflict of interest management, and compliance with legislation. In local government, it provides a consistent framework that builds community confidence in the conduct of all representatives, paid or unpaid.

Guidance for supporting and managing volunteers is provided by the City's Employee Code of Conduct and Policy P630 – Workplace Health and Safety, both of which provide for volunteers.

The City recognises the importance of providing clear and accessible expectations for volunteers. These objectives can be achieved without the need for a separate code by:

- Delivering volunteer-specific induction and training programs;
- Providing simplified guidance notes based on the existing Code of Conduct; and
- Using plain language role descriptions tailored to volunteer duties.

This approach ensures volunteers are well supported and fully aware of their responsibilities while maintaining a single, consistent governance framework.

The City considers operational or role-specific responsibilities are better addressed through tailored agreements, role descriptions, and induction materials, as embedding them in a conduct document or separate volunteer code risks reducing flexibility, creating unnecessary complexity, and encroaching on day-to-day operations.

Maintaining a single Code of Conduct supports fairness, consistency and transparency in managing conduct matters. It reinforces community confidence that all people representing the City—whether paid or voluntary—are held to the same high ethical and behavioural standards.

Sector Practice

The City has undertaken a review of other Western Australian local governments to determine whether separate Codes of Conduct have been created. This review established that in the few instances where a volunteer specific Code of Conduct exists, they are largely consistent with their respective employee Codes, differing mainly in detail and enforcement mechanisms appropriate to employees and volunteers. Core principles such as ethical behaviour, legal compliance, appropriate use of resources, and workplace conduct remain the same.

This indicates that a single, unified Code of Conduct is the prevailing practice across the sector, with many local governments supporting volunteers through tailored induction and guidance materials rather than separate conduct frameworks.

Recognition

The City acknowledges and greatly values the contribution volunteers make to the City's programs and community initiatives. Volunteers play an essential role in supporting civic participation, enhancing community wellbeing and delivering services that benefit residents and visitors alike.

The City is committed to recognising and celebrating the unique contribution volunteers make to the community. Volunteer recognition events, awards programs, tailored training and support, and communications highlighting volunteer achievements demonstrate respect and appreciation without introducing different conduct standards.

Consultation

Nil.

Policy and Legislative Implications

Work Health and Safety Act 2020

Under the *Work Health and Safety Act 2020*, volunteers of a 'person conducting a business or undertaking' have duties as workers to take reasonable care for their own mental and physical health and safety, and to ensure their actions or omissions do not affect the health and safety of others. Volunteers engaged by the City are regarded as "workers" and share the same health and safety obligations as employees. Applying one Code of Conduct reinforces consistent safety responsibilities for all people engaged by the City and avoids creating any perception of different or lesser compliance standards.

Local Government Act 1995

In accordance with the *Local Government Act 1995* and the Local Government (Administration) Regulations 1996, the Chief Executive Officer must implement a Code of Conduct for employees, which could apply to registered volunteers as "workers" under workplace safety legislation.

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	The City has a Code of Conduct for employees, which also applies to registered volunteers, as required by the <i>Local Government Act 1995</i> .

Strategic Implications

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

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

Suggested Officer Recommendation

That Council notes the City's Employee Code of Conduct and Policy P630 – Workplace Health and Safety support and manage volunteers.

Reason for Alternative Recommendation

The City recommends continuing to apply the existing Employee Code of Conduct to volunteers, supported by volunteer-specific induction, training and recognition initiatives. This approach ensures volunteers clearly understand their responsibilities, feel valued for their contribution, and are supported in their important role.

Attachments

Nil.

Councillor Bronwyn Waugh disclosed an Impartiality Interest in Item 12.2.

Councillor Blake D'Souza left the meeting at 10.39pm and returned at 10.41pm during consideration of Item 12.2.

12.2 NOTICE OF MOTION - COUNCILLOR BRONWYN WAUGH - OVERSIGHT OF NON-STANDARD OR CHANGES TO LEASE/PARTNERSHIP TERMS

File Ref: D-25-26714

Reporting Officer(s): Abrie Lacock, A/Director Corporate Services
Donna Shaw, Director Development and Community Services

Summary

Councillor Bronwyn Waugh submitted the following Notice of Motion prior to the Council Agenda Briefing held 19 August 2025.

Notice of Motion Recommendation

Moved: Councillor Bronwyn Waugh

Seconded: Councillor Glenn Cridland

That Council requests the Chief Executive Officer to prepare a report for Council consideration which:

1. Identifies the City's current standard terms and conditions and for leases, licence agreements and partnership agreements with third parties, including but not limited to community groups, not-for-profits, and commercial tenants;
2. Outlines the process by which variations or amendments to these standard lease terms are currently approved; and
3. Recommends a governance mechanism to ensure that:
 - Any material departure from the City's standard lease terms, or any amendments that significantly alter a tenant's ongoing rights under an existing agreement, obligations, or tenure, are reported to Council for transparency; and
 - A clear and fair framework is established to guide future lease, licence and partnership negotiations and amendments, particularly where they relate to community or public benefit users.

During debate on the Item, Mayor Greg Milner foreshadowed the Suggested Officer Recommendation.

COUNCIL DECISION**0825/174****Moved:** Councillor André Brender-A-Brandis**Seconded:** Councillor Blake D'Souza

In accordance with Clause 8.10 of the City of South Perth Standing Orders Local Law 2007 Mayor Greg Milner be granted an additional five minutes to speak.

CARRIED (7/0)

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

Against: Nil.

Notice of Motion Recommendation**Moved:** Councillor Bronwyn Waugh**Seconded:** Councillor Glenn Cridland

That Council requests the Chief Executive Officer to prepare a report for Council consideration which:

1. Identifies the City's current standard terms and conditions and for leases, licence agreements and partnership agreements with third parties, including but not limited to community groups, not-for-profits, and commercial tenants;
2. Outlines the process by which variations or amendments to these standard lease terms are currently approved; and
3. Recommends a governance mechanism to ensure that:
 - Any material departure from the City's standard lease terms, or any amendments that significantly alter a tenant's ongoing rights under an existing agreement, obligations, or tenure, are reported to Council for transparency; and
 - A clear and fair framework is established to guide future lease, licence and partnership negotiations and amendments, particularly where they relate to community or public benefit users.

LOST (3/4)

For: Councillors Glenn Cridland, Blake D'Souza and Bronwyn Waugh.

Against: Mayor Greg Milner, Councillors André Brender-A-Brandis, Jennifer Nevard and Hayley Prendiville.

Suggested Officer Recommendation and COUNCIL DECISION**0825/175****Moved:** Mayor Greg Milner**Seconded:** Councillor André Brender-A-Brandis

That Council:

1. Notes that the City is undertaking a review of Policy P609 Management and Sale of City Property, a Cost Recovery Analysis and a Lease Analysis.
2. Requests the Chief Executive Officer to prepare information to inform a workshop on Policy P609 Management and Sale of City Property with Council that:
 - a. Identifies the City's current standard terms and conditions for leases, licence agreements and partnership agreements with third parties, including but not limited to community groups, not-for-profits, and commercial tenants;
 - b. Outlines the process by which variations or amendments to these standard lease terms are currently approved; and
 - c. Recommends a governance mechanism to ensure that:
 - i. Any material departure from the City's standard lease terms, or any amendments that significantly alter a tenant's ongoing rights under an existing agreement, obligations, or tenure, are reported to Council for transparency; and
 - ii. A clear and fair framework is established to guide future lease, licence and partnership negotiations and amendments, particularly where they relate to community or public benefit users.

CARRIED (7/0)

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

Against: Nil.

Background

Councillor Bronwyn Waugh submitted a Notice of Motion regarding Council's oversight of lease and partnership terms. The reasons for the Notice of Motion are as follows:

"Over recent months, there have been multiple instances—including the Manning Markets, the WASPs lease, Home Karawara Food Relief Program and other community organisations—where lease, licence or partnership terms (or changes to previously agreed terms) appear to have significantly impacted individuals or groups with longstanding community involvement. These situations raise concerns about transparency, consistency, and fairness in the City's lease management practices.

This motion seeks to ensure that the city establishes standard terms and where proposed changes to terms depart from the City's established norms—especially in ways that could affect security of tenure or discourage community participation—those decisions are brought to Council's attention prior to being presented to that third party. The intent is not to interfere with operational decision-making, but rather, to ensure that Council is appropriately informed and aligned where lease arrangements diverge from the norm or could have reputational or strategic implications for the City.

That the CEO prepare the requested report for presentation no later than the November 2025 Ordinary Council Meeting."

Comment

Matters to be Considered

The City is currently undertaking a Policy review, cost recovery analysis and lease audit which will provide a framework for matters relating to leases, licence agreements and partnership agreements.

The cost recovery analysis and lease audit will provide a detailed reconciliation of all existing leases, licences and partnership agreements. The review recognises differences between community, commercial and partnership arrangements and addresses legacy compliance gaps (e.g. legislative changes and risk management provisions).

In undertaking this review and considering the current context for leases, licences and partnership agreements, the following matters are relevant for consideration in relation to the Notice of Motion:

Matter	Comment
Historical Templates	Over time, different lease, licence and partnership templates have been used, which has resulted in no single "standard terms and conditions" document and why the City has commenced reconciliation work for this audit and future framework.
Nature of Partnership Agreements	It is important to recognise that many partnerships are documented as memoranda of understanding or service contracts, rather than leases. In this regard, such agreements cannot easily be compared to standard lease terms.
Legacy Compliance Gaps	Some existing agreements pre-date current legislation and modern drafting standards (e.g. Work, Health and Safety, sustainability and dispute resolution). As such, establishing "current" standard terms is complex and the City has therefore taken the approach of a holistic review in responding to the matter.

Implementation Complexity	A Policy review and cost recovery analysis is considered the most appropriate approach to address this matter, acknowledging the scale of work required to reconcile legacy agreements having regard to the differing historic templates and varied user obligations.
Avoiding Duplication	The current review has considered transparency, standardisation and consistency objectives, which will reduce the need for a separate, parallel process that could create confusion for tenants future implementation.
Tenant Capacity and Transition	Tenant capacity assessments and a staged implementation approach are being used to support long-standing community groups. The City would ensure emphasis is provided to this matter in such assessments and implementation.
Governance Role	It is important to acknowledge that Council has a Policy and strategic oversight role, rather than direct involvement in operational lease negotiations. Council can set clear direction by setting the Policy direction, as is provided for in Policy P609 Management and Sale of City Property.

Policy P609 Management and Sale of City Property (P609)

P609 ensures that the City has a framework which enables it to review, identify, name and evaluate Council owned property, ensuring that any property that is disposed of by lease or sale is undertaken in a consistent, fair and transparent manner.

In respect to leases, P609 requires that the City will negotiate the lease of City buildings with the principles set out in the policy. Criteria are provided for Not-for-Profit Sporting Organisations, Kindergartens Operated by Not-for-Profit Organisations, Not for Profit Community Associations / Government bodies, Committees and Associations and Commercial Organisations.

The City has been reviewing P609 and intends to present the Policy to a future Council workshop. At this stage the summary of proposed changes are broadly as follows:

Section	Proposed Changes
Policy Title	Updated to align with the terminology in the <i>Local Government Act 1995</i> , specifically section 3.58 which enables a local government to dispose of a property by sale or lease.
Objectives	Updated to achieve strategic and operational outcomes aligned with the Land Utilisation Plan.
Scope	There are two types of landholdings managed/controlled by the City.

Statement	Updated to provide balance between social and financial outcomes.
Strategic Framework	This Policy sits within an integrated framework of policies, strategies and plans, interacting closely with the Land Utilisation Plan.
Evaluation Criteria	Permits an equitable and transparent lease application assessment process.
Approval	Every decision to lease is a Council decision.
Compliance	Updated to ensure all aspects of a lease agreement are followed.
Standard Tenure Conditions	Individual responsibilities are clearly defined to provide for consistent lease conditions and ensure land and building assets are managed and maintained in accordance with internal practices.
Maintenance Inspections and Condition Audits	Regular periodical inspections will assist with mitigating compliance risk as well as extend the life of building assets.
Renewal and Upgrade of Building Components	Requests for renewal/replacement of components should consider the City's asset management plan to maximise the value and operational efficiency of building assets.
Signage	Updated to ensure signs meet the City's statutory requirements.
Maximising Use	The City's land and building assets are a finite resource, to improve utilisation, shared use arrangements should be encouraged.
Crown Land	Crown land managed by the City is subject to land use conditions and, in most cases, Ministerial approval.
Sale of Freehold City Property	The sale of freehold land and building assets must comply with the provisions of the <i>Local Government Act 1995</i> and preferably the Land Utilisation Plan framework.
Use of Proceeds	Updated to provide a high-level explanation of how revenue will be allocated/utilised.
Legislative Process	Local governments are required to comply with the provisions of the <i>Local Government Act 1995</i> when disposing of property by way of lease or sale.

Definitions	Update.
Legislation/Local Law Requirements	Leasing and sale of land and building assets may also be subject to the provisions of the <i>Land Administration Act 1997</i> and <i>Commercial Tenancy (Retail Shops) Agreements Act 1985</i> .

Updated policy provisions will embed standardised terms, clear evaluation criteria and reporting mechanisms.

Cost Recovery Analysis and Lease Audit

In addition to the review of P609, a cost recovery analysis is being undertaken to ascertain the cost recovery position and to determine the City's cost to maintain these properties each year. Through this process, the City can determine if there are maintenance or outgoings cost that should be recovered.

The lease audit will assist in gaining greater understanding of the financial position of the current tenants to determine whether future outgoings are sustainable and whether the outgoings could be met in future. The review of exiting leases is being undertaken to determine tenant obligations under each lease in comparison to invoiced cost recoveries, to determine variances.

The City recognises that lease obligations should be structured based on the nature of the organisation (e.g. commercial or not-for-profit), recognising the social return received from certain organisations. The City also acknowledges that a staged implementation plan is likely giving the timing of renewal of the existing leases, and transition to new lease arrangements.

Consultation

Following completion of the review as outlined in the report, the outcomes and draft Policy will be workshopped with Council.

Consultation with tenants occurs ahead of lease renewals and will also occur as part of the above review.

Policy and Legislative Implications

Local governments are required to comply with the provisions of the *Local Government Act 1995* when disposing of property by way of lease or sale.

Leasing and sale of land and building assets may also be subject to the provisions of the *Land Administration Act 1997* and *Commercial Tenancy (Retail Shops) Agreements Act 1985*.

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	The City has Council approved policies; P609 Management and Sale of City Property and P102 Use of City Reserves and Facilities, which set the principles and approval requirements to be followed.

Strategic Implications

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

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

Suggested Officer Recommendation

That Council:

1. Notes that the City is undertaking a review of Policy P609 Management and Sale of City Property, a Cost Recovery Analysis and a Lease Analysis.
2. Requests the Chief Executive Officer to prepare information to inform a workshop on Policy P609 Management and Sale of City Property with Council that:
 - a. Identifies the City's current standard terms and conditions for leases, licence agreements and partnership agreements with third parties, including but not limited to community groups, not-for-profits, and commercial tenants;
 - b. Outlines the process by which variations or amendments to these standard lease terms are currently approved; and
 - c. Recommends a governance mechanism to ensure that:
 - i. Any material departure from the City's standard lease terms, or any amendments that significantly alter a tenant's ongoing rights under an existing agreement, obligations, or tenure, are reported to Council for transparency; and
 - ii. A clear and fair framework is established to guide future lease, licence and partnership negotiations and amendments, particularly where they relate to community or public benefit users.

Reason for Alternative Recommendation

The City currently has 82 leases/licences/agreements, of varying age and complexity. A Cost Recovery Analysis and Lease Analysis is required to be undertaken to determine the City's position in respect to leases/licences, which directly addresses the Notice of Motion's objectives of transparency, consistency, fairness and governance.

Review of the Policy P609, performing a Cost Recovery Analysis and Lease Analysis provides a long-term, integrated solution that will facilitate Policy formulation resulting in a governance mechanism that will ensure a clear, fair and transparent framework is provided rather than a one-off snapshot, avoiding duplication or confusion that may result from commencing a parallel process.

Attachments

Nil.

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE
Nil.

13.2 QUESTIONS FROM MEMBERS

- Councillor Glenn Cridland

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

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

Nil.

15. MEETING CLOSED TO THE PUBLIC

Nil.

16. CLOSURE

The Presiding Member thanked everyone for their attendance and closed the meeting at 11.19pm.

APPENDIX

6.2 PUBLIC QUESTION TIME: 26 August 2025

1 Mr Stephen Russell, Como Received: 25 August 2025	Responses provided by: Donna Shaw– Director Development and Community Services
<p><i>[Preamble]</i></p> <p><i>My first two questions are follow-on questions raised by Councillor Brender-A-Brandis at the July Ordinary Council Meeting regarding the destruction of a large lemon-scented gum tree on a development site at the corner of Clydesdale and Davilak Street. This lemon-scented gum was part of the landscape plan submitted as part of the DA. Therefore the City in its recommendation for approval included a condition stating ‘All existing trees intended to be retained as indicated on the site plan shall be identified for retention on the building plans and landscaping plan and shall be protected prior to and during construction, and shall not be removed without the prior approval of the City.’ This condition of approval was agreed to by the Development Application Panel. Hence:</i></p>	
1. Noting that the tree in the City's words ‘once the works had commenced on the site... the tree had been compromised and was a risk that would likely fail and cause safety risks to the public,’ then does the City consider the aforementioned condition of approval to be of sufficient strength to allow for the protection of the tree, as evidently this does not seem to be the case?	<p>This condition is typically sufficient, however, the City acknowledges in this instance that it was not. Whilst the tree protection zone was delineated and fencing installed, the builder had not anticipated the extent of root damage caused by heavy machinery access to the site.</p> <p>For this reason, the City is in the process of reviewing its conditions to further require a tree protection plan be submitted as part of the construction management plan following development approval, including the potential for an arborist be present on site whilst certain works are undertaken.</p> <p>It is noted that whilst the City can recommend these conditions, ultimately, the Development Assessment Panel as the decision maker, may choose not to impose such conditions if it considers them to be unreasonable.</p>

<p>2. Did the City prior to and during construction perform site visits to verify that the tree protection condition was satisfactory to ensure its survival, as evidently this does not seem to be the case?</p>	<p>The fence was provided around the tree for the tree protection zone, however, it would have required a qualified arborist to understand the impact of the damage during construction works.</p>
<p>3. My third question relates to item 10.3.2 Draft Local Planning Policy - Trees. As the City's Officer's report states for the ZORZI v TOWN OF CAMBRIDGE decision - removal of the tree involved 'works' which constituted development for the purposes of the Town's Local Planning Scheme. Then why is the City recommending a policy, which only has a 'due regard' bearing on decision-making, rather than an amendment to the Local Planning Scheme which has a law bearing on decision-making?</p>	<p>The draft Local Planning Policy – Trees is not seeking to define tree removal as development, rather, it acknowledges that all tree removal may be considered development and is therefore seeking to exempt certain tree removal from requiring development approval.</p> <p>Minister for Planning approval is now required to advertise scheme amendments. Given these provisions were removed prior to gazettal of LPS 7, the City has not proposed a new scheme amendment to this effect.</p>

<p>2 Ms Bronwyn David, South Perth Received: 25 August 2025</p>	<p>Responses provided by: Donna Shaw – Director Development and Community Services</p>
<p><i>[Preamble]</i></p> <p><i>The decision of ZORZI v TOWN OF CAMBRIDGE has significantly changed the understanding of the treatment of trees on private property.</i></p>	
<p>1. Will the City undertake a wide ranging public education campaign to educate the public on the implications of the decision in ZORZI v TOWN OF CAMBRIDGE, prior to or parallel with the consideration and/or advertising and/or adoption of a Local Planning Policy on Trees, including direct communication with land owners, developers active in the City, town planners, building companies and arborists, social media posts and information on the City Website?</p>	<p>If a Local Planning Policy is ultimately adopted by Council, the City intends to undertake a broad community advertising campaign, including information being made publicly available on its website and social media to explain the implications of the Policy and circumstances where development approval is exempt. The City can also write to known developers and consultants operating in South Perth. The City can include information on the ZORZI case as part of information provided.</p> <p>The City is not intending to write to all landowners directly given the cost is approximately \$35,000, as the City does not currently have a budget allocation for this purpose.</p>
<p>2. 39-41 South Terrace in South Perth is presently for sale as a development block. There is an old house on a very large block and a very large native tree (at least 10m tall). The only large tree left in that locality, and at least 70 years old having referred to the historical aerial photos on the City's Intramaps. Will the City urgently communicate with the owners and agents of this land to apprise them of ZORZI v TOWN OF CAMBRIDGE and alert them to the need to consult with the City before removal of the tree?</p>	<p>Whilst the City has documented evidence of the trees at 39-41 South Terrace, and is aware the site is for sale. It has not formally written to the owners, given there is no known imminent plan to remove the trees.</p> <p>The City has prepared Draft Local Planning Policy - Trees to seek strategic guidance from Council for this matter moving forward.</p>

3 Ms Joanne Ord, Como Received: 25 August 2025	Responses provided by: Abrie Lacock – A/ Director Corporate Services
<p><i>[Preamble]</i></p> <p><i>Motions 12.1 and 12.2 by Cr Waugh suggests that over recent months, there have been multiple instances where lease, licence or partnership terms (or changes to previously agreed terms) have impacted individuals or groups. Reference is made to the Manning Markets, WASPS Hockey and Home Karawara Food Relief Program. From my understanding, an agreement was reached between the Manning Markets and Development WA to move to Bentley and did not occur via a change of terms to the agreement that the Markets had with our administration. Regarding WASPS Hockey it is my understanding, there was never any lease, agreement or partnership in place with the City, only a drafting of a lease and option to lease that were not executed. Regarding Home Karawara, the City has advised that funding was available to re-enter that partnership agreement, but is unable to re-enter that agreement and will now be progressing to a wider EOI for a food relief program. Without knowing why the City cannot re-enter that agreement, I guess that a clause or conditions precedent cannot be met. Assuming that the business of licences, leases and agreements is an operational matter that our admin is best placed to carry out with the interests of ratepayers and the relevant parties.</i></p>	
<p>1. In the efforts of good governance, I do understand for confidentiality reasons the City may not be able to answer this, but hopefully you can (yes or no). Did the City change any terms of the partnership with Home Karawara?</p>	<p>Yes, minor changes.</p>
<p>2. Last week, the Acting CEO indicated that there is no need for a Volunteer Code of Conduct as it would be a duplication of effort with regard to current codes in place. Does the City still hold that position?</p>	<p>Yes, the City's position is indicated in the Suggested Officer Recommendation for Item 12.1 on tonight's agenda.</p>
<p>3. What is the City's position on Council's potential involvement or oversight via a new Policy as outlined in Item 12.2?</p>	<p>The City's position is indicated in the Suggested Officer Recommendation for Item 12.2 on tonight's agenda.</p>

<p>4 Mr Phil Knight, Como</p> <p>Received: 25 August 2025</p>	<p>Responses provided by: Donna Shaw – Director Development and Community Services</p>
<p><i>[Preamble]</i></p> <p><i>The amendments proposed for LPP 2.4 are broadly supported but could be further enhanced. Under the City’s local planning scheme, land use permissibility for a child care premises is currently a discretionary use within a residential zone. Previous comments by the City in response to questions at the Council Agenda Briefing on 19 August 2025 advised that as the Department of Planning Lands and Heritage (DPLH) does not support a child care premises being an ‘X’ use or not a permitted use in a residential zone, it means that the City has to accept a development application for a child care premises and assess it against any applicable local planning policies or State Policies. Given this position, the City has a discretionary role in assessing each application for a child care premises on its merits. However, for impacted residents there is a need for greater transparency and accountability in this assessment / decision-making process and this discretion needs to be in accordance with some transparent governance structure around its use.</i></p>	
<p>1. In undertaking its discretionary function will the City make publicly available all proposed/draft recommendations (after considering the merits of a development application for a child care premises), for review/comment by impacted residents prior to any recommendations/approval being submitted to the decision maker?</p>	<p>Whilst the City can appreciate that submitters would like further ability to comment on a recommendation on an application, the City will only make its recommendations public to the extent that the officer recommendation is published in an agenda for a Development Assessment Panel or Council Meeting. The City cannot circulate its draft recommendation to submitters to provide further opportunity to comment, as the assessment of development applications are subject to the principles of natural justice and administrative law.</p> <p>The deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 prescribe the manner in which the City must undertake its assessment and determination of an application, which includes statutory timeframes for both the consultation period for an application and the time for deciding an application for development approval.</p>

	<p>Whilst the Regulations prescribe that consultation is to occur for certain applications, and that the decision maker is to consider any submissions received on an application, the applicant is entitled to a decision within the prescribed timeframe once those processes have occurred. Should the proposal be modified, the City can re-advertise the proposal to seek further input.</p>
<p>2. In accordance with question 1, the City in 2024 accepted an application for a proposed child care premises to be built at 44 Park Street, Como - a residential zoned area. The City recommended its approval to MIDAP three times by way of Responsible Authority Reports (Oct 2024, Nov 2024 and Jun 2025) and MIDAP twice rejected the City's discretionary findings. Question 2: Based on its discretionary findings, why did the City three times recommend the approval of this child care premises when it clearly did not meet a number of the requirements of either the DPLH draft Position Statement on Child Care Premises (prior draft version of Nov 2022 or latest draft version of April 2025 currently being finalised), or more specifically its own LPP 2.4, particularly in regard to – 4. Objectives – 4.3 'To minimise the impact of child care premises on the surrounding locality, in particular the amenity of existing residential areas;' and 5. Development requirements – 5.3.3.– Traffic, vehicle access and car parking design – (b) 'Vehicles capable of entering and exiting the site in forward gear.'</p>	<p>The City's initial recommendation on the proposal was for conditional approval. Given the applicant amended the proposal to seek to reduce the impact of the proposal, the City's recommendation remained as conditional approval for the subsequent decisions given the revised proposals had less impact.</p> <p>Position statements provide a statement setting out the policy position of the Western Australian Planning Commission with respect to a particular matter. Greater weight was given to the City's Local Planning Policy 2.4 - Child Care Premises as it was adopted and not in draft, with details of the City's assessment included in the three responsible authority reports prepared and publicised prior to the Development Assessment Panel meetings.</p> <p>Specific details on the City's assessment with respect to traffic and car parking, including review of the traffic impact statement, has been included in the responsible authority reports.</p> <p>The City has updated Local Planning Policy 2.4 - Child Care Premises to seek to address matters that were raised during the consultation process for the application for 44 Park Street, Como, which if adopted by Council, it will be used in the assessment of future applications.</p>

<p>3. At what point is there too much discretion taken by the City, in either not complying with State Policies on child care or its own Local Planning Policies particularly LPP 2.4. The point being that residents and affected stakeholders referred to in the previous question, were not aware of the content and detail of the City's discretionary decisions until after the City's recommendations were tabled with MIDAP to approve the child care premises. The MIDAP process provides only a limited 3-day window for residents and affected stakeholders to review and digest the findings and make a meaningful response/deputation to MIDAP, with no recourse to the City's planning officers. There is insufficient public consultation/review throughout this discretionary process. The 'trust us' mentality is not appropriate. Q3: Is the City supportive of the need for greater transparency and accountability measures to be built into the discretionary process when considering for approval of all child care premises applications?</p>	<p>The deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 prescribe the manner in which the City must undertake its assessment and determination of an application.</p>
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<p>5 Ms Kathy Lees, South Perth</p> <p>Received: 25 August 2025</p>	<p>Responses provided by: Donna Shaw – Director Development and Community Services</p>
<p><i>[Preamble]</i></p> <p><i>The policy now before you is very different to the Model WALGA Tree Retention Policy that other Councils have and are looking to adopt. We were advised last week by administration that the proposed version that's now before you arose because Council could not adopt the WALGA Policy without a revocation motion for the decision last year not to adopt. But we understand now that that advice has been withdrawn, and no revocation is required. Given the ZORZI SAT decision that has already been referred to tonight, Council are obliged to progress a policy that specifies the criteria for development approval for when development approval is required for tree removal. Surely it is best to use the WALGA policy that provides a consistent approach for developers, clearly explains why tree retention is important in line with the SAT decision, and avoids any large significant trees falling between the cracks.</i></p>	
<p>1. What does the City believe the advantages and disadvantages are to having a tree local planning policy that is not consistent with that being recommended by WALGA and adopted by other Councils including most recently our neighbouring Council; Victoria Park?</p>	<p>The WALGA Model Policy was created at a time where historically, it had been accepted that tree removal on residential properties was not work that required development approval under the <i>Planning and Development Act 2005</i>.</p> <p>The recent outcome of the ZORZI decision has confirmed that tree removal may be considered works, regardless of a policy that defines it as such.</p> <p>The creation of a policy to specify that tree removal is works that requires development approval is therefore not required, rather, a policy can be adopted to guide the circumstances in which the local government would exempt the requirement for approval.</p> <p>The City understands that all local governments that adopted the WALGA Model Policy did so prior to the ZORZI decision being made.</p>

<p>2. Does the City agree that the inclusion of guidance in the Policy Objectives about the desired outcomes of the policy as is the case with just about every other City local planning policy, where the objectives are clearly stated in the terms of what the City is trying to achieve, in this being in to retain large trees wherever possible to preserve and enhance neighbourhood amenity, character, sense of place, urban heat island effects etc as in the WALGA model planning policy would be beneficial to landowners, developers and decision makers, particularly given Local Planning Scheme No. 7 says little on tree retention, and if not why?</p>	<p>The City drafted the policy to be as clear and succinct as possible, with the objectives only aligned to the intent of the policy to exempt certain tree removal from requiring development approval and to provide guidance for the assessment of development applications for tree removal where required. Application of the policy would achieve these objectives.</p>
<p>3. Does the City acknowledge that failure to require development approval for major pruning of large trees in the draft Tree Policy, in the way other Councils who have adopted the WALGA Model Policy have done, could result in the City having no power to act if a developer chooses to excessively and repeatedly prune a tree leading to its death?</p>	<p>The head of power for local governments to undertake enforcement action is the <i>Planning and Development Act 2005</i>. Policies provide guidance on decision making, including guidance as to what the local government would constitute as development.</p> <p>Even if Council adopts a policy stating that tree damaging activity is development that requires approval, this can still be challenged.</p> <p>The ZORZI decision did not consider matters related to tree pruning. Works such as pruning or removing a limb may not be considered significant enough that it would constitute development for which approval is required if tested by the State Administrative Tribunal.</p>

<p>6 Mr John Bassett, Como</p> <p>Received: 25 August 2025</p>	<p>Responses provided by: Donna Shaw – Director Development and Community Services</p>
<p><i>[Preamble]</i></p> <p><i>Last night at the Special Electors Meeting, one of the significant points of discussion was that expert advice received by the Council Officers was rather consistently being overturned by individual Councillors. I suggest that if we look at the heritage listing, we would see a similar thing happening there. Following an extensive consultation process, that included expert advice from a heritage specialist, the Draft Heritage List was presented to Council at the 24 June meeting. At that meeting several properties were removed from the list based on what appeared to be ill-informed understandings of the implications of heritage listing and had nothing to do with the actual heritage value of the property. Those removals appear to have been triggered by a few owners making calls to select Councillors. There was no consideration paid to the wider community's desire to retain heritage properties.</i></p>	
<p>1. My question (considering Councillor Prendiville's amendments this evening) seems to be rather rhetorical in is there any risk of the heritage list being further whittled down. I will actually change my question to ask about the list that is being voted on this evening. If it is agreed, what is the process from this point onwards as far as the heritage listing of properties concerned?</p>	<p>If Council adopts the Heritage List tonight for advertising the City is required to write directly to all the landowners on the draft list, including the reasons for why they are included in the draft Heritage List, and inviting them to make submissions on the matter. We will then present a report back to Council following the consultation period in which Council can consider any submissions received on the matter prior to considering adopting the Heritage List. Once the Heritage List is adopted, it will have statutory effect over those properties.</p>

2. Item 10.3.4, 16 Swan Street, in following the discussion at the briefing meeting on the 19 August and in reviewing the Background notes at section 3, it appears that the developer sought approval for a less imposing structure, that was approved under delegated authority. Following that the developer constructed beyond the approved plan (on page 55 of the agenda). A complaint was raised and the developer is now applying to extend the previous approval. This appears to fly in the face of the whole development process. It could be characterised as; build what you want and ask for permission afterward. Is there anything preventing Council from requiring the construction that goes beyond the March 2023 approval be demolished and rebuilt in accordance with that 2023 approval?

The *Planning and Development Act 2005* provides enforcement provisions, including the ability for the City to give a written direction to the owner or any other person who undertook the development to remove, pull down, take up or alter the development.

Should Council refuse the development application, the City will commence enforcement action to ensure works are consistent with that which has been approved.

It is noted that a decision to refuse the development application and any written direction notice can be reviewed by the State Administration Tribunal.

13.2 QUESTIONS FROM MEMBERS OCM 26 August 2025

Councillor Glenn Cridland	Response provided by: Anita Amprimo – Director Infrastructure Services
<p>1. Over the last couple of years, there has been an increase in people rough sleeping (including in their cars). I have noticed it down at Collier Reserve fairly frequently. Sometimes you will see several cars there where people who unfortunately do not have somewhere else to sleep at night stay. I know that there are some toilet facilities in the clubhouse which is the Trinity Aquinas Football and the South Perth Baseball Club Rooms. Is there any access to those toilet facilities for those poor unfortunate people to have a shower at night if they are staying down there in their cars overnight?</p>	<p>All of the City's public toilets are locked by our security company and then unlocked again in the morning. I do not believe that they have showers in them. The ones that have dedicated change rooms with showers in are accessible for the clubs, not for the general public.</p>

DISCLAIMER

The City advises that comments recorded represent the views of the person making them and should not in any way be interpreted as representing the views of Council. The minutes are a confirmation as to the nature of comments made and provide no endorsement of such comments. Most importantly, the comments included as dot points are not purported to be a complete record of all comments made during the course of debate. Persons relying on the minutes are expressly advised that the summary of comments provided in those minutes do not reflect and should not be taken to reflect the view of the Council. The City makes no warranty as to the veracity or accuracy of the individual opinions expressed and recorded therein.

These Minutes were confirmed at the Ordinary Council Meeting held: Tuesday 23 September
2025

Signed _____

Presiding Member at the meeting at which the Minutes were confirmed