

AGENDA.

Ordinary Council Meeting

25 March 2025

Notice of Meeting

Mayor and Councillors

The next Ordinary Council Meeting of the City of South Perth Council will be held on Tuesday 25 March 2025 in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth commencing at 6.00pm.



MIKE BRADFORD
CHIEF EXECUTIVE OFFICER

21 March 2025

Acknowledgement of Country

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

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

Our Guiding Values



Disclaimer

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

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

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Ordinary Council Meeting - Agenda

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2. DISCLAIMER

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

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

4. ATTENDANCE

4.1 APOLOGIES

4.2 APPROVED LEAVE OF ABSENCE

Nil.

5. DECLARATIONS OF INTEREST

- Councillor Mary Choy – Impartiality Interest in Item 10.1.1 as ‘landowners or residents near or around the Collins Street Centre are or may be known to me.’
- Councillor Mary Choy – Impartiality Interest in Item 10.1.2 as ‘landowners or residents near or around the Sir James Mitchell Park (Ellam Street end) are or may be known to me.’
- Councillor Jennifer Nevard - Financial and Proximity Interest in Item 10.3.1 as ‘I live in a city location that affords significant views. I am one owner of the property I live in.’
- Councillor Mary Choy – Impartiality Interest in Item 10.3.1 as ‘landowners or residents with significant views are or may be known to me.’
- Councillor Hayley Prendiville – Impartiality Interest in Item 10.3.4 as ‘a family member of mine is a member of the Collier Pines Ladies Golf Club.’
- Mayor Greg Milner – Financial and Proximity Interest in Item 10.3.8 as ‘this application relates to a property that is across the road from a property that is owned (or indirectly owned) by persons who contributed to my re-election campaign in 2023. This application could also potentially result in a financial gain, loss, benefit or detriment for those persons.’
- CEO Mike Bradford – Impartiality Interest in Item 10.5.1 as ‘this Item relates to my contract of employment.’

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

6.2 PUBLIC QUESTION TIME: 25 MARCH 2025

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 25 February 2025

Officer Recommendation

That the Minutes of the Ordinary Council Meeting held 25 February 2025 be taken as read and confirmed as a true and correct record.

7.2 CONCEPT BRIEFINGS

7.2.1 Concept Briefings and Workshops

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

Date	Subject	Attendees
4 March 2025	Chief Executive Officer Briefing 1	Mayor Greg Milner and Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Jennifer Nevard, Hayley Prendiville.
4 March 2025	Local Planning Policy P350.09 Significant Views Workshop	Mayor Greg Milner and Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Blake D'Souza, Jennifer Nevard, Hayley Prendiville.
4 March 2025	Public Open Space Plan Workshop	Mayor Greg Milner and Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Blake D'Souza, Jennifer Nevard, Hayley Prendiville.
12 March 2025	Chief Executive Officer Briefing 2	Mayor Greg Milner and Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza, Jennifer Nevard, Hayley Prendiville.

17 March 2025	Development of Collier Park Golf Course Briefing	Councillors Glenn Cridland, Blake D'Souza, Jennifer Nevard
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Attachments

Nil.

7.2.2 Council Agenda Briefing - 18 March 2025

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

Attachments

7.2.2 (a): Briefing Notes

Officer Recommendation

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

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

8. PRESENTATIONS

8.1 PETITIONS

Nil.

8.2 GIFTS / AWARDS PRESENTED TO COUNCIL

Nil.

8.3 DEPUTATIONS

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

9. METHOD OF DEALING WITH AGENDA BUSINESS

10. REPORTS

10.1 STRATEGIC DIRECTION 1: COMMUNITY

10.1.1 Proposed Closure and Amalgamation of Road Reserves Near the Collins Street Centre

File Ref: D-25-8301
Author(s): Morgan Hindle, A/ Manager Governance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report seeks a Council resolution to approve the permanent closure of four road reserves not functioning as road and the subsequent amalgamation of unallocated Crown land with the City's adjoining freehold land in accordance with section 58 and section 87 of the *Land Administration Act 1997* and regulation 9 of the Land Administration Regulations 1998.

Officer Recommendation

That Council:

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.

Background

The City has commenced a review of its land assets in accordance with its land utilisation plan framework with a view to delivering better financial, economic, social and environmental outcomes for the community and to rectify any land tenure issues prior to undertaking more detailed site investigations.

Consequently, four road reserves not functioning as road have been identified for rationalisation. All four road reserves are located within the vicinity of the Collins Street Centre and have been referred to as Road Reserve A, B, C and D within this report to assist with their identification.



Figure 1: Location of Road Reserves

To rationalise these road reserves and rectify the land tenure issue, the City may, by Council resolution, request the Minister for Lands (the Minister) approve the closure of all four road reserves and their subsequent amalgamation with the City's adjoining freehold land in accordance with the provisions of the *Land Administration Act 1997* (the Act) and the Land Administration Regulations 1998 (the Regulations)

The consolidated outcome will formalise the existing land use and enable the City to manage and maintain these sites in a more effective and efficient manner without any disruption to the existing road network.

Comment

The City has undertaken a site assessment for each road reserve, the details of the site assessments are as follows.

Road Reserve A



Figure 2: Aerial image of Road Reserve A and adjoining land

Location	Between Shaftesbury Street and Broome Street, South Perth
Legal Status	Public Road Reserve
Owner	State of WA
Responsible Agency	City of South Perth
Current Use	Public Open Space (POS)
Approximate Area	817m ²
Infrastructure Considerations	<p>The site is currently serviced by civil utilities.</p> <p>Power – A Western Power primary transformer and switchgear unit exists along Shaftesbury Street.</p> <p>Water – A Water Corporation water line is located along the northwestern boundary on Shaftesbury Street and a Water Corporation sewer line is located along the southeastern boundary along Broome Street.</p>

	City – A concrete pathway connects Broome Street to Shaftesbury Street along the northeastern boundary of the site. The site also accommodates a playground, park benches, limestone steps and retaining wall.
Environmental Considerations	There is existing vegetation on the site including grass, shrubs and an assortment of eucalyptus trees. The eucalyptus trees are in good health, are fully grown and do not require any works currently. There are no significant trees registered at this location.
Social Considerations	Community service delivery – POS There is no known Aboriginal cultural heritage associated with this site.
Financial Considerations	Nil.
Economic Considerations	Nil.
Access Considerations	At present, the unconstructed road reserve does not provide any benefit to property access or traffic flow and is unlikely to provide any such benefit in the future.
Adjoining City Freehold Land	Lot 24 on Plan 576

Road Reserve A is reserved as POS under the City's Local Planning Scheme 7. It adjoins land known as the Shaftesbury Street Reserve and currently accommodates civil utilities and a playground.

Considering the site is used by the local community as POS, the proposed road closure and subsequent amalgamation with Lot 24 on Plan 576 will allow the City to formalise the existing use as POS.

Road Reserve B



Figure 3: Aerial image of Road Reserve B and adjoining land

Location	Between Collins Street and Broome Street, South Perth
Legal Status	Public Road Reserve
Owner	State of WA
Responsible Agency	City of South Perth
Current Use	POS
Approximate Area	748m ²
Infrastructure Considerations	<p>The site is currently serviced by civil utilities.</p> <p>Water - A Water Corporation sewer line is located in the centre of the site as well as along the northwestern and southeastern boundaries.</p> <p>City - A concrete pathway connects Broome Street to Collins Street along the southeastern boundary. A stormwater drainage pipe is located in the centre and along the southeastern boundary of the site feeding into an underground sump.</p>
Environmental Considerations	<p>There is existing vegetation on the site including grass and assortment of eucalyptus trees in good health. The trees are fully grown and do not require any works currently. There are no significant trees registered at this location.</p>

Social Considerations	Community service delivery – POS The site has been considered in the context of the City’s draft Public Open Space Strategy (POS Strategy). The POS Strategy is currently being developed to implement, acquire and retain land for the purpose of POS and meet POS needs and demands. There is no known Aboriginal cultural heritage associated with this site.
Financial Considerations	Nil.
Economic Considerations	Nil.
Access Considerations	At present, the unconstructed road reserve does not provide any benefit to property access or traffic flow and is unlikely to provide any such benefit in the future.
Adjoining City Freehold Land	Lot 16 on Plan 576

Road Reserve B is reserved local road under the City’s Local Planning Scheme 7. It adjoins land held by the City for the purpose of drainage and currently accommodates subterranean civil utilities and a grassed area.

Considering the site is used by the local community as POS, the proposed road closure and subsequent amalgamation with Lot 16 on Plan 576 will allow the City to formalise the existing use as POS.

Road Reserve C



Figure 4: Aerial image of Road Reserve C and adjoining land

Location	Between Collins Street and Broome Street, South Perth
Legal Status	Public Road Reserve
Owner	State of WA
Responsible Agency	City of South Perth
Current Use	Car Park
Approximate Area	728m ²
Infrastructure Considerations	<p>The site is currently serviced by civil utilities.</p> <p>Water – A Water Corporation sewer line is located along the southeastern boundary.</p> <p>City – A stormwater drainage pipe is located along the southeastern boundary. The site also accommodates a limestone retaining wall, chain link fencing, car park lighting, playground and shade structure.</p>
Environmental Considerations	There is bitumen and shrubs on this site. There are no significant trees registered at this location.

Social Considerations	<p>Perceived Community Significance – Community members with long ties to the area will likely be familiar with the sites use. While the adjacent land is zoned Civic and Community, it currently is utilised by a small number of community members.</p> <p>The site shares a common boundary with one residential dwelling. Owners or occupiers of this dwelling will be used to the site being a community facility/undeveloped property.</p> <p>There is no known Aboriginal cultural heritage associated with this site.</p>
Financial Considerations	An opportunity may exist for the site to deliver future income/revenue.
Economic Considerations	The development potential of the site could generate future employment opportunities.
Access Considerations	An access easement is required to permit ongoing rear driveway access to 121 and 123 Canning Highway. The City will not be required to maintain the access easement area.
Adjoining City Freehold Land	Lot 13 on Plan 576

Road Reserve C is reserved local road under the City's Local Planning Scheme 7. It adjoins the Collins Street Centre and currently accommodates part of a car park and playground area.

Considering the site is used by visitors to the Collins Street Centre as a car park, the proposed road closure and subsequent amalgamation with Lot 13 on Plan 576 will allow the City to formalise the existing civic and community use.

An easement will be required over a portion of the amalgamated land to provide an ongoing right of access for 121 and 123 Canning Highway.

Road Reserve D



Figure 5: Aerial image of Road Reserve D and adjoining land

Location	Between Shaftesbury Street and Broome Street, South Perth
Legal Status	Public Road Reserve
Owner	State of WA
Responsible Agency	City of South Perth
Current Use	Park
Approximate Area	817m ²
Infrastructure Considerations	<p>The site is currently serviced by civil utilities.</p> <p>Power – A Western Power primary transformer and switchgear unit exists along Shaftesbury Street.</p> <p>Water – A Water Corporation water line is located in the centre of the site.</p> <p>City – A concrete pathway connects Broome Street to Shaftesbury Street along the northeastern boundary of the site.</p>

Environmental Considerations	Grass and assortment of trees are in good health and do not require any works currently. There are no registered significant trees at this location. In accordance with the City's Urban Forest Strategy and Policy P206 Urban Forest future development contemplated on the site could be designed in such a way to retain the trees, where practical.
Social Considerations	<p>Perceived Community Significance – Community members with long ties to the area will likely be familiar with the sites' use. While the adjacent land is zoned Civic and Community, it currently is utilised by a small number of community members.</p> <p>The site shares a common boundary with one residential dwelling. Owners or occupiers of this dwelling will be used to the site being a community facility/undeveloped property.</p> <p>There is no known Aboriginal cultural heritage associated with this site.</p>
Financial Considerations	An opportunity may exist for the site to deliver future income/revenue.
Economic Considerations	The development potential of the site could generate future employment opportunities.
Access Considerations	At present, the unconstructed road reserve does not provide any benefit to property access or traffic flow and is unlikely to provide any such benefit in the future.
Adjoining City Freehold Land	Lot 11 on Plan 576

Road Reserve D is reserved local road under the City's Local Planning Scheme 7. It adjoins the Collins Street Centre and currently accommodates civil utilities.

Considering there is currently infrequent informal recreational use of this land and it predominantly accommodates above ground infrastructure assets, it is proposed the road closure and subsequent amalgamation with Lot 11 on Plan 576 facilitates formalising a civic and community use to provide an opportunity for the Collins Street Centre to be investigated for future optimisation opportunities.

Road Closure Process

The process to close the road reserves is as follows:

- Council resolves that all four subject portions of road reserve detailed above should be closed by the Minister pursuant to section 58 of the Act and regulation 9 of the Regulations, subject to the City advertising its intention to make the request and considering any objections.
- The City advertises its intention in the newspaper, on its notice boards and across media channels, and notifies the adjoining land owners and the relevant utility providers, and invites submissions for a period of no less than 35 days from the date of the notice/advertisement.
- The City considers and responds to any objections received.
- Subject to Council approval, 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 City's request, the closed portions of road reserve will become unallocated Crown land. Unallocated Crown land is not under the local authority'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 DPLH.

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

- Subject to the Ministers approval, the closed portions of road reserve become the ownership of the Crown (State) for disposal. A valuation is undertaken by DPLH's Valuation Services.
- Once the value of the unallocated Crown land has been determined and the total expenditure (including survey, advertising and conveyancing costs) is known, the amount required to facilitate the proposal will be included in the City's 2025/26 budget.
- The City's surveyor submits all survey details including the new Deposited Plan to the Western Australian Planning Commission and liaises with DPLH and Landgate.
- DPLH provides the City with an Offer and Acceptance (OA) requesting payment of the subject land parcels including statutory charges. The OA's 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 at the Landgate Office. Landgate fees and charges apply.

The creation of an easement may be incorporated in the amalgamation and transfer of land process for Road Reserve C to provide 121 and 123 Canning Highway with a right to use a portion of the amalgamated site for the purpose of access.

POS

The City’s POS Strategy assesses the provision, accessibility and quality of POS across the City. Considering the City has a suburb wide deficiency of local open space, the City may look to acquire or retain land for the purpose of providing POS subject to a feasibility assessment and all relevant approvals.

Appropriateness for retention of land as POS will have regard to its characteristics, existing function and utilisation, future service delivery requirements, biodiversity or other environmental value, usability for recreation, quality for use as POS and whether land meets functional POS criteria.

Road Reserves A and B have performed the function of POS for a significant amount of time and meet the functional open space criteria. From an urban greening perspective formalising these sites as POS will also ensure the existing trees continue to contribute to the City’s urban canopy and over all achievements as park trees.

Collins Street Centre Site

It is anticipated that the amalgamation of unallocated Crown land derived from the closure of Road Reserves C and D with the Collins Street Centre site will facilitate the creation of one new land parcel.



Figure 6: City of South Perth consolidated freehold land following amalgamation

Based on this outcome, City Officers recognise the rationalisation and consolidation of unallocated Crown land with City freehold land will contribute to improving the future development potential of this site.

A detailed site investigation will be undertaken by the City once the land tenure matter has been resolved to determine whether any land asset optimisation opportunities exist for the site.

10.1.1 Proposed Closure and Amalgamation of Road Reserves Near the Collins Street Centre

Upon completion of the site investigation, the City will prepare a future report item for Council to consider the options for the Collins Street Centre should Council determine a future use for the site.

Consultation

Pursuant to section 58 of the Act, when a local government wishes a road in its district to be closed, the local government may, subject to subsection (3), request the Minister to close the road. Subsection (3), states that a local government must not resolve to make a request under subsection (1), until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any submissions made to it within that period concerning the proposals set out in the notice.

Subject to Council's support, the formal Public Consultation period prescribed in section 58 of the Act will commence via newspaper advertisement, public notice on the City's notice boards, website and social media platforms and be advertised to Main Roads WA, the Water Corporation, Western Power and other relevant stakeholders and the public.

Policy and Legislative Implications

The City must comply with section 58 of the Act and regulation 9 of the Regulations, dealing with public advertising, objections and service agency responses to the proposed road closure and must formally resolve to close the road prior to advising DPLH and requesting the Minister consider the closure.

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 road closure and amalgamation process will involve DPLH's Valuation Services undertaking a valuation assessment to determine the value of the unallocated Crown land.

Once the value has been determined and the total expenditure (including survey, advertising and conveyancing costs) is known, the amount required to facilitate the proposal will be included in the 2025/26 budget.

Key Risks and Considerations

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

Nil.

10.1.2 Sport Spaces Investigation/Feasibility Study - Sir James Mitchell Park, South Perth (Ellam Street End)

File Ref: D-25-8303
Author(s): Donna Shaw, Director Development and Community Services
Reporting Officer(s): Mike Bradford, Chief Executive Officer

Summary

This report presents the outcomes of the Geotechnical Investigation into the use and development of a portion of Sir James Mitchell Park (Ellam Street end) for shared sport spaces.

Officer Recommendation

That Council:

1. Notes the outcomes of the Geotechnical Investigation into the use and development of a portion of Sir James Mitchell Park (Ellam Street end) for sport spaces.
2. Does not progress with the Sir James Mitchell Park (Ellam Street end) Sports Spaces Feasibility Study.

Background

At its meeting held 12 December 2023, Council approved an allocation of \$50,000 in the 2023/24 Budget (Mid-Year Budget Review) as the City's financial contribution towards a Sir James Mitchell Park (Ellam Street end) Sports Spaces Feasibility Study.

In making this decision, Council resolved to fund the full (rather than 50%) amount of the feasibility study. The reasons given for Council to wholly fund the study in lieu of a 50% contribution from Wesley College were:

- “(a) the location is the City’s freehold foreshore land, and
(b) no decisions have been made by the City or Council on the identity(ies) of future users of any such potential future recreation facilities and how any such facilities might be funded.”*

In 2024 the City contracted Structerre Consulting to undertake the Geotechnical Investigation of the land. This investigation was commenced ahead of the balance of other considerations (such as environmental, financial and community and stakeholder engagement) given a determination on whether the land was physically capable of being developed for sports spaces and associated infrastructure would determine whether the project could proceed. This report presents the findings of the Geotechnical Investigation, which is contained as **Attachment (a)**.

Comment

Geotechnical Investigation

This investigation was based on a redevelopment area of 3.58ha, being the majority of land south of the existing bike path and north of the trees adjacent the residential area as detailed in Figure 1.

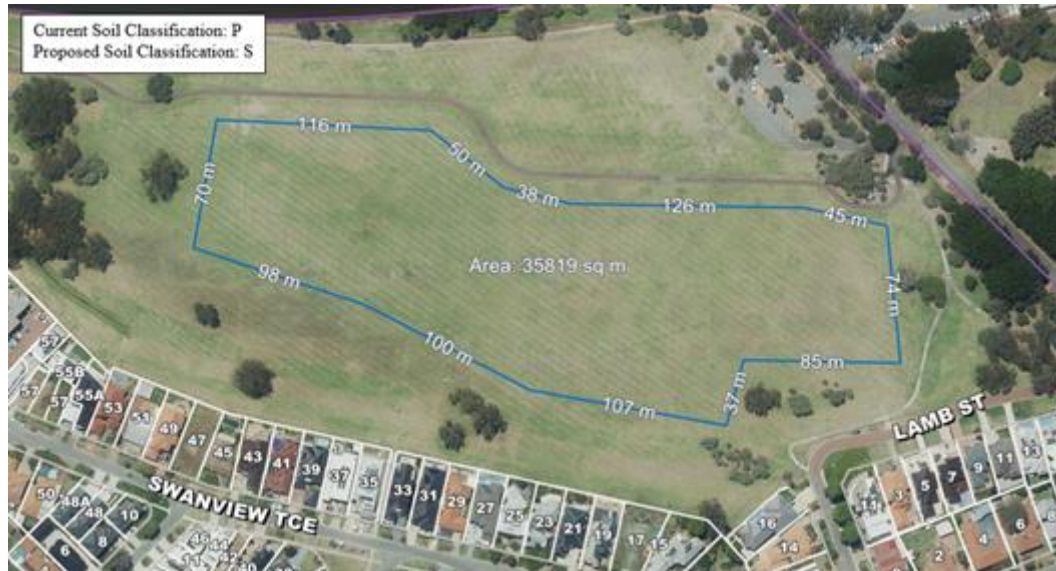


Figure 1: Redevelopment Area

The Geotechnical Investigation has determined the current condition of the site is classified as Class 'P' in accordance with Australian Standard 2870-2011 – Residential Slabs and Footings Construction Requirements. Class 'P' is considered problem soils, which include soft soils, loose sands, landslip, collapsing soils, erosion, abnormal moisture conditions or sites which cannot be classified otherwise, with a variable characteristic surface movement (γ_s) value.

The site can be upgraded to an equivalent Class 'S' (clay- lightly reactive soil with slight ground movement due to moisture changes and an γ_s value of 10-20mm) suitable for structural buildings provided the recommended scope of earthworks are undertaken, which would involve the following:

- Dewatering and an Acid Sulfate Soil (ASS) Management Plan prepared prior to conducting excavation on the site.
- Remove and dispose unsuitable materials include vegetation, topsoils, uncontrolled filling, and any deleterious and organic materials.
- Recommended average depth of excavation 2.0m for non-structural building and 2.4m for structural building envelopes.
- Inspection of exposed base by authorised representative.
- Supply and place 300mm thick layer of crushed limestone (subbase) over the base of excavation and track roll using a small track mounted machinery.
- Supply and place single layer of combination geotextile cloth / grid (Combigrid or similar) over the base of the building envelope, followed with an additional 150mm thick layer of crushed limestone above compacted to achieve a minimum of 95% standard maximum dry density when tested in accordance with AS1289 – Methods of testing soils for engineering purposes (method 5.1.1).

10.1.2 Sport Spaces Investigation/Feasibility Study - Sir James Mitchell Park, South Perth (Ellam Street End)

- Supply and place fill sand this should be placed in layers not exceeding 300mm loose thickness and compacted to achieve the values as provided in the Geotechnical Investigation.

To make the land suitable for future sports spaces, Structurre Consulting has recommended two different depths for the excavation, namely:

- Non-structural building - Average depth of excavation 2.0m; and
- Structural building envelopes - Average depth of excavation 2.4m.

Other elements that need to be considered include existing irrigation; existing drainage systems; subsoil drainage; concrete drainage pipeline and pits; and Water Corporation sewer line.

Financial Implications

A high-level cost estimate to complete the scope of earthworks outlined in this report to reclassify the site from 'P' classification to 'S' classification, being \$520 per m² (\$20,466,885.67 inc. GST).

Whilst the entire redevelopment area of 3.58ha is unlikely to be required to be reclassified to 'S' classification as buildings/ pavilion will only be located on a portion of the site, the balance of the site would still require earthworks to resolve drainage issues associated with the 'P' classification. Support from the Department of Biodiversity, Conservation and Attractions would be required for these works given the land is located within the Swan Canning Development Control Area, which may require more detailed environmental investigations.

Any development of the site for sports spaces would need to be supported by essential community recreation infrastructure, such as publicly accessible changerooms, public toilets and sports lighting. The above cost estimate does not include costs associated with this infrastructure.

Whilst there is significant demand for sports spaces to meet the growing needs of sporting clubs, the City considers the above a significant cost given the need for a variety of community infrastructure across the district. No funds are currently set aside in the City's 10-Year Financial Plan for the above works, and the City has a number of other capital works priorities that would potentially compete for funds against these works.

The Community Facilities Reserve in the 2024/25 adopted Annual Budget provides \$19,267,496. Council has previously considered the use of these funds for the redevelopment of Challenger Reserve and indoor multi-sports courts at George Burnett Park following an options assessment being prepared and after the State Government has determined its preferred location for the new inner southern suburbs indoor sporting facility. Whilst the City would seek external funding to contribute towards the projects, it is recommended that Council does not progress with the Sir James Mitchell Park (Ellam Street end) Sports Spaces Feasibility Study to develop the site for sports spaces at this point in time, and continues to progress with the Challenger Reserve and George Burnett Park projects.

Consultation

Nil. Should Council proceed to investigating the use of the site for sport spaces, the City would commence more detailed investigations. Any future preferred use and development of the site would be subject to community and stakeholder engagement, in addition to relevant State Government agencies such as the Department of Biodiversity, Conservation and Attractions given the site is within the Swan River Development Control Area.

Policy and Legislative Implications

Nil.

Financial Implications

The cost of the Geotechnical Investigation was \$16,000. Should Council not proceed with the full Feasibility Study as recommended by the City, the balance of the \$50,000 allocated by Council for this purpose will not be expensed and retained as a saving in the municipal fund.

Key Risks and Considerations

Risk Event Outcome	Reputational Damage Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
Risk rating	Low
Mitigation and actions	The City will liaise with relevant stakeholders should Council progress with the Feasibility Study.

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: 3.3.3 Improve the amenity value and sustainable uses of our streetscapes, public open spaces and foreshores

Attachments

- 10.1.2 (a): Sir James Mitchell Park - Ellam Street Sports Spaces - Geotechnical Report - 2025

10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

Debate on Item 10.3.1 Revocation of Local Planning Policy P350.09 - Significant Views was adjourned to the March Ordinary Council Meeting at the Ordinary Council Meeting held 10 December 2024. Prior to the adjournment, the Item was moved by Mayor Greg Milner and seconded by Councillor André Brender-A-Brandis. During debate on the Officer's Recommendation, the mover and seconder chose not to speak. Councillors Nic Coveney, Jennifer Nevard, Blake D'Souza, and Hayley Prendiville all spoke against the recommendation. At this point in the debate, Councillor Glenn Cridland moved a motion to adjourn the debate.

10.3.1 Revocation of Local Planning Policy P350.09 - Significant Views

File Ref: D-25-8305
Author(s): Donna Shaw, Director Development and Community Services
Reporting Officer(s): Mike Bradford, Chief Executive Officer

Summary

This report proposes the revocation of local planning policy - P350.09 – Significant Views for various reasons, including modification to information requirements since the Policy was initially adopted by Council and guidance from recent State Administrative Tribunal decisions on the issue.

Officer Recommendation

That Council, in accordance with the provisions of Schedule 2, Clause 6 of the Planning and Development (Local Planning Schemes) Regulations 2015, revokes P350.09 – Significant Views.

Background

Local Planning Policies (LPP) are used to assist local governments in making planning decisions under the local planning scheme by outlining acceptable development standards and establishing clear expectations to applicants on how decision-makers are likely to exercise discretion.

P350.09 – Significant Views (P350.09) was adopted by Council at its meeting held 25 November 2008 and seeks to give balanced consideration to the reasonable expectations of both existing residents and applicants proposing new development with respect to a significant view. A copy of this policy is contained at **Attachment (a)**.

For the purpose of the Policy, the term 'significant view' means a panorama or a narrower vista seen from a given vantage point, not obtainable from the majority of residential properties within the City. Examples of a 'significant view' include views of the Perth City skyline, the Swan or Canning River, suburban townscape, parkland or treescape.

10.3.1 Revocation of Local Planning Policy P350.09 - Significant Views

The Policy does not apply to any residential development in former Precinct 13 - Salter Point under former Town Planning Scheme No.6 assigned a building height limit of 3.0m, 3.5m or 6.5m. Views in this location are considered under ASR 12 – Salter Point Escarpment, where discretion is sought for building height under the Residential Design Codes (R-Codes) and the permitted building projection within Local Planning Policy – Salter Point Escarpment.

Comment

With the exception of heritage-protected places, as of 1 July 2024, determinations for single houses in Western Australia and the exercise of discretions under the R-Codes has become vested in local government CEOs or officers authorised by CEOs, to the exclusion of Councils, as enabled by section 257C of the *Planning and Development Act 2005* and regulations. For applicable single house proposals, the CEO or authorised officer are now responsible for the determination of any applications which have the potential to adversely affect existing views of neighbouring and nearby properties, following assessment in accordance with the R-Codes.

The R-Codes consider views via the design element of building height, with the relevant design principle ensuring that building height does not have an adverse impact on the amenity of adjoining properties or the streetscape, including road reserves and public open space reserves; and where appropriate maintains access to views of significance. For multiple dwelling proposals, the R-Codes provides for applicants to submit a local context plan, including details of views to and from the site, which is then considered as part of the design review process.

The State Administrative Tribunal (SAT) has considered the matter of views of significance 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). The key findings from these cases are as follows:

- What is an acceptable or unacceptable impact is a matter of fact, degree and expert assessment.
- Assessment of views should consider whether water or skyline views are available and to what extent the view is already obstructed.
- Modelling should be provided to demonstrate the impact on views, including the room from which the view is seen.
- It is not a requirement to have a specialist view expert provide evidence on required aspects, rather, the qualitative assessment of views can be undertaken by planners.
- Views from habitable rooms and a standing position should be protected to a greater degree than those from bedrooms or a seated position.
- Developments which cause significant discontinuation of an existing panoramic view are likely to be unacceptable.
- ‘Maintenance of access to views’ does not mean that no degree of impact on views can be tolerated.

10.3.1 Revocation of Local Planning Policy P350.09 - Significant Views

P350.09 is suitable for revocation for the following reasons:

- The Policy provides information requirements (i.e. applicant shall submit plans/ photographs demonstrating the impact on significant views). The introduction of the deemed provisions to the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) now provides for accompanying materials, which includes plans showing the existing and proposed ground levels, a report or any specialist studies or any other plan or information the local government reasonably requires (such as modelling views of significance). Details of local context are submitted for multiple dwelling proposals. An LPP is therefore not required to guide information requirements.
- The Policy provides that the City will assess the proposal against the objectives of the Policy, which is to balance consideration to the reasonable expectations of both existing residents and applicants. The City is required to do this as part of its discretionary assessment against the requirements of the design principles of the R-Codes. This allows for innovative design responses that may be more context and site responsive and as such, prescribing elements of the building which may be varied in an LPP is also not required. Where a deemed-to-comply provision is not met, the R-codes provides that applicant should provide sufficient justification to demonstrate how they have met or exceeded the requirements of the relevant design principle(s) when this pathway is pursued.
- With respect to retention of development entitlements, an LPP is not required to prescribe that a reduction in residential density or building height will not be required to retain views, as these are 'as of right' in the deemed-to-comply criteria of the R-Codes.

Consultation

In accordance with the Regulations, consultation on the revocation of an LPP is not required.

Policy and Legislative Implications

In accordance with the Regulations, an LPP may be revoked:

- '(a) by a subsequent local planning policy that;*
 - (i) is prepared in accordance with this Part; and*
 - (ii) expressly revokes the local planning policy; or*
- (b) by a notice of revocation:*
 - (i) prepared by the local government; and;*
 - (ii) published by the local government in accordance with clause 87.'*

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	<p>Legislative Breach</p> <p>Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation.</p>
Risk rating	Low
Mitigation and actions	Should Council resolve to revoke the Policy, the City will comply with the requirements of 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): Policy P350.09 Significant Views

10.3.2 Scheme Amendment No. 1 to Local Planning Scheme No. 7 - Short Term Rental Accommodation (Final Adoption)

File Ref: D-25-8306
Author(s): Donna Shaw, Director Development and Community Services
Reporting Officer(s): Mike Bradford, Chief Executive Officer

Summary

The purpose of this report is for Council to consider Scheme Amendment No. 1 to Local Planning Scheme No. 7 to update the scheme text to introduce new and revised land use classes and general definitions to facilitate State Government reforms for short-term rental accommodation.

Officer Recommendation

That Council resolves, pursuant to Section 75 of the *Planning and Development Act 2005*, to support Scheme Amendment No.1 to Local Planning Scheme No. 7 – Short Term Rental Accommodation without modification by:

1. In clause 37 ‘Terms Used’:
 - A. Delete the definition for short-term accommodation.
 - B. Amend the general definition for cabin to:
means a building that –
 - (a) is an individual unit other than a chalet; and
 - (b) forms part of –
 - (i) tourist and visitor accommodation; or a caravan park; and
 - (c) if the unit forms part of a caravan park - is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period.
 - C. Amend the general definition for chalet to:
means a building that –
 - (a) is a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and
 - (b) forms part of –
 - (i) tourist and visitor accommodation; or a caravan park; and
 - (c) if the unit forms part of a caravan park - is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period.

2. In clause 38 'Land Use Terms Used':
 - A. Delete the definitions for:
 - Bed and breakfast;
 - Holiday accommodation;
 - Holiday house;
 - Motel;
 - Serviced apartment; and
 - Tourist development.
 - B. Insert the definition for tourist and visitor accommodation as per Schedule 1 – Model Provisions.
3. In clause 17 'Zoning Table' insert in alphabetical order the following land uses and permissibility:
 - A. Hosted short term rental accommodation; designate as 'P' uses in all zones except the Centre zone and Refer clause 18(6) in the Centre zone.
 - B. Unhosted short term rental accommodation; designate as 'A' uses in all zones except the Centre zone and Refer clause 18(6) in the Centre zone.
 - C. Tourist and visitor accommodation; designate as 'A' in Residential zone, 'X' in Private Community Purposes zone, 'A' in Mixed Use zone, 'A' in Local Centre zone, 'A' in Neighbourhood Centre zone and Refer clause 18(6) in the Centre zone.
4. In clause 17 'Zoning Table', delete all references to:
 - A. Bed and breakfast;
 - B. Holiday accommodation;
 - C. Holiday house;
 - D. Motel;
 - E. Serviced apartment; and
 - F. Tourist development.
5. In Schedule C – Additional Centre Requirements – ACR2 – subject to the South Perth Activity Centre Plan 'Table 1: Land Use Permissibility' insert in alphabetical order the following land uses and permissibility:
 - A. Hosted short term rental accommodation; designate as a 'P' use in all Character Areas.
 - B. Unhosted short term rental accommodation; designate as 'A' uses in all Character Areas.
 - C. Tourist and visitor accommodation; designate as 'D' uses in the Mends and Richardson Character Areas and 'A' uses in the Hillside and Mill Point Character Areas.

6. In Schedule C – Additional Centre Requirements – ACR2 – subject to the South Perth Activity Centre Plan ‘Table 1: Land Use Permissibility’ delete reference to:
 - A. Bed and breakfast;
 - B. Serviced apartment; and
 - C. Tourist development.
2. Considers the scheme amendment is standard under the provisions of Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:
 1. The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
 2. The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
 3. The amendment is not considered a complex or basic amendment; and
 4. The amendment introduces or changes permissibility for new Short Term Rental Accommodation uses and other scheme provisions, being Table 1: Land Use Permissibility of Schedule C – Additional Centre Requirements – ACR2 – Land subject to the South Perth Activity Centre Plan.
3. In accordance with Regulations 35A of the Planning and Development (Local Planning Schemes) Regulations 2015, the approval of the South Perth Activity Centre Plan and Canning Bridge Activity Centre Plan are not affected by the standard amendment.

Background

At its 22 October 2024 Ordinary Meeting, Council initiated Scheme Amendment No.1 to Local Planning Scheme No.7 – Short Term Rental Accommodation, which sought to implement the changes to the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) related to Short Term Rental Accommodation.

In accordance with the requirements in the Regulations, a local government is required to pass a resolution to either support with or without modifications or refuse to support an amendment to the Scheme. The outcome of this is forwarded to the Western Australian Planning Commission (WAPC) for consideration.

Comment

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

The State Government has advised that all local governments will be expected to amend their local planning schemes to implement the changes.

No changes to the advertised version of the Scheme Amendment are proposed. A copy of the Scheme Amendment for Final Adoption is contained as **Attachment (a)**.

Consultation

The Scheme Amendment was advertised for public comment for a period of 50 days between 19 December 2024 to 7 February 2025 in accordance with the Regulations, by way of the following:

- The consultation was displayed on the City's website and social media; and
- Copies of the documents were made publicly available at the Civic Centre and Manning and South Perth Libraries.

At the close of the consultation period, one submission in opposition was received, contained in the Schedule of Submission at **Attachment (b)**.

The Department of Health also advised the City that it had no objection to the Scheme Amendment and provided advice on drinking water and waste management and public health requirements in relation to human habitation.

Policy and Legislative Implications

The procedures for dealing with proposals to amend LPS 7, are in accordance with the *Planning and Development Act 2005* and are set out in the Regulations. Under Regulation 35(2) a Council resolution must:

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

The proposed amendment is considered as a standard amendment as:

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

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

- (a) the approval of the structure plan is to be revoked; or
- (b) the structure plan is to be amended in accordance with the statement; or
- (c) the approval of the structure plan is not affected. The approval of the South Perth Activity Centre Plan and Canning Bridge Activity Centre Plan are not affected by the standard amendment.

10.3.2 Scheme Amendment No. 1 to Local Planning Scheme No. 7 - Short Term Rental Accommodation (Final Adoption)

In accordance with Regulation 50(3), before the end of the consideration period for a proposed standard amendment to a local planning scheme, or a later date approved by the Commission, the local government must pass a resolution –

- “(a) to support the proposed amendment without modification; or
- (b) to support the proposed amendment with proposed modifications to address issues raised in the submissions; or
- (c) not to support the proposed amendment.”

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	Adopt Scheme Amendment and Resolution in accordance with <i>Planning and Development Act 2005</i> and Regulations.

Strategic Implications

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

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

Attachments

- 10.3.2 (a):** Scheme Amendment No. 1 to Local Planning Scheme No.7 - Short Term Rental Accommodation - Scheme Amendment Report - Final Adoption
- 10.3.2 (b):** Schedule of Submission - Scheme Amendment No. 1 to Local Planning Scheme No.7 - Short Term Rental Accommodation

10.3.3 40km/h Residential Zones Speed Limit Proposal

File Ref: D-25-8307
Author(s): Jan Augustin, Manager Engineering Services
Reporting Officer(s): Anita Amprimo, Director Infrastructure Services

Summary

The purpose of this report is for Council to consider progressing the 40 km/h speed limit on local roads project, with the intention of reducing the severity of crashes and the likelihood of fatalities.

The item is a priority transport and infrastructure project developed by the Perth Inner-City Group. It aligns with the City of South Perth's Integrated Transport Plan 2021 to 2031 and the Government of Western Australia Road Strategy 2020 to 2030.

Officer Recommendation

That Council:

1. Endorses the Chief Executive Officer to continue with a formal application to Main Roads WA (MRWA) to implement 40km/h speed zones on Local Access Roads;
2. Supports inclusion of selected other higher order roads such as Local Distributor Roads in the application at 1 above, subject to evaluation of the suitability of those roads by MRWA and the City;
3. Supports community education and communication that encourages slower speeds on local roads and increases road safety across the City;
4. Notes that the community will be invited to provide feedback post implementation as part of the evaluation and that this feedback will be used to inform any adjustments that may result as part of that evaluation;
5. Notes that the project is preferred to be fully funded by external grants and that partly funded grants are an alternative option.

Background

The City of South Perth is a member of the Perth Inner-City Group (PICG).

In 2020, the Perth Inner-City Group created an advocacy document detailing priority transport and infrastructure projects to address key issues impacting the wider inner-city area. The roadmap identified key projects including the implementation of safer speeds, highlighting the unanimous agreement of the inner-city working group on the necessity for slower speeds in inner-city Perth.

The implementation of safer speeds such as a 40 km/h speed limit on local access roads aligns with the City of South Perth's Integrated Transport Plan 2021 to 2031 and the Government of Western Australia Road Safety Strategy 2020 to 2030. The City also has a number of existing 40km/h area with the most recent being implemented in the South Perth Peninsula.

In November 2024, a Concept Briefing was held with Elected Members to discuss the project's progress and lessons learned from the City of Vincent.

Moving forward, the City aims to progress next steps with PICG member Councils, including Subiaco, Victoria Park, Perth, Vincent and Cambridge as neighbouring Councils.

Comment

The appropriate management of speed is an integral part of the Safe System approach to road safety. Numerous studies have demonstrated a clear link between speed, the likelihood of crashes, and the severity of injuries. As speed increases, both the probability of a crash resulting in casualties and the severity of injuries to those involved also rise.

As our urban population grows, the frequency of interactions between vehicles and between vehicles and vulnerable road users will rise. It's crucial to ensure these interactions happen at safer speeds.

Why Local Access Roads and why 40 km/h?

Local access roads are where people live, children play and residents carry out everyday tasks, such as walking the dog, going for a run, walking to and from school or the local shops. As such, making these places as safe as possible for people to live and enjoy by reducing traffic speed is a key.

The current speed limit on local access roads is 50 km/h (the default built up area speed). Reducing this to a posted 40 km/h speed limit will reduce traffic speed and, should a crash occur between a car and a person walking or riding, the person walking or riding will have a high chance of surviving the crash and not being seriously injured.

A person walking or riding will have a 60% chance of surviving the crash with a vehicle travelling at 40 km/h compared to only a 20% chance of surviving the crash with a vehicle travelling at 50 km/h. In other words, a 20% reduction in speed limits result in a 200% increase in the likelihood of surviving a collision.

Will it impact travel times?

Research notes that local access roads speed limits typically have a negligible effect on travel times, particularly because small variations in trip time associated with travel on local access roads at the start and end of journeys are not perceptible or significant when considered in the frame of whole trips (Haworth et al. 2001).

What are the benefits?

Evidence from international research for safer speeds indicate that reductions in vehicle speeds on local access roads may also result in reductions of traffic noise, and can promote walking and cycling, which have clear flow-on health, wellbeing, social, and economic benefits (Box and Bayliss 2012; James et al. 2014). The impacts of noise and air pollution resulting from traffic also reach minimal levels at a speed of 40 km/h (Elvik 2009b, p. 37).

As such, the key benefits are:

- making local access roads safer for all road users.
- contributing to more connected communities and vibrant streets.
- slower and safer traffic creates more desirable places and results in private investment (development and business growth).
- more desirable places, and greater place investment results in more financially sustainable local government.
- improved walking and cycling environments create the conditions for more active transport which has major public health, environmental benefits, reduced congestion and community connectedness.
- reducing greenhouse gas emissions.
- consistency for community living within the Perth inner-city.
- demonstration of the Perth Inner-City Group leadership.
- ability to advocate for higher levels of external funding.
- reduced application cost (and amount of signage).

Is there an existing speeding and road safety issue on our local access roads?

The City of South Perth, the other Perth Inner-City Group members provided geo located traffic speed data. This has been mapped to the local access road network. This indicates that within the local access road network a large proportion of roads already experience 85th percentile speeds at or below 48km/h, indicating that reducing the posted speed to 40 km/h would see a reduction to operating traffic speeds over the longer term.

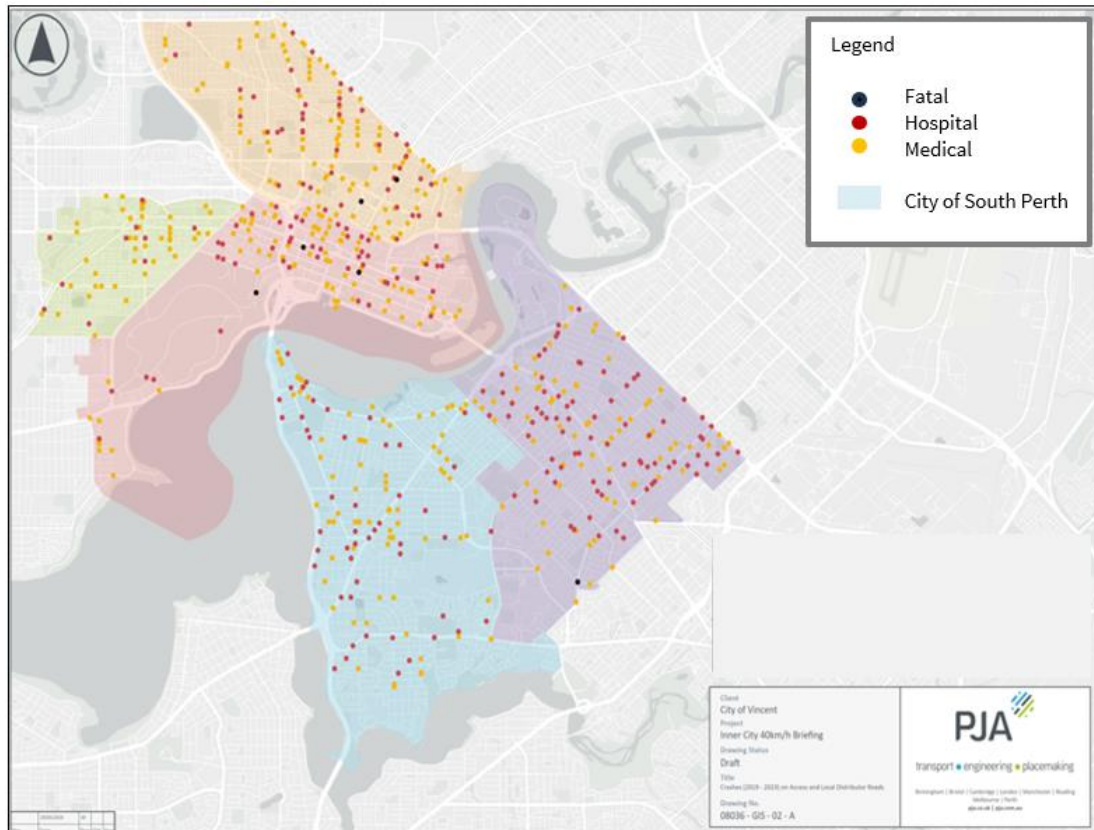
There are also several local access roads within the City of South Perth that experience speeds above 52km/h. These roads will also see a reduction in the 85th percentile speed following the implementation of area-wide 40km/h speed zoning.

There have been 194 casualty crashes within the City of South Perth area within the last five years (2019 to 2023). Casualty crashes are those crashes that resulted in either someone requiring medical treatment at the scene of the crash, or someone required to go to hospital or, someone who has died. Table 1 illustrates the crash rates for the City of South Perth area on local access roads.

These crashes have also been spatially mapped and presented within Figure 1.

Table 1: City of South Perth Casualty Crashes 2019 to 2023

Local Government Area	Medical	Hospital	Fatal
City of South Perth	142	52	0

Figure 1: Inner City Group Crashes 2019 to 2023

What will happen to local access roads that currently have posted speed limits less than 40 km/h?

There are a few local access roads within the City of South Perth area that currently have posted speed limits less than 40 km/h. These areas primarily consist of Safe Active Streets and shopping strips. Additionally, there are also temporary School Zones of 40 km/h.

Safe Active Streets and shopping strips with speeds less than 40 km/h will remain as they are. School Zones will still be signed, accompanying the 40 km/h posted speed limit sign, with drop off/pick up times removed.

What about other local roads?

The City has some Local Distributor Roads that are currently have a posted speed limit of 40km/h. These will remain at 40km/h and a review will be conducted to consider if it does make sense in the local context for road safety and user experience for certain Local Distributor Roads to also be included as part of the project. This will be assessed on a case-by-case basis in conjunction with MRWA.

City of South Perth Context

City of South Perth – Integrated Transport Plan 2021 – 2031

A key objective of the Integrated Transport Plan (Plan) is cited: *“Slow growth in traffic congestion across the local government area and improve of safety of the road network for the benefit of the whole community”*. As part of this objective, the City of South Perth has undertaken local access road network modifications at the South Perth Peninsula, as identified by the South Perth Activity Centre Plan.

The Plan suggests reducing the speed of Angelo Street to 30 km/h within the centre to enable shared use of roadways with cyclists. It also recommends upgrading signage along narrow local access roads in the suburb of Salter Point to reduce vehicle speed.

South Perth Peninsula 40 km/h Speed Zone Implementation

At its meeting held 27 February 2024, Council resolved to request the Chief Executive Officer to request to MRWA to reduce the speed limit to 40 km/h on Mill Point Road from Millers Pool to the signalised intersection with Labouchere Road, the South Perth Esplanade, and Mends Street. This initiative aimed to address hooning issues and enhance road safety in the area.

After receiving final approval from MRWA, the City has introduced a 40 km/h speed limit at the northern end of the South Perth Peninsula. These measures offer broader community benefits, including encouraging better interaction between drivers, pedestrians and cyclists; helping create more attractive and connected communities; and making neighbourhoods safer.

40 km/h Residential Zones Speed Limit - Project Implementation Activities

Activity	Description	Timeline
1	Funding Application and Project Scoping by PICG	May 2024
2	Elected Member Briefing	18 November 2024
3	Project Endorsement – Report to Council	March 2025
4	Prepare Community Information	March - June 2025
5	Community Information	July – August 2025
6	Application to MRWA	FY 2025/26
7	MRWA Approval and Implementation	Subject to funding confirmation
8	Post-Implementation Evaluation	Indicatively 12 months post implementation

Consultation

The proposed implementation of a 40km/h speed limit on Local Access Roads is supported by the City's adopted strategic documents which include the Integrated Transport Plan. It is also aligned to community feedback on an ongoing basis requesting the City to implement measures to reduce speeds in local neighbourhoods. Traffic calming measures which have been implemented across the City (**Attachment (b)**) have also been subject to community consultation. A briefing on the 40km/h project was held for Elected Members in November 2024.

Policy and Legislative Implications

Nil.

Financial Implications

The Perth Inner City Group are working with external partners on funding for the project. It should be also noted that any funding from the City is likely to be offset by a reduction in the requirement for investment in traffic calming interventions.

Key Risks and Considerations

Risk Event Outcome	<p>Project Cost</p> <p>This relates to any project exceeding the project budget. Ranging and exceeding the budget by up to 10% to 30% and over.</p> <p>Health / Injury</p> <p>Refers to the injurious effect upon a person as a consequence of a risk event occurring - ranging from minor (requiring no first aid treatment) through to loss of life at its most extreme.</p> <p>Business Interruption</p> <p>Incorporates the impact of events which impinge upon the City's capacity to deliver expected services to the community. These interruptions can range from minor inconvenience requiring an alternative method of service delivery being employed through to forced loss of ability to provide multiple services to all or some of the community. Knowledge loss, technological failure and property damage will also contribute to this outcome.</p>
Risk rating	Medium
Mitigation and actions	Conduct community consultation and report back to Council on consultation outcome.

Strategic Implications

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

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable, liveable, diverse and welcoming neighbourhoods that respect and value the natural and built environment
Outcome:	3.1 Connected and accessible City
Strategy:	3.1.1 Facilitate a safe, efficient, accessible and reliable transport network that encompasses alternative forms of transport and supportive infrastructure

Attachments

10.3.3 (a):	Perth Inner City Group - 40 km/h Focus Statement, Steering Group
10.3.3 (b):	City of South Perth Maps - Road Hierachy, Speed Zones, Traffic Management

10.3.4 Collier Park Golf Course Development - Agreements

File Ref: D-25-8310
Author(s): Garry Adams, Director Corporate Services
Reporting Officer(s): Mike Bradford, Chief Executive Officer

Summary

The purpose of this report is for Council to consider the Lease, Development Services Agreement and Course Controller Agreement and authorise the Chief Executive Officer to execute these documents.

Officer Recommendation

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.

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.

Recently, 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.*

As previously reported, due to the location of the Water Corporation easement, the original building location was shifted north resulting in the layout as proposed in the initial submission becoming unviable without the removal of two pine trees which the City considers to be important. To this extent, the City has stipulated that retaining all trees on site is a priority. This resulted in several design iterations of the proposed concept. In addition, rather than including a designated space for Golf WA, the new designs provide for a hireable multi-use community space and a small business commercial space with co-working office spaces. These revised design concepts were presented to Council at an Elected Member Briefing held 18 November 2024 and received positive feedback.

Further design works have since taken place resulting in a set of schematic drawings as contained in **Confidential Attachment (e)**. The appointed cost consultant has provided a revised cost estimate based on these plans as contained in **Confidential Attachment (f)**.

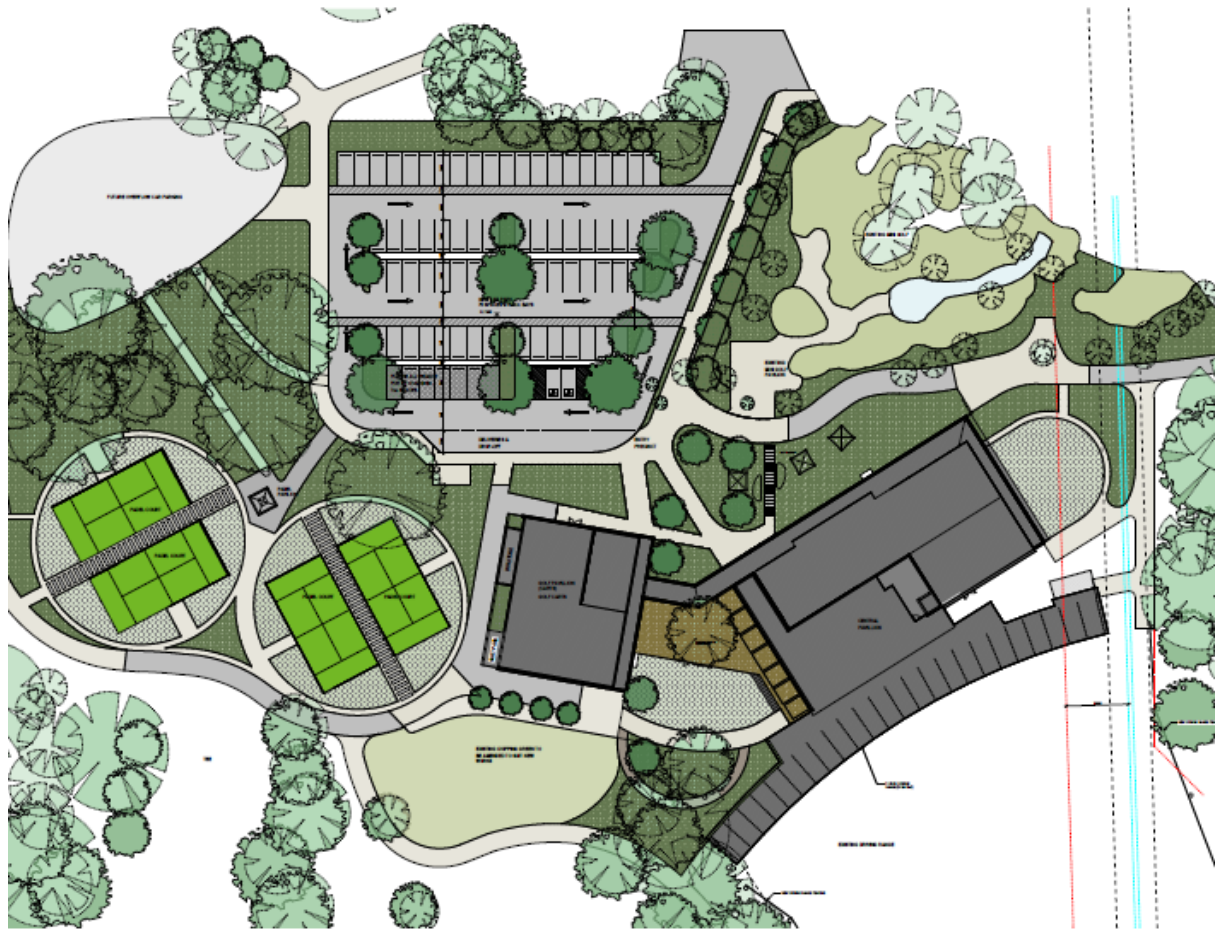
10.3.4 Collier Park Golf Course Development - Agreements

This amount is inclusive of projected cost escalation to the proposed tender award date of 30 June 2025. This amount is consistent with what has previously been advised to Council but there is no certainty as to cost until the tender responses are received. A decision of Council will be required prior to proceeding to engage the construction contractor to undertake the development.

The City's financial model has been updated with current capital forecasts, interest rates, inflation rates, employee costs, other operating costs and revenue increases. This analysis shows that under current assumptions, the projected revenue is calculated at \$392m, the net return from all sources is \$116m and the Net Present Value of all cash flows over 21 years is \$25.7m. The updated financial model, therefore, shows no significant impact on the overall financial outcome over the life of the agreement. Given that the model is based on conservative, revenue estimates, there remains significant potential upside.

The images below show the most recent schematic designs:







Comment

To ensure the obligations of each party are clear and that the City's interests are protected, the City's lawyers have prepared three agreements that cover all aspects of the arrangement. These include a new lease agreement, course controller agreement and the development services agreement specific to the proposed development project.

These documents have been subject to negotiation over a long period of time and are now at the stage where the key terms have been agreed, however, there may still be some minor changes required in order to finalise the documents. Due to the commercial nature of this arrangement, the three agreements are provided to Council as confidential attachments, however, the key terms of each agreement are outlined below.

If Council adopts the recommendations in this report, the project will progress in the following manner:

- Agreements will be finalised and executed.
- Development application will be lodged (requires WAPC approval).
- Design of sewer and fire connections will commence.
- Detailed design will progress.
- Tender documents will be prepared for market release.

Once the tender evaluation has been completed, a further report for Council will be prepared to appoint the construction contractor. This will be dependent on the cost outcome from the tender process.

Lease Agreement – Key Terms

- The operator will be granted a lease over a portion of Lot 3858 on Deposited Plan 218457 and portion of Lot 500 on Deposited Plan 416118, Hayman Road, Como containing the proposed driving range bays, offices, hospitality (total area of 2342 m²).
- Permitted use: golf course operations, golf pro shop, café and clubhouse and any other purpose as agreed from time to time by the parties.
- Payment of rent on monthly basis (commencing at \$212,223 p.a.) payable monthly.
- CPI reviews yearly.
- Lease term is 21 years with commencement date being the date practical completion of the development of the new facilities has been achieved.
- Bank guarantee is required.
- Cross termination clauses for breach of other agreements.
- Requires Ministerial approval.

Development Services Agreement – Key Terms

- 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.

Course Controller Agreement – Key Terms

- Clublinks appointed as course controller for period of the lease.
- Prescribes the commissions to be paid to the City for green fees, mini golf, cart hire, driving range, padel courts and hospitality over the life of agreement to be paid monthly.
- Provides for additional profit share in later years.
- Course to be open every day of the year (unless agreed by the City).
- Annual business plan is required.
- Course controller manages all aspects of the facility excluding maintenance (maintenance matrix included so obligations are clear).
- City can audit finances.
- Construction facility (with the WATC) will incur interest, the interest will be capitalised proportionate to Clublinks and City contributions.
- Deferred cost contribution includes interest at 3% above WATC rate.

10.3.4 Collier Park Golf Course Development - Agreements

- Deferred cost contribution to be paid monthly in 120 instalments after practical completion.
- Cross termination clause included.
- Rights cannot be assigned without City's written approval.
- Bank guarantee is required.

Consultation

Following Council's 27 August 2024 resolution, the Major Land Transaction Business Plan was advertised for public comment for a period of six weeks between 29 August 2024 and 11 October 2024 in the following manner. At the close of public consultation period, five submissions were received. These were presented to Council as part of the 10 December 2024 Council report.

Further consultation has been undertaken by Clublinks with current users of the course to help inform the design process.

The lease was advertised in accordance with the provisions of section 3.58 of the *Local Government Act 1995*. The closing date for submissions was 14 March 2025. No submissions were received.

Policy and Legislative Implications

Section 3.59 of the Act 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.

Section 3.58 of the *Local Government Act* requires any proposed disposal of land (lease) to be advertised for a period of 14 days.

Financial Implications

All calculations are based on conservative assumptions and are inclusive of the financial impacts of all three draft agreements attached as confidential attachments to this report.

As previously reported in December 2024, entering into these agreements provides for overall forecast projected revenue calculated at \$392m. The projected net revenue share to the City from all sources is \$116m. The undiscounted anticipated net cashflow impact on the City is substantially positive over the 21 year term. The Net Present Value (NPV) cash flow of \$25.7m, is based on the all in current cost forecasts, which are inclusive of projected escalations to the proposed tender closing date.

Note that the general rule around Net Present Value calculations is that a positive NPV indicates that the investment will generate a positive return that's higher than the discount rate, being the minimum acceptable return and therefore the investment should be accepted. Borrowing rates utilised have been calculated prior to the recent rates reduction decision by the RBA.

The decision to proceed with the development project will be dependent on the results of the construction tender process which will give certainty regarding the cost estimates. To proceed will require a further decision of Council.

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>Financial Loss</p> <p>An adverse monetary impact on the City as a consequence of a risk event occurring. A grading is assigned to different levels of potential loss relative to the significance of the impact on the City's ongoing operations and its ability to deliver expected services.</p>
Risk rating	High
Mitigation and actions	<p>The City has done significant financial modelling of the financial elements of this proposal as part of the tender process which have been updated with current figures. Financial analysis shows this project to have a significant NPV over the term of the agreements.</p> <p>The City has also had significant input from legal experts in drafting the agreements and negotiating with the proponent.</p> <p>Given the value of the transaction the residual risk remains high. However, it should be noted that the risk of not proceeding with the development would also have a high risk rating as there is potential for significant revenue decline over time and an increasing need for investment in golf course assets.</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:	1.2 Community infrastructure
Strategy:	1.2.1 Maintain, plan, develop and facilitate community infrastructure to respond to community needs and priorities

Attachments

- 10.3.4 (a): Course Controller Agreement (*Confidential*)
- 10.3.4 (b): Lease Agreement (*Confidential*)
- 10.3.4 (c): Development Services Agreement (*Confidential*)
- 10.3.4 (d): Collier Park Golf Course Draft Schematic Designs (*Confidential*)
- 10.3.4 (e): Architectural Drawings (*Confidential*)
- 10.3.4 (f): Revised Cost Estimate (*Confidential*)

10.3.5 Draft Local Planning Policy - Unhosted Short-Term Rental Accommodation (Final Adoption) and Revocation of Policy 350.18 - Short-Term Accommodation

File Ref: D-25-8311
Author(s): Donna Shaw, Director Development and Community Services
Reporting Officer(s): Mike Bradford, Chief Executive Officer

Summary

The purpose of this report is for Council to consider adopting draft amended Local Planning Policy – Unhosted Short-Term Rental Accommodation following advertising.

Officer Recommendation

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 – Unhosted Short-Term Rental Accommodation 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 P350.18 – Short Term Accommodation contained as **Attachment (b)**.

Background

At its meeting held 19 November 2024, Council resolved to advertise draft Local Planning Policy – Unhosted Short-Term Rental Accommodation (USTRA - draft Policy) subject to the following amendments:

“(a) *Insert the following new clause under 5.2 Operation and Management:*

“5.2.1. *All applications for USTRA, where the development is located in a strata title, then such application shall be accompanied by a letter from the Strata Manager or Strata Management Company indicating its support for the proposed use.*”

(b) *Subclause 5.2.1 in the original policy renumbered 5.2.2 and subclause 5.2.2 renumbered 5.2.3.*

(c) *Insert the words “and an alternative USTRA Manager,” after the word ‘Manager’ and before the words ‘to neighbouring property owners’ in clause 5.2.2(b)(ii).*

(d) *Replace the words ‘Unhosted STRA Development’ with ‘USTRA development’ in subclause 5.5.2.*

10.3.5 Draft Local Planning Policy - Unhosted Short-Term Rental Accommodation (Final Adoption) and Revocation of Policy 350.18 - Short-Term Accommodation

(e) Insert an additional clause 5.6 titled 'Location Requirements', as follows:

"5.6.1. Proposals will generally not be supported unless they are:

- (a) Within 200 metres of the Perth Zoo site;
- (b) Within 400 metres of a Neighbourhood Centre zone; or
- (c) Within 400 metres of a Centre zone.

5.6.2. Proposals for USTRA within these locational areas shall demonstrate that the use is compatible with and will not negatively impact the amenity of surrounding uses by addressing the following criteria:

- (a) Ensuring there is a sufficient distance and separation from the outdoor living areas of the USTRA and that of the adjoining property(s) to minimize noise disturbance by guests; and
- (b) Ensuring car parking areas are located/designed in a manner that is respectful of neighbours, taking into account light and noise from late arrivals / departures.

5.6.3. The City will generally not support proposals located in isolated locations such as cul-de-sac streets or in rear grouped dwellings.

5.6.4. In locations where objections to the development is received from neighbours, any approval granted must first be a time limited approval for 12 months, to properly assess the impact on the neighbours and amenity."

A copy of the draft Policy as amended for the reasons outlined in this report is contained as **Attachment (a)**. Should Council adopt the draft amended Policy, it is recommended that the existing 350.18 – Short Term Accommodation as contained as **Attachment (b)** be revoked.

Comment

Operation and Management

Council amended the draft Policy prior to advertising to include the following provision under Operation and Management requirement:

"All applications for USTRA, where the development is located in a strata title, then such application shall be accompanied by a letter from the Strata Manager or Strata Management Company indicating its support for the proposed use."

The City does not support the inclusion of a provision requiring such a letter for the following reasons:

- Whilst it is acknowledged that the provision only requires a letter of support from the strata company, and not written consent, support in the form of consent from the strata company for an application for the use or development of a strata lot is not required under the *Planning and Development Act 2005* or the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations).
- The City is required to accept an application that is not signed by the strata company and/ or does not include a letter of support from the strata company.
- Should Council require a letter of support via the Policy, Clause 63 – Accompanying material of the Regulations enables the City to request 'any other plan or information that the local government reasonably requires.'

10.3.5 **Draft Local Planning Policy - Unhosted Short-Term Rental Accommodation (Final Adoption) and Revocation of Policy 350.18 - Short-Term Accommodation**

- The City is of the opinion that a letter of support is not reasonably required for the City to otherwise assess the application, given:
 - Council and the City have previously determined applications for USTRA in the absence of a letter of support;
 - The letter of support is not required for the City to assess matters such as amenity, parking, traffic and noise; and
 - Given the land use permissibility proposed under Scheme Amendment No.1 to LPS 7 ('A' i.e. discretionary subject to advertising), applications are advertised to owners/ occupiers within the strata in any instance; submissions can be received that would otherwise indicate support or objection to the use.
- Further, if the standard governance and conduct by-laws set out in Schedule 1 and 2 of the *Strata Titles Act 1985* apply to a strata/survey strata scheme, there is no prohibition or restrictions on short-term rental.
- Strata companies can adopt standard by-laws which enable them to:
 - manage some of the impacts that may arise from uses such as short-term rental accommodation, including management of common property; and
 - require that an owner/occupier must notify the strata company of a change of use of that lot including if it is to be used for short-term rental accommodation.

This is a separate matter to consideration of the development application.

Time Limited Approvals

Council amended the draft Policy prior to advertising to include the following provision:

“In locations where objections to the development is received from neighbours, any approval granted must first be a time limited approval for 12 months, to properly assess the impact on the neighbours and amenity.”

The City does not support time limited approvals for the following reasons:

- Whilst time limited approvals can be used to ensure future compliance with the objectives of the zone and orderly and proper planning, particularly for a 'use not listed' in the zoning table of LPS 7, USTRA is a land use capable of approval in the Residential zone. Given the objectives of the zones under the Scheme are consistent with the Regulations and are not proposed to change, if the use is consistent with the objectives, there is no reason a time limit on the determination should be imposed.
- A condition is considered to lack finality when it leaves open a requirement to obtain a further approval, particularly in instances where the approval might change important aspects of the approval. Conditions of development approval should not be used to constrain the operation of a use, which in the case of USTRA, includes the ongoing nature of the use applied for.
- In assessing an application for USTRA one of the considerations is whether the amenity of a locality will be adversely affected by the proposal. The draft Policy requires submission of a Management Plan to address the operation of the USTRA and associated potential amenity impacts. If the decision maker is of the opinion that, irrespective of the proposed management arrangements, the use will adversely impact the amenity of the locality, the application should be refused on this basis.

10.3.5 **Draft Local Planning Policy - Unhosted Short-Term Rental Accommodation (Final Adoption) and Revocation of Policy 350.18 - Short-Term Accommodation**

- Enforcement action is available under the *Planning and Development Act 2005* for non-compliance with conditions of approval or the terms of the application, including non-compliance with the Management Plan.
- Notwithstanding the above planning rationale, there is an administrative cost to seeking further approvals from existing operators, and assessing and reporting on the development application required once the temporary approval period has lapsed. As such, compliance with the Management Plan is considered a more appropriate response to ensuring the amenity of the locality is maintained, rather than temporary development approvals.

Locational Criteria - Proximity

Council amended the draft Policy prior to advertising to include the following provision under an additional clause 5.6 titled 'Location Requirements':

"5.6.1. Proposals will generally not be supported unless they are:

- (a) Within 200 metres of the Perth Zoo site;*
- (b) Within 400 metres of a Neighbourhood Centre zone; or*
- (c) Within 400 metres of a Centre zone."*

The City does not support the inclusion of locational criteria for the following reasons:

- Scheme amendment No.1 to LPS 7 initiated by Council provides for USTRA as an 'A' (discretionary subject to advertising) in all zones, meaning the use can be considered for approval regardless of any locational criteria contained in the Policy.
- A submission has been received which also raises concern that restricting USTRA in locations in close proximity to amenities will increase property values and rents, potentially pricing out long-term residents who would otherwise live near these amenities.

Outdoor Living Areas

Council amended the draft Policy prior to advertising to include the following provision under an additional clause 5.6 titled 'Location Requirements':

- (a) Ensuring there is a sufficient distance and separation from the outdoor living areas of the USTRA and that of the adjoining property(s) to minimize noise disturbance by guests.*

Applications for USTRA are predominantly change of use applications to existing developments where the location of the outdoor living area has already been determined, rather than new developments. Further, 'sufficient distance' has not been quantified for the purposes of assessment.

The City has redrafted this provision to instead include details in Management Plans pertaining to noise and use of outdoor living areas to ensure they do not cause disturbance to adjacent occupiers, as shown in red on the draft Policy.

Parking and Traffic

Council amended the draft Policy prior to advertising to include the following provision under an additional clause 5.6 titled 'Location Requirements':

- 5.6.2(b) Ensuring car parking areas are located/designed in a manner that is respectful of neighbours, taking into account light and noise from late arrivals / departures.*

10.3.5 **Draft Local Planning Policy - Unhosted Short-Term Rental Accommodation (Final Adoption) and Revocation of Policy 350.18 - Short-Term Accommodation**

Acceptable development provisions provide clear guidance on how proposals can meet the objectives of a Local Planning Policy. Whilst the City recognises the intent of the provision to address potential adverse amenity impacts associated with car parking, the wording of the provision is problematic as 'respectful' is a subjective term and open to inconsistent interpretation and application.

Further, applications for USTRA are predominantly change of use applications to existing developments where the location of car parking has already been determined, rather than new developments.

On private property, noise from vehicles starting/idling etc, can be captured under the assigned levels of noise in accordance with the Environmental Health (Noise) Regulations 1997 (Noise Regulations), however, the Noise Regulations consider 'unreasonable noise' where action should be taken. Starting or parking a car, opening/closing doors is considered reasonable noise and the City would unlikely take action should occupants of the USTRA use a vehicle in this manner.

The City can take action where loud illegal modification to vehicles, revved engine, or vehicles left idling for an inordinate amount of time and on an ongoing basis cause unreasonable noise. Given there are measures that can be taken to address unreasonable noise from vehicles under the Noise Regulations, separate to the statutory planning assessment, it is recommended this provision be deleted and matters pertaining to noise and light (including headlights) have been included in the details to be provided as part of the Management Plan as shown in red on the draft Policy.

The City has also included the requirement for further information as to the proposed on-site car parking bay allocation, to ensure consideration has been given to bays available on-site to service the proposed development.

Multiple USTRA

During the course of the advertising period, the City received an application for USTRA that sought individual USTRA to operate from each bedroom of the dwelling. The City sought clarification from the Department of Planning, Lands and Heritage (DPLH - responsible for the land use definitions contained within the Regulations) and the Department of Energy, Mines, Industry and Safety Regulation (responsible for the STRA Registration Scheme).

The land use definition for USTRA nor the STRA Registration Scheme prohibits multiple USTRA from operating from within a dwelling. To address potential amenity impacts associated with multiple USTRA operating from a dwelling (particularly car parking), the City has inserted a new provision stating that a dwelling or part of a dwelling shall have a maximum of one short-term rental arrangement, which is the lease, licence or other contract arrangement in which the USTRA would otherwise operate under. The DPLH have confirmed that this provision does not conflict with the deemed provisions of the Regulations nor policy guidance for USTRA, and has no objection to its inclusion in the draft Policy.

Consultation

Following Council’s resolution on the matter, the draft Policy was advertised for public comment between 27 November 2024 and 18 December 2024 (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, eight submissions were received, with one supporting the draft Policy and seven providing comment on the draft Policy and/or objecting to STRA. 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.

10.3.5 Draft Local Planning Policy - Unhosted Short-Term Rental Accommodation (Final Adoption) and Revocation of Policy 350.18 - Short-Term Accommodation

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

- 10.3.5 (a): Draft Local Planning Policy - Unhosted Short Term Rental Accommodation
- 10.3.5 (b): Schedule of Submissions - Draft Local Planning Policy - Unhosted Short-Term Rental Accommodation
- 10.3.5 (c): Policy P350.18 – Short Term Accommodation

10.3.6 Proposed Change of Use - Multiple Dwelling to Unhosted Short-Term Rental Accommodation - Lot 8, No. 8/5 Clarence Street, South Perth - Section 31 Reconsideration

Location: Lot 8, No. 8/5 Clarence Street, South Perth
 Ward: Mill Point Ward
 Applicant: Warwick Harry
 File Reference: D-25-8313
 DA Lodgement Date: 10 May 2024
 Author(s): Fiona Mullen, Manager Development Services
 Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

The purpose of this report is for Council to reconsider its previous decision to refuse a development application for a Change of Use from Multiple Dwelling to Unhosted Short - Term Rental Accommodation at Lot 8, No. 8/5 Clarence Street, South Perth under section 31 of the *State Administrative Tribunal Act 2004 (WA)*.

For the reasons outlined in this report, the application is recommended for approval.

Officer Recommendation

That pursuant to the provisions of the City of South Perth Local Planning Scheme No. 7 the application for development approval for a Change of Use from Multiple Dwelling to Unhosted Short -Term Rental Accommodation at Lot 8, No. 8/5 Clarence Street, South Perth, be **approved** subject to the following condition:

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

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

Applicant	Warwick Harry
Landowner	Warwick Harry

Development Site Details

The development site details are as follows:

Zoning	Residential
Density coding	R60
Lot area	103m ²

Comment

(a) Background

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

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

Whilst the application was recommended for conditional approval by Officers, the application was refused by Council at its meeting held 22 October 2024 for the following reasons:

- “1. *The proposal fails to comply with Clause 67 (2)(n) of the Planning and Development (Local Planning Schemes) Regulations 2015 as the development will detrimentally affect the amenity and character of the local area by the introduction of an Unhosted short-term rental use adjoining residential properties, with the resultant increase in noise and disturbance and vehicular and pedestrian traffic associated with the use.*
2. *The proposal is not considered to satisfy the requirements of Clause 2 (g) of Local Planning Policy P350.18-Short Term Accommodation as previous complaints have been received relating to loss of amenity to adjoining properties and the impact cannot be addressed by an approved management plan.”*

On 6 November 2024, the City received notice that the applicant had made an application for review to the State Administrative Tribunal (SAT).

Following mediation and the submission of further information in the form of an amended Management Plan, pursuant to section 31 of the *State Administrative Tribunal Act 2004 (WA)* Council is invited to reconsider its decision.

(b) Description of the Surrounding Locality

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

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



Figure 1: Aerial image of subject site.

(c) **Description of the Proposal**

The applicant is seeking a Change of Use from a Multiple Dwelling to Unhosted STRA. Following mediation, the applicant submitted a revised Management Plan in support of the proposal as detailed below:

Previous Management Plan	Revised Management Plan
<p><u>Contact Details</u></p> <p>Single emergency contact details provided.</p>	<p>Two alternate contact details provided (total of three contact details).</p>
<p><u>Mitigation and Complaints:</u></p> <p>The property would be equipped with a noise monitoring device that will notify the owner and guests through an SMS and call alert if the noise level exceeds acceptable levels.</p>	<p>In addition to the noise monitoring device, additional information included to guests in relation noise - with no portable music allowed on the balcony during quiet hours 9.00pm to 8.00am.</p>

The amended Management Plan (including Guest Code of Conduct) is contained in **Attachment (a)**.

(d) Land Use Permissibility

Holiday Accommodation is currently a ‘D’ (Discretionary) use in the Residential zone under Local Planning Scheme No. 7 (LPS 7) which means that the use is not permitted unless the local government has exercised its discretion by granting development approval. Whilst land use permissibility is yet to be assigned to Unhosted STRA as an amendment to LPS7 is first required, the City is treating the use as a ‘D’ use consistent with the previous land use definition, although it is noted that advertising was undertaken by the City given potential impacts to neighbouring properties.

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

(e) Local Planning Policy P350.18 – Short Term Accommodation

Local Planning Policy P350.18 – Short Term Accommodation (Policy) was adopted by Council at its meeting held 27 March 2018 and seeks to facilitate the provision of self-contained visitor accommodation for short term occupancy and guide decision making in respect to the appropriateness of various forms of tourist accommodation facilities, as determined by the locality, the appropriateness of facilities and scale of the proposal.

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

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

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

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

Requirement	Assessment
<p>5.6.4. In locations where objections to the development is received from neighbours, any approval granted must first be a time limited approval for 12 months, to properly assess the impact on the neighbours and amenity.</p>	<p>It is proposed that the Unhosted STRA is approved on a permanent basis.</p> <p>Whilst time limited approvals can be used to ensure future compliance with the objectives of the zone and orderly and proper planning, particularly for a use not listed in the zoning table of LPS 7, Unhosted STRA is a land use capable of approval in the Residential zone. Given the objectives of the zones under the Scheme are consistent with the Planning and Development (Local Planning Schemes) Regulations 2015</p>

	(the Regulations), and the use is consistent with the objectives, time limited approvals are not recommended.
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(g) Western Australian Planning Commission Position Statement: Planning for Tourism and Short-Term Accommodation (Statement)

The intent of the Statement is to:

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

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

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

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

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

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

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

(i) Compatibility and Amenity

Clause 67(2)(m) and Clause 67(2)(n) of the Deemed Provisions requires the local government to have regard to the compatibility of the proposal with its setting as well as amenity considerations (including environmental, character and social impacts).

The proposed Unhosted STRA is compatible with the wider character and amenity of the area as the proposed use is minor in scale and intensity, hosting a maximum of four guests and one vehicle which is consistent with the expected number of persons within a two-bedroom residential dwelling.

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

10.3.6 **Proposed Change of Use - Multiple Dwelling to Unhosted Short-Term Rental Accommodation - Lot 8, No. 8/5 Clarence Street, South Perth - Section 31 Reconsideration**

Additionally, the use will be required to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 and further restrictions on the use of portable music devices have been included in the amended Management Plan.

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

(j) Consultation

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

The application was advertised for a period of 14 days between 7 August 2024 and 21 August 2024 in the following manner:

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

At the close of the consultation period, four submissions were received. The submissions are provided in **Attachment (d)**.

Policy and Legislative Implications

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

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

Financial Implications

This determination has minimal financial implications, however, should Council reaffirm its earlier decision to refuse the application, the matter may progress to a final hearing at the State Administrative Tribunal, which will incur further consultant fees for representation.

To date the City has expended \$4,257.00 in consultant fees, in addition to staff time. The consultant engaged by the City to represent Council has indicated that they may not give expert evidence should the matter proceed to a final hearing, and it is therefore not possible to quantify costs should the application progress to a hearing.

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 sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
Risk rating	Low
Mitigation and actions	Risk acceptable with adequate controls, managed by routine procedures and monitoring.

Strategic Implications

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

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

Conclusion

Four objections were received during the initial consultation period and the City acknowledges the concerns raised by the submitters that the land use, if not managed appropriately, has the potential to result in adverse impacts to nearby residents. The City is satisfied that the arrangements are suitable following amendments to the Management Plan.

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

Attachments

10.3.6 (a):	Amended Management Plan
10.3.6 (b):	Parking Plan
10.3.6 (c):	Strata Plan
10.3.6 (d):	Submissions

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

Location: Lot 4, No. 4/30 Axford Street, Como
Ward: Moresby Ward
Applicant: Jo-Lynn S Tan
File Reference: D-25-8314
DA Lodgement Date: 10 December 2024
Author(s): Fiona Mullen, Manager Development Services
Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

The purpose of this report is to consider an application for development approval for a Change of Use from a Grouped Dwelling to Unhosted Short-Term Rental Accommodation on Lot 4, No. 4/30 Axford Street, Como.

The item was previously considered by Council at its meeting held 25 February 2025, however the item lapsed for want of a seconder. As a determination was not made in accordance with clause 68(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, the item is re-presented to Council for a decision.

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

Officer Recommendation

That pursuant to the provisions of the City of South Perth Local Planning Scheme No. 7, the application for development approval for a Change of Use from a Grouped Dwelling to Unhosted Short -Term Rental Accommodation Lot 4, No. 4/30 Axford Street, Como **be approved** subject to the following condition:

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

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

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

Development Site Details

The development site details are as follows:

Zoning	Residential
Density coding	R30
Lot area	79m ²

Comment

(a) Background

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

The item was previously considered by Council at its meeting held 25 February 2025, however the item lapsed for want of a seconder. As a determination was not made in accordance with clause 68(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, the item is re-presented to Council for a decision.

(b) Description of the Surrounding Locality

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



Figure 1: Aerial image of subject site.

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

(c) **Description of the Proposal**

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

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

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

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

(d) **Land Use**

Holiday Accommodation is currently a 'D' (Discretionary) use in the Residential zone under Local Planning Scheme No. 7 (LPS 7) which means that the use is not permitted unless the local government has exercised its discretion by granting development approval. Whilst land use permissibility is yet to be assigned to Unhosted STRA as an amendment to LPS7 is first required, the City is treating the use as a 'D' use consistent with the previous land use definition, although it is noted that advertising was undertaken by the City given potential impacts to neighbouring properties.

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

(e) **Short Term Accommodation Policy**

Local Planning Policy P350.18 – Short Term Accommodation (Policy) was adopted by Council at its meeting held 27 March 2018 and seeks to facilitate the provision of self-contained visitor accommodation for short term occupancy and guide decision making in respect to the appropriateness of various forms of tourist accommodation facilities, as determined by the locality, the appropriateness of facilities and scale of the proposal.

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

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

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

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

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

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

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

The intent of the Statement is to:

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

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

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

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

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

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

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

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

(i) Compatibility and Amenity

Clause 67(2)(m) and Clause 67(2)(n) of the Deemed Provisions requires the local government to have regard to the compatibility of the proposal with its setting as well as amenity considerations (including environmental, character and social impacts).

The proposed Unhosted STRA is compatible with the wider character and amenity of the area as the proposed use and operation is minor in scale and intensity, hosting a maximum of four guests which is consistent with the expected number of persons within a two-bedroom dwelling.

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

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

(j) Carparking

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

(k) Consultation

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

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

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

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

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

Policy and Legislative Implications

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

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

Financial Implications

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

Key Risks and Considerations

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

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

Strategic Implications

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

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

Conclusion

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

Attachments

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

10.3.8 Proposed Change of Use - Multiple Dwelling to Use Not Listed (Carers Respite Accommodation) - Lot 34, No. 35/87 South Perth Esplanade, South Perth

Location: Lot 34, No. 35/87 South Perth Esplanade, South Perth
 Ward: Mill Point Ward
 Applicant: Carers Association of Western Australia (Inc)
 File Reference: D-25-8315
 DA Lodgement Date: 20 December 2024
 Author(s): Fiona Mullen, Manager Development Services
 Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

The purpose of this report is to consider an application for development approval for a Change of Use from a Multiple Dwelling to Use Not Listed (Carers Respite Accommodation) on Lot 34, No. 35/87 South Perth Esplanade, South Perth.

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

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

Officer Recommendation

That pursuant to the provisions of the City of South Perth Local Planning Scheme No. 7, this application for development approval for a Change of Use from Multiple Dwelling to Use Not Listed (Carers Respite Accommodation) on Lot 34, No. 35/87 South Perth Esplanade, South Perth **be approved** subject to the following condition:

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

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

Applicant	Carers Association of Western Australia (Inc)
Landowner	Carers Association of Western Australia (Inc)

Development Site Details

The development site details are as follows:

Zoning	Centre
Density coding	R-AC0
Lot area	99m ²

Comment

(a) Background

On 20 December 2024 the City received an application for a Change of Use from a Multiple Dwelling to Use Not Listed (Carers Respite Accommodation) on Lot 34, No. 35/87 South Perth Esplanade, South Perth. This followed the withdrawal of a previous application for Change of Use from a Multiple Dwelling to Unhosted Short-Term Rental Accommodation (Unhosted STRA). In considering the nature of the proposed use, the City did not consider the proposal aligned with existing land use definitions related to Unhosted STRA and therefore consider the use to be a Use Not Listed.

The City's records indicate that the premises has been operated as Carers Respite Accommodation by the original owner since 1994 and later by the applicant from July 2007.

The City has a record of one complaint being lodged by the Council of Owners for Esplanade Court in June 2005, with correspondence ongoing until October 2005. The complainant queried whether the land use was lawful under the planning framework and queried whether the use was consistent with the applicable building classification under the Building Code of Australia (BCA). In response, the City determined the use was lawful under the applicable planning framework and was not in conflict with the BCA. The complaint did not raise any concerns in relation to amenity impacts that had resulted from the use and the City has no record of other complaints being raised in the intervening 30 years that the use has been in operation.

The applicant has lodged this application as they have considered that registration as a form of Short-Term Rental Accommodation may be required by the Department of Energy, Mines, Industry Regulation and Safety in response to the *Short-Term Rental Accommodation Act 2024*, which requires development approval to be obtained.

Further details regarding the background and operation of the proposed land use are provided in the applicant's cover letter submitted as part of the development application which is contained in **Attachment (a)**.

(b) Description of the Surrounding Locality

The existing development is a sixteen-storey Multiple Dwelling complex, comprising a total of 63 Multiple Dwellings. The Multiple Dwelling the subject of this application is located on the eighth floor on the north-eastern elevation of the building.

The site fronts South Perth Esplanade to the north-east and Ray Street to the south-west and west. The ground floor carpark and foyer are accessed from Ray Street to the south-west.

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



Figure 1: Aerial image of subject site.

The property is located within the 'Hillside' character area of the South Perth Activity Centre Plan (SPACP) area, directly opposite Sir James Mitchell Park, 50m south-east of the Mends Street jetty and 180m north-west of the Perth Zoo.

(c) Description of the Proposal

The applicant is seeking a Change of Use from a Multiple Dwelling to Use Not Listed (Carers Respite Accommodation). The proposed land use is to provide occupation under a short-term rental arrangement for the purpose of providing a period of respite for registered carers. The property will not to be made available to the general public nor advertised on any third-party short-term rental accommodation booking platforms.

The property will not be used on a commercial basis and no profit is derived from the use by the Carers Association of Western Australia (Carers WA), although a small fee is collected for the purpose of covering laundering and cleaning services.

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

- Maximum of three guests (registered carer plus two guests);
- Maximum length of stay is three nights;
- Check-in time is between 2pm and 4pm on the day of arrival (keys to be collected from the Carers WA office located at 182 Lord Street, Perth);
- Check-out time is prior to 10:00am, with keys to be returned to the Carers WA office by 10.30am on the day of departure;
- The use is to be exclusively managed by Carers WA, which is a not-for-profit organisation based in Western Australia;
- Bookings are made directly to Carers WA. Registered carers must be a minimum of eighteen years old and have completed an individual needs assessment and support plan prior to being considered for respite accommodation;
- Quiet hours are from 10:00pm daily;
- Parties and gatherings are prohibited;
- Pets are prohibited;
- Children under 12 years old are prohibited;
- Guests may only use the designated on-site car bay (bay 35), including for bicycle parking and no bicycles are permitted inside the apartment;
- Complaints management is managed directly by Carers WA. Contact details for lodging a complaint are available in the Management Plan;
- Emergency contact details and evacuation procedures are available in the Management Plan (including after-hours contacts for Carers WA, in case of emergencies only);
- The guest 'Code of Conduct' (Terms and Conditions) within the Management Plan will be provided to guests at the time of booking confirmation.

The development plans submitted as part of the application are contained in **Attachment (c)** and **(d)** and the Management Plan is contained in **Attachment (e)**.

(d) Land Use

Carers Respite Accommodation is not a use contained in the zoning table under Local Planning Scheme No. 7 (LPS 7) or defined in the South Perth Activity Centre Plan. Pursuant to clause 18(4) of LPS 7, a development application for a land use that is not specifically listed in the zoning table is to be considered by the City in the context of the relevant zone objectives. The objectives for the 'Centre' zone are to designate land for future development as a town centre or activity centre, which in this instance is the South Perth Activity Centre Plan (SPACP).

The proposed land use is considered in the context of the objectives of the 'Hillside' character area of the SPACP, where the site is located. The relevant objectives pertain to preserving the existing residential character of the area. As outlined in Section (e), below, the proposed land use is of a scale and intensity that, if properly managed, is compatible with the residential character of the area and the proposal is therefore considered to be consistent with the relevant objectives.

10.3.8 Proposed Change of Use - Multiple Dwelling to Use Not Listed (Carers Respite Accommodation) - Lot 34, No. 35/87 South Perth Esplanade, South Perth

In accordance with Clause 18(4), as the proposal is considered to comply with the objectives, advertising was subsequently undertaken in accordance with clause 64 of the deemed provisions.

(e) Compatibility and Amenity

Clause 67(2)(m) and Clause 67(2)(n) of the Deemed Provisions requires the local government to have regard to the compatibility of the proposal with its setting as well as amenity considerations (including environmental, character and social impacts).

The proposed Carers Respite Accommodation is compatible with the wider character and amenity of the area as the proposed use is minor in scale and intensity, hosting a maximum of three guests. If managed appropriately, in accordance with the Management Plan, the use is compatible with the surrounding residential context.

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

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

(f) Carparking

Clause 67(2)(s) of the Deemed Provisions requires the local government to have regard to the arrangements for the manoeuvring and parking of vehicles. In relation to on-site parking, one parking bay is provided in the carpark accessed from Ray Street to the south-west. Adequate parking exists on site for the proposed use.

(g) Consultation

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

The application was advertised for a period of 28 days between 17 January 2024 and 14 February 2024 in the following manner:

- A total of 712 letters were sent to owners and occupiers of properties within a 200m radius of the Multiple Dwelling complex; and
- A copy of the application was made available for review on the City's website.

At the close of the consultation period, eleven submissions were received. A Schedule of Submissions is contained in **Attachment (e)**.

Matter	Comment
<u>Safety</u> The building is not safe for short term occupants who are unfamiliar with the building, particularly short-term occupants who may have impairments that may restrict their mobility.	Accessible building requirements are administered via the Building Code of Australia. The Management Plan addresses this concern by providing details of emergency contact numbers (000), evacuation and fire procedures.

	<p>The applicant has advised that additional signage and mapping will be provided to ensure means of property access and egress is clear.</p> <p>Carers wishing to book the property must first undertake an individual needs assessment to determine that the property is suitable to their needs from an accessibility point of view in the interest of health and safety protocols.</p>
<p><u>Security</u></p> <p>Short-term occupants being provided with keys to the building compromises building security.</p>	<p>As outlined in the Management Plan, keys to the premises are collected and returned directly to the Carers WA office. Keys are not to be left at the property.</p>
<p><u>Undesirable Precedent</u></p> <p>The change of use will set a precedent for other short-term rental accommodation uses.</p>	<p>The proposed land use is not defined as Short-Term Rental Accommodation as it does not have a commercial component.</p> <p>The proposed land use is a 'Use Not Listed (Carers Respite Accommodation)' and is not publicly advertised on a Short-Term Rental Accommodation booking platform.</p> <p>'Unhosted Short-Term Rental Accommodation' (USTRA) is, however, a land use that can be considered within the 'Hillside' character area of the South Perth Activity Centre Plan (SPACP). All applications are considered on their individual merits.</p>
<p><u>Parking Management</u></p> <p>Short-term occupants do not park in designated bays.</p>	<p>A maximum of three guests are proposed at any one time.</p> <p>As stated in the Management Plan, a maximum one (1) car is provided for use of the accommodation on-site and guests may only park in the allocated car bay (bay 35).</p>
<p><u>Amenity</u></p> <p>Short-term occupants do not have the same level of care and respect as a long-term occupant – it is common for amenity to be negatively impacted in terms of noise and rubbish.</p>	<p>The Management Plan sets out house rules and the manner by which guests are expected to conduct themselves.</p> <p>Quiet hours have been imposed, in addition to the prohibition of parties, gatherings and pets. Waste management is also outlined in the</p>

	<p>Management Plan, as well as the complaints management procedure.</p> <p>Implementation of the Management Plan will ensure that any potential negative amenity impacts are appropriately mitigated.</p>
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Policy and Legislative Implications

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

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

Financial Implications

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

Key Risks and Considerations

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

Strategic Implications

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

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

10.3.8 Proposed Change of Use - Multiple Dwelling to Use Not Listed (Carers Respite Accommodation) - Lot 34, No. 35/87 South Perth Esplanade, South Perth

Conclusion

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

Attachments

- 10.3.8 (a):** Applicant Cover Letter
- 10.3.8 (b):** Strata Plan
- 10.3.8 (c):** Floor Plan
- 10.3.8 (d):** Management Plan
- 10.3.8 (e):** Schedule of Submissions

10.3.9 Proposed Change of Use - Multiple Dwelling to Unhosted Short-Term Rental Accommodation Lot 9, No. 9/1 Weston Avenue, South Perth

Location: Lot 9, 9/1 Weston Avenue, South Perth
 Ward: Mill Point Ward
 Applicant: Rami Akila
 File Reference: D-25-8320
 DA Lodgement Date: 2 December 2024
 Author(s): Fiona Mullen, Manager Development Services
 Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

The purpose of this report is to consider an application for development approval for a Change of Use from a Multiple Dwelling to Unhosted Short-Term Rental Accommodation on Lot 9, No. 9/1 Weston Avenue, South Perth.

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

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

Officer Recommendation

That pursuant to the provisions of the City of South Perth Local Planning Scheme No. 7, this application for development approval for a Change of Use from a Multiple Dwelling to Unhosted Short-Term Rental Accommodation on Lot 9, No. 9/1 Weston Avenue, South Perth **be approved** subject to the following condition:

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

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

Applicant	Rami Akila
Landowner	Rami Akila

Development Site Details

The development site details are as follows:

Zoning	Residential
Density Coding	R60
Lot area	73m ²

Comment

(a) Background

On 2 December 2024, the City received an application for Change of Use from a Multiple Dwelling to Unhosted Short-Term Rental Accommodation (Unhosted STRA) Lot 9 No. 9/1 Weston Avenue, South Perth.

Following public consultation, further information to address submitters concerns was requested from the applicant on 10 January 2025. An amended Management Plan was received on 29 January 2025.

(b) Description of the Surrounding Locality

The existing development is a Multiple Dwelling with access from Weston Avenue. The Southbank Day Surgery hospital is located to the rear of the site and the site is located 48m to Mill Point Road where public transport is available.

The site is within an area of primary medium/low density residential development as seen in **Figure 1** below:



Figure 1: Aerial image of subject site.

(c) **Description of the Proposal**

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

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

- Maximum of four guests;
- Check-in time is from 3:00pm to 8:00pm and check-out is before 10:00am;
- Complaints management and 24/7 support is handled by the host and AirBnB booking platform;
- A register of all complaints/occupants will be kept by the host;
- Guests screened as per respective booking website process;
- Maintenance of the building will be managed by the host;
- Guests are to use the car parking allocated for the unit only;
- Guest guide provided to guests;
- Code of conduct provided to guests;
- No loud noise between 8:00pm to 8:00am Monday to Sunday;
- No additional guests without approval;
- The swimming pool may be used between 8:00am and 8:30pm, subject to the discretion of the Council of Owners;
- No pets are permitted without approval;
- No smoking; and
- No gatherings or functions.

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

(d) **Land Use**

Holiday Accommodation is currently a 'D' (Discretionary) use in the Residential zone under Local Planning Scheme No. 7 (LPS 7) which means that the use is not permitted unless the local government has exercised its discretion by granting development approval. Whilst land use permissibility is yet to be assigned to Unhosted STRA as an amendment to LPS7 is first required, the City is treating the use as a 'D' use consistent with the previous land use definition, although it is noted that advertising was undertaken by the City given potential impacts to neighbouring properties.

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

(e) Short Term Accommodation Policy

Local Planning Policy P350.18 – Short Term Accommodation (Policy) was adopted by Council at its meeting held 27 March 2018 and seeks to facilitate the provision of self-contained visitor accommodation for short term occupancy and guide decision making in respect to the appropriateness of various forms of tourist accommodation facilities, as determined by the locality, the appropriateness of facilities and scale of the proposal.

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

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

At its meeting held 19 November 2024, Council resolved to advertise draft Local Planning Policy - Unhosted Short-Term Rental Accommodation (draft Policy) for a period of 21 days. Advertising of the draft Policy concluded on 18 December 2024 and the draft Policy is a seriously entertained planning proposal that must be given due regard when assessing development applications for Unhosted STRA. The draft Policy will be presented to Council in early 2025 for final adoption.

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

Requirement	Assessment
<p><u>5.6 Location Requirements</u></p> <p>5.6.1 Proposals will only be considered if they are:</p> <ul style="list-style-type: none"> (a) Within 200 metres of the Perth Zoo site; (b) Within 200 metres of a Neighbourhood Centre zone; and (c) Within 400 metres of a Centre zone. 	<p>The subject site is not located within the locations and distances listed within Clause 5.61 (a) and (c) of the draft Policy. The subject site is located adjacent to a Neighbourhood Centre zone in accordance with subclause (b).</p> <p>It is considered that the proposal is consistent with Objective 4.1 of the Draft Policy as the site is located near visitor attractions such as Sir James Mitchell Park and 48.0m from Mill Point Road which is served by public transport whereby guests can access tourist attractions and centres within the City.</p>
<p>5.6.4. In locations where objections to the development is received from neighbours, any approval granted must first be a time limited approval for 12 months, to properly assess the impact on the neighbours and amenity.</p>	<p>It is proposed that the Unhosted STRA is approved on a permanent basis.</p> <p>Whilst time limited approvals can be used to ensure future compliance with the objectives of the zone and orderly and proper planning, particularly for a use not listed in the zoning table of LPS 7, Unhosted STRA is a land use capable of approval in the Residential zone.</p>

	Given the objectives of the zones under the Scheme are consistent with the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), and the use is consistent with the objectives, time limited approvals are not recommended.
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(g) Western Australian Planning Commission Position Statement; Planning for Tourism and Short-Term Accommodation (Statement)

The intent of the Statement is to:

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

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

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

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

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

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

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

(i) Compatibility and Amenity

Clause 67(2)(m) and Clause 67(2)(n) of the Deemed Provisions requires the local government to have regard to the compatibility of the proposal with its setting as well as amenity considerations (including environmental, character and social impacts).

The proposed Unhosted STRA is compatible with the wider character and amenity of the area as the proposed use and operation is minor in scale and intensity, hosting a maximum of four guests which is consistent with the expected number of persons within a three-bedroom dwelling.

10.3.9 Proposed Change of Use - Multiple Dwelling to Unhosted Short-Term Rental Accommodation Lot 9, No. 9/1 Weston Avenue, South Perth

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

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

(j) **Car Parking**

Clause 67(2)(s) of the Deemed Provisions requires the local government to have regard to the arrangements for the manoeuvring and parking of vehicles. In relation to on-site parking, one car parking bay is provided for the unit within the common parking area.

At the time of construction, each unit was allocated one car bay; whilst it is not possible to acquire an additional parking bay within the complex, additional unrestricted on street parking is available directly adjacent to the application site. It is therefore considered that adequate parking is available to serve the proposed use.

(k) **Consultation**

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

The application was advertised for a period of 14 days between 18 December 2024 and 8 January 2025 in the following manner:

- A total of 60 letters were sent to owners and occupiers of the strata complex; and
- A copy of the application was made available for review on the City's website.

At the close of the consultation period, two submissions were received which are contained as **Attachment (b)**.

Matters raised in the submissions are provided in the table below, in addition to the City's comments.

Matter	Comment
<p><u>Approval</u></p> <p>This Unhosted STRA has been operating for a long time without approval.</p>	<p>The applicant submitted documents providing approval from the Council of Owners to operate this Unhosted STRA since 2017. If approved by Council, the Unhosted STRA will have development approval.</p>

<p><u>Insurance</u></p> <p>There is concern the proposed Unhosted STRA will impact on the insurance of the building for other owners.</p>	<p>The applicant has confirmed that the unit and common areas are covered under the AirBnB Host Insurance policy. As a result, the insurance of the other owners of the strata complex will not be impacted.</p>
<p><u>Amenity Issues</u></p> <p>The operation of the Unhosted STRA will result in issues and unfair costs placed on other owners with regard to noise, bins, car parking and plumbing.</p>	<p>The updated Management Plan has addressed noise, waste and car parking.</p> <p>The applicant has acknowledged there was an issue with plumbing for all the units in the complex not only for the subject unit which has been rectified. There is Complaints and Contact Management Plan where any issue can be forwarded to the host to be addressed.</p>

Policy and Legislative Implications

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

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

Financial Implications

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

Key Risks and Considerations

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

Strategic Implications

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

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

Conclusion

Two objections were received raising concerns relating to the impact of the Unhosted STRA on amenity. The City is satisfied that the matters raised have been addressed in the updated Management Plan.

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

Attachments

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

10.3.10 Proposed Change of Use - Single House to Unhosted Short-Term Rental Accommodation - Lot 88, No.7 Henley Street, Como

Location: Lot 88 No.7 Henley Street Como
Ward: Como Ward
Applicant: Josephine L Fonseka
File Reference: D-25-8322
DA Lodgement Date: 1 December 2024
Author(s): Fiona Mullen, Manager Development Services
Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

The purpose of this report is to consider an application for development approval for a Change of Use from a Single House to Unhosted Short-Term Rental Accommodation on Lot 88, No.7 Henley Street, Como.

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

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

Officer Recommendation

That pursuant to the provisions of the City of South Perth Local Planning Scheme No. 7, the application for development approval for a Change of Use from a Single House to Unhosted Short-Term Rental Accommodation on Lot 88, No.7 Henley Street, Como **be approved** subject to the following condition:

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

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

Applicant	Josephine L Fonseka
Landowner	Josephine L Fonseka

Development Site Details

The development site details are as follows:

Zoning	Centre
Density Coding	R-AC0
Lot area	504m ²

Comment

(a) Background

On 1 December 2024, the City received an application for a Change of Use from a Single House to Ancillary Accommodation to be used as an Unhosted Short-Term Rental Accommodation (Unhosted STRA) Lot 88, No.7 Henley Street, Como. The City requested additional information which was then received on 20 December 2024, following which the application was accepted and advertised.

(b) Description of the Surrounding Locality

The existing development is a Single House located on the corner of Henley Street and Lily Lane, Como. There are vehicle access points to the north of the site from Henley Street and the west from Lily Lane. There are four existing car parking bays within the site, two adjacent to Henley Street and two adjacent to Lily Lane respectively.

The subject site is located within the Canning Bridge Activity Centre Plan area as seen in **Figure 1** below. Opposite the site along Henley Street is an existing multiple dwelling development, and the site is located 172m from Canning Highway which is a high frequency bus route.



Figure 1: Aerial image of subject site.

(c) Description of the Proposal

The applicant is seeking a Change of Use for part of the existing dwelling on the ground floor to be used as Unhosted STRA which will be self-contained and managed by a short-term rental management company as the applicant is absent from the property for significant periods of time during the year. As such the proposal is considered to be Unhosted STRA.

10.3.10 **Proposed Change of Use - Single House to Unhosted Short-Term Rental Accommodation - Lot 88, No.7 Henley Street, Como**

The part of the dwelling to be used as Unhosted STRA faces Lilly Lane with two car bays adjacent to the Lane to be allocated to the Unhosted STRA. The two car bays within the garage of the dwelling facing Henley Street will be used by the owner.

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

- Maximum of six guests;
- Check-in time is between 3:00pm to 10:00pm and check-out is between 7:00am to 10:00am;
- Complaints management and 24/7 support is handled by a short-term rental accommodation management company;
- A register of all complaints/occupants will be kept by the Manager and be available for inspection by officers of the City of South Perth;
- Bookings are made through Airbnb or property management company;
- The building and garden will be maintained by the manager/owner of property;
- Guest guide provided to guests;
- Code of conduct provided to guests;
- No loud noise between 10:00pm and 7:00am Monday to Saturday and 10:00pm to 9:00am Sunday and Public Holidays;
- No additional guests without approval;
- No pets are permitted;
- No smoking; and
- No gatherings or functions.

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

(d) Land Use

Holiday House is currently a 'D' (Discretionary) use in the Residential zone under Local Planning Scheme No. 7 (LPS 7) which means that the use is not permitted unless the local government has exercised its discretion by granting development approval. Whilst land use permissibility is yet to be assigned to Unhosted STRA as an amendment to LPS7 is first required, the City is treating the use as a 'D' use consistent with the previous land use definition, although it is noted that advertising was undertaken by the City given potential impacts to neighbouring properties.

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

(e) Short Term Accommodation Policy

Local Planning Policy P350.18 – Short Term Accommodation (Policy) was adopted by Council at its meeting held 27 March 2018 and seeks to facilitate the provision of self-contained visitor accommodation for short term occupancy and guide decision making in respect to the appropriateness of various forms of tourist accommodation facilities, as determined by the locality, the appropriateness of facilities and scale of the proposal.

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

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

At its meeting held 19 November 2024, Council resolved to advertise draft Local Planning Policy - Unhosted Short-Term Rental Accommodation (draft Policy) for a period of 21 days. Advertising of the draft Policy concluded on 18 December 2024 and the draft Policy is a seriously entertained planning proposal that must be given due regard when assessing development applications for Unhosted STRA. The draft Policy will be presented to Council in early 2025 for final adoption.

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

Requirement	Assessment
<p><u>5.6 Location Requirements</u></p> <p>5.6.1 Proposals will only be considered if they are:</p> <p>(a) Within 200 metres of the Perth Zoo site;</p> <p>(b) Within 200 metres of a Neighbourhood Centre zone; and</p> <p>(c) Within 400 metres of a Centre zone.</p>	<p>The subject site is not located within the locations and distances listed within Clause 5.61 (a) and (b) of the draft Policy.</p> <p>The subject site is located within a Centre zone (Canning Bridge Activity Centre) in accordance with subclause (c).</p> <p>It is considered that the proposal is consistent with Objective 4.1 of the draft Policy as the site is located 172m from Canning Highway which is a high frequency bus route whereby guests can easily access tourist attractions and centres within the City.</p>

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

The intent of the Statement is to:

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

In accordance with clause 67(2)(e) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), due regard must be given to the Statement when assessing a development application. The proposal is considered to satisfactorily address all relevant considerations outlined in the Statement.

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

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

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

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

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

(i) Compatibility and Amenity

Clause 67(2)(m) and Clause 67(2)(n) of the Deemed Provisions requires the local government to have regard to the compatibility of the proposal with its setting as well as amenity considerations (including environmental, character and social impacts).

The proposed Unhosted STRA is compatible with the wider character and amenity of the area as the proposed use and operation is minor in scale and intensity, hosting a maximum of six guests which is consistent with the expected number of persons within a three-bedroom dwelling.

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

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

(j) Car Parking

Clause 67(2)(s) of the Deemed Provisions requires the local government to have regard to the arrangements for the manoeuvring and parking of vehicles. In relation to on-site parking, two car parking bays are provided for the Unhosted STRA. As per the Canning Bridge Activity Centre Plan, the car parking requirement for a three-bedroom dwelling is a minimum of 1.25 car parking spaces. The Unhosted STRA is a three-bedroom dwelling providing 2 car bays which is compliant.

(k) Consultation

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

The application was advertised for a period of 14 days between 20 January 2025 and 4 February 2025 in the following manner:

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

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

Policy and Legislative Implications

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

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

Financial Implications

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

Key Risks and Considerations

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

Strategic Implications

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

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

Conclusion

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

Attachments

10.3.10 (a): Development Plans and Management Plan

10.3.11 Proposed Change of Use - Multiple Dwelling to Unhosted Short-Term Rental Accommodation - Lot 11, No. 111/29 Melville Parade, South Perth

Location: Lot 11, No. 111/29 Melville Parade, South Perth
 Ward: Mill Point Ward
 Applicant: Adrian Vuleta
 File Reference: D-25-8323
 DA Lodgement Date: 9 October 2024
 Author(s): Fiona Mullen, Manager Development Services
 Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

The purpose of this report is to consider an application for development approval for a Change of Use from a Multiple Dwelling to Unhosted Short-Term Rental Accommodation on Lot 11, No. 111/29 Melville Parade, South Perth.

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

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

Officer Recommendation

That pursuant to the provisions of the City of South Perth Local Planning Scheme No. 7, the application for development approval for a Change of Use from a Multiple Dwelling to Unhosted Short-Term Rental Accommodation on Lot 11, 111/29 Melville Parade, South Perth **be approved** subject to the following condition:

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

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

Applicant	Adrian Vuleta
Owner	Adrian Vuleta

Development Site Details

The development site details are as follows:

Zoning	Centre
Density coding	R-AC0
Lot area	73m ²

Comment

(a) Background

On 9 October 2024, the City received an incomplete application for a Change of Use from a Multiple Dwelling to Unhosted Short Term Rental Accommodation (Unhosted STRA) on Lot 11, No. 111/29 Melville Parade, South Perth.

Following submission of the required information, the application was accepted on 12 November 2024.

The City sought further clarification in relation to car parking and number of guests which was received on 18 December 2024.

(b) Description of the Surrounding Locality

The existing development is a Multiple Dwelling complex, consisting of two separate buildings comprising of 45 multiple dwellings. Primary street access is from Melville Parade.

The property is within walkable distance to Perth Zoo and within 400m walking distance to Sir James Mitchell Park and the South Perth foreshore area, which contains several cafes, restaurants, retail shops and supermarkets.

The site has frontage to Melville Parade to the west and is surrounded by high-density residential development as seen in **Figure 1** below:



Figure 1: Aerial image of the subject site.

(c) Description of the Proposal

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

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

- Maximum of two guests;
- Check-in time is from 3pm – 9pm daily and check-out time is between 8am – 10am;
- Complaints management will be undertaken by the dedicated manager and handled by a short-term rental accommodation company operating Australia wide;
- Guests will book with the management company;
- The property is to be monitored by Minut 24 hours a day. Minut monitors noise, temperature, motion and humidity;
- Guest guide and code of conduct provided to the guests by the applicant within the premises;
- Quiet hours are between 10:00pm – 7:00am daily;
- No parties or events permitted;
- Guests screened by Airbnb, with further identification and screening required prior to booking by the host.

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

(d) Land Use

Holiday House is currently a 'D' (Discretionary) use in the Residential zone under Local Planning Scheme No. 7 (LPS 7) which means that the use is not permitted unless the local government has exercised its discretion by granting development approval. Whilst land use permissibility is yet to be assigned to Unhosted STRA as an amendment to LPS 7 is first required, the City is treating the use as a 'D' use consistent with the previous land use definition, although it is noted that advertising was undertaken by the City given potential impacts to neighbouring properties.

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

(e) Short Term Accommodation Policy

Local Planning Policy 350.18 – Short Term Accommodation (Policy) was adopted by Council at its meeting held 27 March 2018 and seeks to facilitate the provision of self-contained visitor accommodation for short term occupancy and guide decision making in respect to the appropriateness of various form of tourist accommodation facilities, as determined by the locality, the appropriateness of facilities and scale of the proposal.

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

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

At its meeting held on 19 November 2024, Council resolved to advertise draft Local Planning Policy – Unhosted Short-Term Rental Accommodation (draft Policy) for a period of 21 days. Advertising of the Draft Policy concluded on 18 December 2024 and the draft Policy is a seriously entertained planning proposal that must be given due regard when assessing development applications for Unhosted STRA. The draft Policy will be presented to Council in early 2025 for final adoption.

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

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

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

The intent of the Statement is to:

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

In accordance with clause 67(2)(e) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), due regard must be given to the Statement when assessing a development application. The proposal is considered to satisfactorily address all relevant considerations outlined in the Statement.

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

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

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

10.3.11 Proposed Change of Use - Multiple Dwelling to Unhosted Short-Term Rental Accommodation - Lot 11, No. 111/29 Melville Parade, South Perth

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

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

(i) Compatibility and Amenity

Clause 67(2)(m) and Clause 67(2)(n) of the Deemed Provisions requires the local government to have regard to the compatibility of the proposal with its setting as well as amenity considerations (including environmental, character and social impacts).

The proposed Unhosted STRA is compatible with the wider character and amenity of the area as the proposed use and operation is minor in scale and intensity, hosting a maximum of two guests which is consistent with the expected number of persons within a single-bedroom dwelling.

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

(j) Carparking

Clause 67 (2) (s) of the Deemed Provisions requires the local government to have regard to the arrangements for the manoeuvring and parking of vehicles. In relation to on-site parking, one car parking bay is provided for the Unhosted STRA which is considered adequate.

(k) Consultation

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

The application was advertised for a period of 14 days between 20 January and 4 February 2025 in the following manner:

- A total of 48 letters were sent to the owners and occupiers of nearby properties; and
- A copy of the application was made available for review on the City's website.

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

Policy and Legislative Implications

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

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

Financial Implications

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

Key Risks and Considerations

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

Strategic Implications

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

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

Conclusion

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

Attachments

10.3.11 (a): Development Plan and Management Plan

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 Listing of Payments February 2025

File Ref: D-25-8324
Author(s): Abrie Lacock, Manager Finance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

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

EFT Payments to Creditors	(472)	\$4,601,176.59
Cheque Payments to Creditors	(1)	\$28.00
Total Monthly Payments to Creditors	(473)	\$4,601,204.59
EFT Payments to Non-Creditors	(53)	\$44,957.63
Cheque Payments to Non-Creditors	(13)	\$12,088.70
Total EFT & Cheque Payments	(539)	\$4,658,250.92
Credit Card Payments	(76)	\$9,120.80
Fleet Card Payments	(57)	\$4,212.29
Total Payments	(672)	\$4,671,584.01

Officer Recommendation

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

Background

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

Comment

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

Strategic Implications

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

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

Attachments

10.4.1 (a): Listing of Payments February 2025

10.4.2 Monthly Financial Statements February 2025

File Ref: D-25-8325
Author(s): Abrie Lacock, Manager Finance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

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

Officer Recommendation

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

Background

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

Comment

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

Monetary policy measures taken by the Reserve Bank of Australia (RBA) appears to be achieving its objective of lowering inflation in Australia. The January 2024 to January 2024 2.5% was stable compared to the 2.5% for December 2023 to December 2024 and slightly higher than the 2.3% for November 2023 to November 2024. Maintaining the January monthly weighted average inflation within RBA target rates of between 2% and 3%.

To curb the high inflation the RBA have raised interest rates. The cash rate has been at 4.35% since November 2023. At its February meeting the RBA decided to cut the cash rate by 25 basis points to 4.1%.

Michele Bullock (Governor) of the RBA also made the following statement at its Board meeting of 18 February 2025: “It’s clear that higher interest rates have been working as anticipated, restricting economic activity and putting downward pressure on inflation. The Board judges it’s time to reduce a little bit of that restrictiveness, but we cannot declare victory on inflation just yet. It is not good enough for inflation to be back in the target range temporarily. The Board needs to be confident that is returning to the target range sustainably.”

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

Actual income from operating activities for February year-to-date (YTD) is \$68.25m in comparison to budget of \$68.22m, favourable to budget an insignificant \$0.03m. Actual expenditure from operating activities for February is \$45.26m in comparison to the budget of \$45.37m, favourable to budget by \$0.11m or 0.24%. The February Net Operating Position of \$22.99m is \$0.14m favourable in comparison to budget.

Actual Capital Revenue is \$1.82m, slightly lower than the budget of \$1.83m. Actual Capital Expenditure YTD is \$7.56m in comparison to the budget of \$7.60m, \$0.04m lower than budget. A variance analysis is provided within **Attachment (e)** titled Significant Variance Analysis.

Cash and Cash Equivalents amounted to \$92.33m. Consistent with previous monthly reports, the Cash and Cash Equivalents balance is contained within the Statement of Financial Position. In addition, further detail is included in a non-statutory report (All Council Funds).

Banks have been pricing in the anticipated rate cut by the RBA, offering average interest rates of 4.47% 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 February 2025, the City held 39.99% of its investments in institutions that do not provide fossil fuel lending. The Summary of Cash Investments illustrates the percentage invested in each of the non-fossil fuel institutions and the short-term credit rating provided by Standard & Poors for each of the institutions.

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

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

Key Risks and Considerations

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

Strategic Implications

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

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

Attachments

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

10.4.3 Electors' General Meeting 2023/24

File Ref: D-25-8326
Author(s): Morgan Hindle, A/ Manager Governance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report allows Council to consider the outcome of the Electors' General Meeting held Tuesday 4 February 2025.

Officer Recommendation

1. That the minutes of the 2025 Electors' General Meeting held Tuesday 4 February 2025 and contained in **Attachment (a)** be received.
2. That Council notes the decisions made at the 2025 Electors' General Meeting held Tuesday 4 February 2025 as outlined in the body of this report.

Background

The Electors' General Meeting was held at 6pm on Tuesday 4 February 2025 in the City of South Perth Council Chamber. There were approximately 33 members of the public present.

Comment

In accordance with Section 5.33 of the *Local Government Act 1995*, Council is required to consider any decisions that result from the meeting.

There were 11 motions moved as follows:

Motion 1

“Moved: Ms Cecilia Brooke of South Perth.

Seconded: Mr Warwick Boardman of Salter Point.

That the 2023/24 City of South Perth Annual Report, the 2023/24 Annual Financial Statements and the 2023/24 Auditor's Report, be RECEIVED.

The Motion was put and declared CARRIED.”

Motion 2

“Moved: Ms Alexandra Jones of Como.

Seconded: Ms Dianne Cudby of South Perth.

1. *That Councillors, in accordance with the Role of Councillors (LG Act s.2.10), the Legislative Power of Local Governments (LG Act s.3.5,4B) and the City of South Perth Public Health Plan 2020-2025, take Action to prevent a known risk of serious injury and suspend COVID-19 vaccines pending an independent inquiry or Royal Commission into the evidence of harmful synthetic DNA-contamination in Australian vials, and*
2. *That Councillors and the Mayor acknowledge receipt of the Port Hedland Motion and scientific evidence informing them of DNA contamination in Australian vials of mRNA COVID-19 vaccines and all letters from Hon Russell Broadbent and Councillor Camilo Blanco; and*
3. *That Councillors and the Mayor represent concerned electors, residents and ratepayers including myself by supporting the Port Hedland Motion and taking action to suspend administration of these harmful experimental vaccines within the City of South Perth jurisdiction in accordance with the Public Health Plan 2020-2025 and the Local Government Act 1995 sections 2.10 and 3.5 (4B); and*
4. *That Councillors introduce a local law in accordance with section 3.5 (4B) Local Government Act 1995, to restore ethical medical standards including:*
 - a. *Trust in the doctor-patient relationship and Public Health authorities by preventing an ongoing risk of harm to the community from the State Government’s Pandemic Response that promoted and mandated experimental COVID-19 vaccines that have caused unprecedented vaccine injuries (including death) as revealed in numerous credible scientific sources, official data and the Forest of the Fallen Memorials.*
 - b. *Children’s and parental rights to protection from harm, bodily autonomy and informed consent to any medical intervention.*
 - c. *Freedom from medical coercion, medical mandates, false and misleading claims of product safety and efficacy, including the enforcement of children or adults with offers of free drinks, choc bomb ice creams or other forms of enforcement for the purpose of facilitating a potentially harmful medical intervention as occurred under the Roll Up for WA campaign and the promotion of COVID-19 vaccines for children at Perth Zoo in the City of South Perth.*

The Motion was put and declared LOST.”

Officer Comment

On 8 November 2024, the City received correspondence related to the resolution made by the Town of Port Hedland at its Special Council Meeting on 11 October 2024 related to Covid-19 vaccines, including the letter from the Hon. Russell Broadbent to the Prime Minister.

The City does not have the ability to determine if the risks of taking the vaccine are greater than the risk of refraining, particularly as this suspension would impact the entire population of Australia.

The onus is on the relevant health organisations such as the Department of Health and Aged Care, the Therapeutic Goods Administration, and the National Health and Medical Research Council to ascertain if these concerns are valid. These organisations have the medical and research capabilities and the official authority to carry out such an investigation.

For these reasons, the City would not recommend that Council make a local law in relation to this matter. It is also noted that when a local law is made by a Council, it is submitted to Parliament. If a local law is determined to be inappropriate, Parliament can disallow it, meaning the local law ceases to have effect.

Motion 3

“Moved: Ms Cecilia Brooke of South Perth.

Seconded: Mr Roger Reynolds of Manning.

1. *The City of South Perth makes a budget adjustment at the next Budget Review to engage appropriate consultants to provide a design that enhances and respects the significance of the South Perth Flagpole area within reasonable budget parameters.*
2. *Once approved, in principle by Council, the scheme is advertised for public comment for an appropriate period and then returned to Council for final endorsement with any modifications that have come through feedback from the public consultation.*

The Motion was put and declared CARRIED.”

Officer Comment

The City is considering a number of projects, including the River Wall Restoration Project. All of the options will be considered as part of the 2025/26 Annual Budget setting process. The Coode Street Foreshore restoration project includes that area in the vicinity of the flagpole and the design in this area will be given consideration to the content of the motion.

Motion 4

“Moved: Ms Cecilia Brooke of South Perth.

Seconded: Ms Alexandra Jones of Como.

1. *At the December Ordinary Council Meeting and at the completion of Council business, that any resident of the City who provides their name and address or organisation that they are representing shall be allowed to wish all Elected Members and City officers compliments of the season and to thank them for their good service to the residents of the City.*
2. *Also, that following the completion of Council Business that members of the Gallery be invited to join Elected Members for refreshments in the Reception Room in the spirit of the season.*

The Motion was put and declared CARRIED.”

Officer Comment

The City of South Perth Standing Orders Local Law 2007 provide the rules and guidelines which apply to the conduct of meetings of the Council. In particular, clause 5.2 outlines the order of business of the meeting and Item 6 in the order of business deals with public questions. This is the only opportunity during an Ordinary Council Meeting when members of the public may address the Council. Therefore, if a resident wishes to extend compliments of the season, they may do so after the conclusion of the meeting.

In relation to part two of the motion, the City acknowledges the intent behind this idea and appreciates the spirit of community engagement. However, the practical challenges associated with implementing such an arrangement make it difficult to facilitate. The December Ordinary Council Meetings are often lengthy due to a large Agenda with the 2021 meeting concluding at 10:15pm, the 2022 meeting at 7:30pm, the 2023 meeting at 9:35 pm and the 2024 meeting at 9:00 pm. By this time, the public gallery is usually empty. Additionally, as the duration of Council meetings varies, it is difficult to predict an appropriate time for catering and hospitality arrangements.

While there are a few issues with the proposed arrangement, the City remains committed to fostering positive engagement between the community, Elected Members and the Administration. Alternative opportunities will be explored to facilitate such interactions at a more appropriate time.

Motion 5

“Moved: Ms Bronwyn David of South Perth.

Seconded: Ms Heidi Schmidt of South Perth.

That the City of South Perth reconsiders the adoption of the Model Tree Retention Policy developed by the Western Australian Local Government Association, as amended by this Council.

The Motion was put and declared CARRIED.”

Officer Comment

At its meeting held 23 July 2024, Council resolved to not adopt draft Local Planning Policy – Tree Retention, and ‘*requests that the Chief Executive Officer write to the State Government and request the State Government adopt a consistent position concerning trees on private property, to provide certainty on this issue.*’

In considering the matter, Council considered the ability for the City to enforce the draft Policy if adopted, included the need for appropriate data for the purposes of a prosecution. Detailed mapping is required to collect data to enable the City to identify trees which meet the criteria on private property, consistent with the draft Policy provisions, for compliance purposes. The City would also require additional staff compliance resources to effectively monitor and enforce the Policy.

Motion 6

“Moved: Ms Veronica McPhail of Kensington.

Seconded: Ms Bridget Herbert of Como.

For the benefit of our children and our future community, Council prioritises in their operating and capital budgets the support and protection of all wildlife within the City by increasing and improving their habitats to ensure a sustainable cohabitation with the community.

The Motion was put and declared CARRIED.”

Officer Comment

Provision is made for budgets to maintain the City’s natural areas, parks and reserves and streetscapes. Future projects are put forward for Council consideration and approval within the annual budget setting process.

Motion 7

“Moved: Ms Veronica McPhail of Kensington.

Seconded: Ms Bridget Herbert of Como.

Council addresses the threat of dogs-off-lead in areas deemed to be wildlife sensitive habitats by providing clear unambiguous dogs-on-lead signage and for Council to enforce this by increasing ranger presence in these areas.

The Motion was put and declared CARRIED.”

Officer Comment

The City’s Rangers are authorised to monitor and enforce compliance with laws regarding the behaviour and control of dogs, including ensuring dogs are on-lead in designated areas. In the last 12 months the City has reviewed the Cats Local Law which includes prohibited areas for cats and is currently in the process of reviewing the Dogs Local Law. The power to identify specific areas as Dog Exercise and Prohibited areas sits within the *Dog Act 1976* but does not form part of the Dog Local Law. In August 2024 Council approved the City’s dog exercise and prohibited areas to promote safer usage of the City’s reserves for the community, dogs and native flora and fauna. To enhance compliance efforts, the City has acquired a ranger e-bike to facilitate patrols in foreshore areas that were previously more difficult to access by vehicle. Additionally, in 2025, the City will be developing two enclosed dog exercise areas: one at Olives Reserve and another at Melville Parade, opposite Comer Reserve in Como. These designated spaces will provide dog owners with safe, off-lead exercise options.

Regarding signage, while the City acknowledges there has been some delay in implementing new signage, it remains committed to ensuring that the updated signage accurately reflects current dog restrictions. Previous signage that was inconsistent with designated on-lead and off-lead areas has been removed to eliminate confusion. The design for new signs is currently being worked on by the relevant stakeholders. In the interim, pavement decals have been placed around Djirda Miya and surrounding areas to clearly outline dog restrictions.

Motion 8

Moved: Ms Alexandra Jones of Como.

Seconded: Ms Dianne Cudby of South Perth.

1. *That Councillors, in accordance with the role of Councillors (Local Government Act (LG Act) section 2.10) and the legislative power of local governments (LG Act section 3.5 4B) enact a local law for the Protection of Community Health and Well-being, Mature Urban Trees, Air Quality, Surface Water, Ground Water and Soil Fungal Communities from applications of Glyphosate weed killer and other unmonitored pollution from herbicides and pesticides that are routinely released into our public open spaces under operational practices, and*
2. *That the City explores alternatives to toxic agricultural chemicals for the management of public land and ceases the spraying of footpaths, verges, children’s parks and sports fields with toxic agricultural chemicals, including Glyphosate-based products for the control of grasses or weeds;*
3. *That residents and ratepayers also be advised not to apply agricultural poisons on public verges, including weed and feed type fertilizers that contain selective poisons such as MCPA;*

4. *That public trees, green ground cover and soil microbes be protected from routine applications of herbicides such as Glyphosate that prevents nutrient uptake by plants and promotes plant diseases and susceptibility of trees to attack from bugs and borers including the Polyphagous shot-hole borer;*
5. *That Mayor Milner and Councillors acknowledge scientific research into the adverse effect of Glyphosate on soil fungal communities and Glyphosate's apparent role in promoting the spread of Fusarium Fungus that is harmful to trees having a symbiotic relationship with the reportedly widespread Polyphagous shot-hole borer, resulting in the controversial State Government directive to pre-emptively destroy many hundreds of our most healthy and beautiful shade-bearing trees.*

The Motion was put and declared CARRIED.”

Officer Comment

The City does currently use an alternative treatment for the control of weeds and grasses which is steam, as well as mechanical removal and by hand. All chemical products that the City uses for the control of weeds and grasses are approved by the Australian Pesticides and Veterinary Medicines Authority (APVMA). APVMA is the regulatory body within Australia approving the use of chemicals.

Motion 9

“Moved: Ms Heidi Schmidt of South Perth.
Seconded: Ms Bronwyn David of South Perth.

That Council seriously consider budgeting for an additional full FTE Ranger in the 2025/26 Budget, with the focus of this position being wildlife protection.

The Motion was put and declared CARRIED.”

Officer Comment

The City regularly reviews its budgeting and Full-Time Equivalent staffing levels as part of its ongoing resource planning. While the request for an additional ranger position will be considered as part of this process, the City is also taking several proactive measures to enhance wildlife protection and compliance.

These measures include the implementation of new signage to clearly communicate dog restrictions, the deployment of a newly acquired ranger e-bike to improve patrol coverage in harder to access foreshore areas, and an increase in patrols within these locations.

It is important to note that while Ranger Services patrol the entire district, including all foreshore areas across South Perth, records indicate that the most recent reported dog attack on wildlife occurred in 2022, with only one such incident recorded.

Given these factors, the City will continue to focus on improving compliance through signage, increased patrols and public education.

Motion 10

“Moved: Ms Joanne Ord of Como.
Seconded: Ms Cecilia Brooke of South Perth.

That the City of South Perth website is updated with a Black Cockatoos fact sheet (including food life sources) and reissue the article on the website.

The Motion was put and declared CARRIED.”

Note:

Additional Information provided by Ms Joanne Ord:

Website to include in an appropriate location:

- Black Cockatoos factsheet;
- List of food sources/tree habitat;
- Provide information/measures that the community can implement to support the Black Cockatoos plight;
- Hold information sessions with Birdlife regarding the Black Cockatoos;
- Consider a water trough at Ernest Johnson Reserve;
- Reissue an article on Black Cockatoos in Your Say to keep the Black Cockatoos relevant in the community awareness;
- Nursery giveaway signage for Black Cockatoo plants.

Officer Comment

The City can include links to appropriate websites or pages that contains current information regarding Black Cockatoos through the next content update.

Motion 11

“Moved: Ms Alexandra Jones of Como.

Seconded: Ms Dianne Cudby of South Perth.

That Council engages two independent arboriculture consultants prior to agreeing to the removal of its' public trees for the alleged presence of the Polyphagous shot-hole borer.

The Motion was put and declared LOST.”

Officer Comment

The City is working closely with the Department of Primary Industries and Regional Development (DPIRD) regarding DPRID's management of the Polyphagous shot-hole borer (PSHB) with the City of South Perth. The removal of a tree infested or affected by the PSHB is only agreed to after other options have been considered and evaluated. The City does not consider the engagement to two external arborists (who may have differing perspectives) the best use of limited community resources.

Consultation

In accordance with Section 5.29 of the *Local Government Act 1995*, an advertisement was placed in the Southern Gazette on 16 January 2025 and 30 January 2025, in the City's my Snapshot that was circulated on Thursday 23 January 2025, on the City's website and on all noticeboards in the City's Administration Centre and Libraries.

Policy and Legislative Implications

Section 5.27 of the *Local Government 1995* states that a general meeting of electors is to be held once every financial year to consider the contents of the annual report for the previous year, and consider other general business.

Section 5.29 of the *Local Government Act 1995* states that local public notice must be given. Section 5.33 of the *Local Government Act 1995* states that all decisions made at an electors' meeting are to be considered at a Council meeting.

Financial Implications

Advertising costs were incurred and taken from the 2024/25 budget.

Key Risks and Considerations

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

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): Electors' General Meeting Minutes

10.4.4 Chief Executive Officer Selection Committee and Recruitment Process

File Ref: D-25-7661
Author(s): Pele McDonald, Manager People and Performance
Reporting Officer(s): Pele McDonald, Manager People and Performance

Summary

This report seeks the establishment of the Chief Executive Officer Selection Committee, the adoption of the Committee's Terms of Reference, and authorisation to commence the CEO recruitment process. This includes sourcing a list of suitable individuals to serve as an independent member of the Committee and identifying qualified recruitment consultants to support the selection process.

Officer Recommendation

That Council:

1. Establishes the Chief Executive Officer Selection Committee in accordance with Section 5.8 and Section 5.9(2)(d) of the *Local Government Act 1995*.
2. Adopts the Terms of Reference for the Chief Executive Officer Selection Committee as contained within **Attachment (a)**.
3. Authorises the Manager People and Performance, to source a listing of suitable people to be an independent person to join the Selection Committee in accordance with clause 8 (3) of the Local Government (Administration) Regulations 1996 from an agreed listing contained within **Confidential Attachment (b)**.
4. Appoints Mayor Greg Milner, Deputy Mayor Bronwyn Waugh and Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza and Hayley Prendiville and at least one independent person to the Chief Executive Officer Selection Committee.
5. Authorises the Manager People and Performance to source a listing of suitable recruitment consultants for the Chief Executive Officer recruitment with the following Scope of Works:
 - a. Deliver the scope of works, in consultation with the Council and the Chief Executive Officer Selection Committee.
 - b. Ensure the Committee have prepared the CEO position description and selection criteria;
 - c. Prepare and place the Job Advertisement;
 - d. Prepare the Job Information/ Application Package and field applicant questions;
 - e. Conduct Executive Search;
 - f. Perform preliminary Applicant Assessments and Background Checks;

- g. Assist the Chief Executive Officer Selection Committee to develop interview questions and to prepare for interviews;
- h. Guide the Chief Executive Officer Selection Committee in the interview and selection process;
- i. Conduct referee checks;
- j. Prepare a contract of employment for the preferred candidate; and
- k. Prepare a report for Council on the preferred candidate and remuneration package to be offered.

Absolute Majority Required

Background

On Tuesday 25 February 2025, the Chief Executive Officer (CEO), Mr Mike Bradford tendered his resignation to Mayor Greg Milner. Following a confidential contract variation report at its meeting held 25 February 2025, Council resolved and agreed to a termination of employment date being Wednesday 2 April 2025.

Comment

On Tuesday 4 March 2025 the Manager People and Performance and A/Manager Governance held a Briefing with Elected Members regarding the CEO Position. The Briefing covered legislative requirements for the Acting CEO process and the CEO Recruitment process, as well as provided an opportunity for Elected Members to express their desired next steps for filling the CEO position from 3 April 2025.

It is proposed that a Chief Executive Officer Selection Committee (the Committee) be established to coordinate the recruitment and selection process and make recommendations to Council for a decision, including that of an Acting CEO.

A Chief Executive Officer Selection Committee may be established under Section 5.8 of the *Local Government Act 1995* to oversee the process, with Council establishing Terms of Reference to guide the Committee's advisory role as contained within **Attachment (a)**.

The Committee can comprise of some or all Elected Members and facilitates the recruitment of the CEO recruitment process. Eight out of nine Elected Members have indicated their interest in being included on the Committee. These include Mayor Greg Milner, Deputy Mayor Bronwyn Waugh and Councillors André Brender-A-Brandis, Mary Choy, Nic Coveney, Glenn Cridland, Blake D'Souza and Hayley Prendiville.

It is recommended that the Manager People and Performance is authorised to source a suitable person to be an independent person to join the Committee in accordance with clause 8 (3) of the Local Government (Administration) Regulations 1996. The agreed list is contained within **Confidential Attachment (b)** and was discussed by Council at the CEO briefing held Wednesday 12 March 2025.

A suitably qualified recruitment consultant should be engaged to guide the process and ensure compliance with relevant legislation in line with contemporary recruitment practices. Due to the specialised nature of recruiting a Local Government CEO, it is commonplace for a Council to engage the services of a suitably qualified recruitment consultant, licensed under the *Employment Agents Act 1976* (WA), to guide the Selection Committee through the process.

10.4.4 Chief Executive Officer Selection Committee and Recruitment Process

Therefore, it is recommended that the Manager People and Performance be authorised to source quotes from suitable recruitment consultant organisations for the CEO recruitment, and provide these quotations to the Committee to recommend a preferred recruitment consultant at the April 2025 Ordinary Council Meeting.

The following scope of works has been developed to ensure recruitment consultant respondents have a clear understanding of Council's expectations.

Scope of Works:

- Deliver the scope of works, in consultation with the Council and the Selection Committee;
- Ensure the Selection Committee has prepared the CEO position description and selection criteria;
- Prepare and place the Job Advertisement;
- Prepare the Job Information/ Application Package and field applicant questions;
- Conduct Executive Search;
- Perform preliminary Applicant Assessments and Background Checks;
- Assist the Selection Committee to develop interview questions and to prepare for interviews;
- Guide Council and the Selection Committee in interview and selection processes;
- Conduct referee checks;
- Prepare a contract of employment for the preferred candidate; and
- Prepare a report for Council on the preferred candidate and remuneration package to be offered.

It is anticipated that this recruitment process will span for up to a six month timeframe, requiring several Council decisions. It is noted that the timeline largely depends on the notice period of the preferred candidate with their current employer.

Consultation

Elected Members have been consulted on the recruitment and selection process recommended in this report through two CEO Position Briefings held on Tuesday 4 March 2025 and Wednesday 12 March 2025.

Policy and Legislative Implications

Part 5, Division 4 of the *Local Government Act 1995*.

Part 4, Local Government (Administration) Regulations 1996.

Financial Implications

Once the costs for the recruitment process are known, the amount required to facilitate the process will be captured in the 2025/26 Budget.

Key Risks and Considerations

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

Strategic Implications

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

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

Attachments

10.4.4 (a):	Terms of Reference
10.4.4 (b):	Independent Persons List (<i>Confidential</i>)

10.5 MATTERS REFERRED FROM COMMITTEE MEETINGS

Item 10.5.1 Independent Facilitator for Chief Executive Officer Evaluation Process 2024/25 was deferred to the March Ordinary Council Meeting at the Ordinary Council Meeting held 25 February 2025.

In light of the Chief Executive Officer's resignation, this report is now presented for Council to formally conclude the process with a recommendation to not appoint an independent facilitator for the Chief Executive Officer's Evaluation Process 2024/25.

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

File Ref: D-25-8327
Author(s): Pele McDonald, Manager People and Performance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

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

Item 10.5.1 Independent Facilitator for Chief Executive Officer Evaluation Process 2024/25 was deferred to the March Ordinary Council Meeting at the Ordinary Council Meeting held 25 February 2025.

In light of the Chief Executive Officer's resignation, this report is now presented for Council to formally conclude the process with a recommendation to not appoint an independent facilitator for the Chief Executive Officer's Evaluation Process 2024/25.

Updated Officer Recommendation

That Council:

1. Notes that the Chief Executive Officer has resigned from the position.
2. Does not proceed with appointing an independent facilitator for the Chief Executive Officer Evaluation Process 2024/25.

Committee Recommendation

Moved: Mayor Greg Milner
Seconded: Councillor Glenn Cridland

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

CARRIED (2/2)**For:** Mayor Greg Milner, Councillor Glenn Cridland.**Against:** Councillors Jennifer Nevard and Hayley Prendiville.**Casting Vote For:** Mayor Greg Milner**Officer Recommendation**

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

Additional Information

The following information has been provided after the February Ordinary Council Meeting and in response to the Chief Executive Officer's (CEO) resignation:

On 25 February 2025, CEO Mike Bradford advised the Mayor and Councillors of his resignation from the position. At the Ordinary Council Meeting held that day, 25 February 2025, Council were due to consider Item 10.5.1 Chief Executive Officer Evaluation Process 2024/25. In light of the CEO's decision to resign and the evaluation process no longer being required, Council resolved to defer the Item to the 25 March 2025 Ordinary Council Meeting.

Given the above information, it is now recommended that Council resolve to not appoint an independent facilitator and formally conclude this process.

Background

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

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

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

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

Comment

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

The five organisations/consultants approached were:

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

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

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

Consultation

Nil.

Policy and Legislative Implications

Nil.

Financial Implications

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

Key Risks and Considerations

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

Strategic Implications

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

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

Attachments

10.5.1 (a):	Quotes for Independent Facilitator (<i>Confidential</i>)
10.5.1 (b):	Comparison Table of Criteria (<i>Confidential</i>)

10.5.2 Internal Audit Report - Regulation 5 Review

File Ref: D-25-7659
Author(s): Abrie Lacock, Manager Finance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report tables the Internal Audit Report – Regulation 5 Review. In accordance with the Local Government (Financial Management) Regulations 1996 Regulation 5, the CEO is to undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government not less than once in every three financial years and report to the local government the results of those reviews. This review is in accordance with the City’s Strategic Internal Audit Plan.

The report provided by William Buck Consulting (WA) Pty Ltd contains positive observations and good practices of the City, three detailed audit findings with associated recommendations, risk ratings and management comments.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Ms Shona Zulsdorf

Seconded: Mr Warwick Gately

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

1. Notes the Internal Audit Report – Regulation 5 Review contained in **Confidential Attachment (a)**; and
2. Accepts the three recommendations contained within Section 2 of the Internal Audit – Regulation 5 report be added to the Audit Register.

CARRIED (5/0)

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

Against: Nil.

Background

For each completed Internal Audit, the reports are presented to the Audit, Risk and Governance Committee (ARGC) and then Council for acceptance of the recommendations and detailed findings.

A representative from William Buck Consulting (WA) Pty Ltd (William Buck) will attend the relevant ARGC meeting to respond to questions relating to the report. The report contains findings and recommendations, to which the City’s management have provided a response, and following endorsement by Council, all details will be listed in the City’s Audit Register.

Comment

The Internal Audit Report – Regulation 5 Review in **Confidential Attachment (a)** is used for internal purposes to assist in improving business processes and systems. The report includes the strengths, weaknesses, issues, risk ratings, recommendations and management comments.

Internal Audit is an essential component of the City’s continuous improvement process, findings and business improvement recommendations are welcome. The Regulation 5 Review report contains William Buck’s detailed findings with notations relating to efficiencies and other observations.

All items included in the Audit Register are reported at each subsequent ARGC meeting, including information relating to the progress of implementing the Agreed Management Actions, a percentage complete indicator and officer comments. As these items are implemented, a recommendation will be included to close the item. Closed items will no longer be reported in the Audit Register to the ARGC but will be accessible by the Internal and External Auditors to review compliance.

Consultation

Nil.

Policy and Legislative Implications

The Internal Audit function is considered a business improvement process that will assist in compliance with CEO’s duties as to financial management as mandated by Regulation 5 of the Local Government (Financial Management) Regulations 1996.

Financial Implications

The Internal Audit function has a budget of \$60,000 for the 2024/25 financial year.

Key Risks and Considerations

Risk Event Outcome	<p>Legislative Breach</p> <p>Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation.</p>
Risk rating	Low
Mitigation and actions	<p>Quarterly reporting of progress on the Audit Register to the ARGC and Council. In the report, Officer comments on actions taken and progressive completion of Actions are noted. Actions which are 100% complete are closed out and reported to the ARGC. There is no future reported on closed out actions.</p>

Strategic Implications

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

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

Attachments

10.5.2 (a):	Internal Audit Report - Regulation 5 Review (<i>Confidential</i>)
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10.5.3 Internal Audit Report - Regulation 17 Review

File Ref: D-25-7660
Author(s): Garry Adams, Director Corporate Services
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report tables the Internal Audit Report – Regulation 17 Review. In accordance with the Local Government (Audit) Regulations 1996 Regulation 17, the Chief Executive Officer is to review the appropriateness and effectiveness of the local government’s systems and procedures in relation to risk management, internal control and legislative compliance. This review aligns with the City’s three-year Strategic Internal Audit Plan in which a Regulation 17 Review must be completed during the 2024/25 financial year.

The report provided by William Buck Consulting (WA) Pty Ltd contains positive observations and good practices of the City, five detailed audit findings with associated recommendations, risk ratings and management comments.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Ms Shona Zulsdorf
Seconded: Mr Warwick Gately

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

1. Notes the Internal Audit Report – Regulation 17 Review contained in **Confidential Attachment (a)**; and
2. Accepts the five Audit findings and associated recommendations contained within Section 2 of the Internal Audit Report – Regulation 17 Review, be added to the Audit Register.

CARRIED (5/0)

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

Against: Nil.

Background

For each Internal Audit completed, the reports are presented to the Audit, Risk and Governance Committee (ARGC) and then Council for acceptance of the recommendations if there are detailed findings.

A representative from William Buck Consulting (WA) Pty Ltd (William Buck) will attend the relevant ARGC meeting to respond to questions relating to the report. The report contains findings and recommendations, to which the City’s management have provided a response, and following endorsement by Council, all details will be listed in the City’s Audit Register.

Comment

The Internal Audit Report – Regulation 17 Review in **Confidential Attachment (a)** is used for internal purposes to assist in improving business processes and systems. The report includes the strengths, weaknesses, issues, risk ratings, recommendations, and management comments.

Internal Audit is an essential component of the City's continuous improvement process, findings and business improvement recommendations are welcome. The Regulation 17 Review report contains William Buck's detailed findings with notations relating to efficiencies and other observations. In conducting the audit, William Buck committed resources to conducting the review, with the findings resulting in minor areas of improvement for the City. Management have responded to all recommendations, with the following actions being completed at the time of presenting the report to the ARGC:

- **Finding 1** – The City has two distinct levels of delegations; Council Delegations and CEO Delegations. In accordance with s5.46(2) of the *Local Government Act 1995* all delegations made under Division 4 of the Act are to be reviewed by the delegator at least once each financial year. All Council Delegations had been reviewed and presented to Council and endorsed at the 25 June 2024 Ordinary Council Meeting. All CEO delegations had been reviewed by the relevant delegator. Of the seven mentioned in the finding, all were CEO Delegations; one had been reviewed and endorsed, but due to an administrative error, this had not been noted. The final six had been reviewed, but due to the timing restrictions were not presented to the Executive Management Team until January 2025 for endorsement. This has now been conducted.
- **Finding 2** – Significant progress has been made in addressing the recommendations from this finding in particular in relation to the development of new Business Continuity Plans for all Business Units. New Business Continuity Plans are expected to be completed for all business units by 30 June 2025, following which the whole of organisation plan will be developed.
- **Finding 3** – All recommendations have been actioned with this finding now being completed.

All items included in the Audit Register are reported at each subsequent ARGC meeting, including information relating to the progress of implementing the Agreed Management Actions, a percentage complete indicator and officer comments. As these items are implemented, a recommendation will be included to close the item. Closed items will no longer be reported in the Audit Register to the ARGC but will be accessible by the Internal and External Auditors to review compliance.

Consultation

Nil.

Policy and Legislative Implications

The Internal Audit function is considered a business improvement process that will assist in compliance with Regulation 5 of the Local Government (Financial Management) Regulations 1996 (CEO's duties as to financial management) and regulation 17 of the Local Government (Audit) Regulations 1996 (CEO to review certain systems and procedures).

Financial Implications

The Internal Audit function has a budget of \$60,000 for the 2024/25 financial year, and it is anticipated that a budget of a similar amount is to be adopted for future years. Officers’ effort to undertake the improvements and report on progress has not been estimated.

Key Risks and Considerations

Risk Event Outcome	<p>Legislative Breach</p> <p>Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation.</p>
Risk rating	Low
Mitigation and actions	<p>Quarterly reporting of progress on the Audit Register to the ARGC and Council. In the report, Officer comments on actions taken and progressive completion of Actions are noted. Actions which are 100% complete are closed out and reported to the ARGC. There is no future reported on closed out actions.</p>

Strategic Implications

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

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

Attachments

- 10.5.3 (a): Internal Audit Report - Regulation 17 Review (*Confidential*)

10.5.4 Internal Audit Report - Project and Program Management

File Ref: D-25-7664
Author(s): Anita Amprimo, Director Infrastructure Services
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report tables the Internal Audit Report – Project and Program Management in accordance with the City’s Strategic Internal Audit Plan 2022/2023 to 2026/2027.

The report contains five detailed audit findings, with a number of notations and observations. The audit includes strengths, weaknesses, rating, issues, risk ratings, recommendations and management comments.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Ms Shona Zulsdorf

Seconded: Mr Warwick Gately

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

1. Notes the Internal Audit Report – Project and Program Management contained in **Confidential Attachment (a)**; and
2. Accepts the five recommendations contained in Section 5 of the Internal Audit – Project and Program Management report be added to the Audit Register.

CARRIED (5/0)

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

Against: Nil.

Background

For each internal audit completed, the reports are presented to the Audit, Risk and Governance Committee (ARGC) and then Council for acceptance of the recommendations. Management responds to the recommendations of the auditor, in relation to their findings, and these are listed in the Audit Register.

Comment

The Internal Audit Report – Project and Program Management is a confidential report to be used for internal purposes to assist in improving business processes and systems. The report includes the strengths, weaknesses, rating, issues, risk ratings, recommendations and management comments.

Internal Audit is an essential component of the City’s continuous improvement process and findings are welcome. As many areas have never been audited before, it is likely that each Internal Audit may contain findings. The Internal Audit – Project and Program Management report contained in **Confidential Attachment (a)** resulted in five findings to be included in the Audit Register.

Consultation

Nil.

Policy and Legislative Implications

The Internal Audit function is considered a business improvement process that will assist in compliance with Regulation 5 of the Local Government (Financial Management) Regulations 1996 (CEO’s duties as to financial management) and Regulation 17 of the Local Government (Audit) Regulations 1996 (CEO to review certain systems and procedures).

Financial Implications

The Internal Audit function has a budget of \$60,000 for the 2024/25 financial year, and it is anticipated that a budget of a similar amount is to be adopted for future years. Officers effort to undertake the improvements and report on progress has not been estimated.

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	Medium
Mitigation and actions	Quarterly reporting of progress on the Audit Register to the ARGC and Council. In the report, Officer comments on action taken and progressive completion of Actions are noted. Actions which are 100% complete are closed out and reported back to the ARGC. There is no future reporting on closed out actions.

Strategic Implications

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

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

Attachments

10.5.4 (a):	Internal Audit Report - Project and Program Management <i>(Confidential)</i>
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10.5.5 Quarterly Activity Report

File Ref: D-25-7665
Author(s): Morgan Hindle, A/ Manager Governance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report outlines recent activities undertaken by the City of South Perth relating to Risk Management, Business Continuity and Workplace Health and Safety and an overview of the activities planned.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Ms Shona Zulsdorf
Seconded: Mr Warwick Gately

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

1. Notes the details of the Quarterly Activity Report as contained in the body of the report;
2. Notes the two Corporate Operational Risk being escalated as contained within the report; and
3. Endorses the Strategic Risk Register as contained in **Confidential Attachment (a)**.

CARRIED (5/0)

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

Against: Nil.

Background

The Council is responsible for the strategic direction of the City. The City's Audit, Risk and Governance Committee (ARGC) is a Committee of Council in accordance with the *Local Government Act 1995* (the Act) and is responsible for providing guidance, assistance and oversight to the Council, in relation to matters which include the City's compliance with Regulation 17 of the Local Government (Audit) Regulations 1996 (the audit regulations).

The responsibility of the Chief Executive Officer (CEO) in relation to Regulation 17 of the audit regulations includes reviewing the appropriateness and effectiveness of the City's systems and procedures in relation to:

- a) risk management;
- b) internal control; and
- c) legislative compliance.

This activity report will provide an update on the City's Risk Management, Business Continuity and Workplace Health and Safety activities undertaken for the previous quarter and identifies proposed activities for the upcoming quarter.

Information contained in this report will assist the ARGC in fulfilling their responsibilities as they relate to Regulation 17 of the audit regulations.

Comment

1) Strategic Risk Register

The Strategic Risk Register (register) has been developed in consultation with the City's Elected Members and external members of the ARGC. The register was last endorsed by the ARGC at its meeting held 11 November 2024.

The register, as contained in **Confidential Attachment (a)**, has been reviewed by the Internal Risk Management Committee and Executive Management Team. Where appropriate further clarification/information in relation to the controls in place has been provided with these amendments being highlighted in red text. The control effectiveness of each risk has been reviewed with all being assessed as having effective controls in place.

2) Operational Risk Register

In accordance with the requirements of the Risk Management Framework 2024 all Corporate Operational risks with a residual risk rating of High or Extreme are presented to the ARGC for review and noting. The Internal Risk Management Committee met on 4 February 2025 at which time the Operational Risk Register was reviewed and subsequently presented to the Executive Management Team on 17 February 2025 for endorsement.

The two risks detailed below have been identified as having a high-risk rating:

i. **Corp Risk 1.2 Physical security of City Officers and Assets**

Outcome: Health/Injury

Due to hostile incidents which have occurred at City facilities, the residual likelihood of this risk event occurring remains as possible, with the risk rating remaining as high, with effective controls in place.

Controls

Established corporate policies, management practices, procedures and strategies including:

- Communications on 'increased alert level' provided via email.
- Audio communication on CCTV at Waste Kiosk (completed) and thermographic camera to be installed at Recycling Centre 'battery storage area.'
- Swipe card access to staff administration areas.
- External provider engaged for building security.
- Additional security cameras installed at Animal Care Facility, George Burnett Leisure Centre and Civic Centre Customer Service.
- Personal duress alarm for Animal Care Facility Officers working alone.

- Training and awareness sessions provided.
- Additional exit door installed in Development Services meeting room.
- Operations and Recycling Centre – main entry gates closed to the public outside business hours.
- Physical review of security at the Animal Care Facility, Rangers Office and Operations Centre reception area completed in 2024.
- Civic and Administration reception desk – glass barrier installed.
- Cashless operations at the Civic Centre.
- Security gate and fencing installed at the Civic Centre staff carpark.
- Security screens on all windows at Animal Care Facility and Rangers Office.
- Annual review of all policies and management practices which address security access.
- Review of National Terrorism Threat Level when new information or events come to pass.

Further actions/comments

- Further rollout/renew/upgrade of CCTV at all City buildings.
- Works currently being conducted at recycling centre.

ii. **Corp Risk 5.0** **Dependency on contractors to deliver key project/services.**

Outcome: Service Interruption

This risk was initially identified as a high-risk rating in November 2022 due to the availability of contractors to conduct works required by the City. In November 2024, this risk was reassessed and the risk rating was reduced to moderate as at that time the City was not experiencing the same level of difficulty in the availability of contractors.

On review by the Internal Risk Management Committee at the 4 February 2025 meeting, it is considered that the availability of contractors, was again posing difficulties and the level of this risk has been increased to a high-risk rating.

Outcome: Service Interruption

Due to the current labour market the residual likelihood of this event occurring has been increased from unlikely to possible, with the risk rating increasing to high, with effective controls in place.

Controls

- Robust supplier selection.
- Use of WALGA preferred suppliers.
- Procurement Management provided by the Finance Services Business Unit.
- Relationship management.

Further actions/comments

- Review contracts.
- Review public liability insurance levels (required by contractors).
- Establishment of panel of contractors.

While the residual rating of this risk is high, it is considered that all available mitigation strategies are in place to reduce the outcome of this risk impacting the City's community. Where necessary, key communication methods are used to inform our community of any delays/interruption to the expected delivery of a project or service.

3) Business Continuity

A Business Continuity Management Framework (BCMF) has been developed and was presented and noted at the 12 September 2023 ARGC Meeting. An implementation plan has been developed which was endorsed by the Executive Management Team on 28 January 2025. A presentation was delivered to the Management Team on 17 February 2025 with all Business Unit Managers being requested to develop a new Business Continuity Plan for their business units, aligned to the Business Continuity Framework.

Business Continuity Plans are expected to be completed for all business units by 30 June 2025, following which the whole of organisation plan will be developed. The Governance Business Unit is providing support to all Business Unit Managers in the development of the Business Continuity Plans.

4) ISO 45001 Work Health and Safety

The City's annual targets and objectives for WHS was reviewed by EMT for their bi-annual review on 13 February 2025. There have been a number of objectives achieved since the beginning of the financial year to date including:

- Successful Reaccreditation of ISO 45001 for the City's Civic Centre and South Perth Library.
- Successful Accreditation of ISO 45001 for the City's GBLC (additional location added).
- WHS refresher training for all employees and officers which included recent legislation changes was undertaken in January and February 2025.
- A number of training programs were undertaken including First Aid, Mental Health First Aid, and CPR training.
- The Wellbeing program continues to progress with skin screening checks, along with corporate massage.

- Collaborating with business units for risk assessments on EV stations and Operations Centre Site Induction program has also occurred.

The City and team are currently on-track to achieve set objectives for the financial year as planned, subject to the current resourcing, budgets, technologies, and support being available.

5) Planned Activities

The following activities are planned (subject to the availability of organisational officers) for the remainder of the 2024/25 financial year:

System/Procedure	Activity	Expected Outcome
Risk Management	Operational risks to be reviewed on a quarterly basis.	The City's Corporate Operational Risk register to be as current as reasonably practicable.
Risk Management	Development of further fraud and corruption training.	Increased knowledge within the City's business units in order to further protect resources and information and safeguard the integrity and reputation of the City.
Business Continuity	Rollout of updated business continuity plans in accordance with the requirements of the Business Continuity Management Framework.	The City's Business Continuity Plans to be as current as reasonably practicable.
Risk Management	Management Practice M695 Risk Management.	Sound risk management practices and procedures to be further integrated into the City's strategic and operational planning process and day to day business practices.
Risk Management	Provide training program for identified officers.	Provide support and guidance to officers ensuring they have familiarity with the City's risk management practices.
Workplace Health and Safety	Continue to implement the annual Targets & Objectives.	Targets are on track to be achieved for 2024/25.

Consultation

Nil.

Policy and Legislative Implications

- Reg 17 (1) (a) (b) and (c) of the Local Government (Audit) Regulations 1996
 - 17. CEO to review certain systems and procedures
 - (1) The CEO is to review the appropriateness and effectiveness of a local government’s systems and procedures in relation to –
 - (a) risk management;
 - (b) internal control; and
 - (c) Legislative compliance.
- *Work Health and Safety Act 2020*

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	Continuous review and improvement in relation to all Risk Management, Business Continuity and Workplace Health and Safety activities.

Strategic Implications

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

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

Attachments

- 10.5.5 (a): Strategic Risk Register (*Confidential*)

10.5.6 Audit Register Progress Report - 2nd Quarter Update

File Ref: D-25-7666
Author(s): Morgan Hindle, A/ Manager Governance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report provides an update on the progress of actions included in the Audit Register. The Audit Register includes all open audit findings that have previously been accepted by the Audit, Risk and Governance Committee and Council.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Ms Shona Zulsdorf
Seconded: Mr Warwick Gately

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

1. Notes the progress recorded against each item within the Audit Register in **Confidential Attachment (a)**; and
2. Approves the findings marked as Complete (100%) in the Audit Register, to be registered as closed and no longer reported to the Committee.

CARRIED (5/0)

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

Against: Nil.

Background

The confidential Audit Register as contained in **Confidential Attachment (a)** lists internal and external audit findings and describes the progress of implementing improvements and the percentage completion. This report is prepared for noting the progress and completion of findings since the last meeting.

Comment

The Audit Register contained in **Confidential Attachment (a)** presents audit outcomes by 'Finding' numbers. Any given Finding may have more than one 'Recommendation' and associated 'Agreed Management Action.'

Only when all Agreed Management Actions related to a Finding are marked as 100% complete, will the report be presented to the Audit, Risk and Governance Committee (ARGC), with a recommendation that the Finding be closed.

10.5.6 Audit Register Progress Report - 2nd Quarter Update

The Audit Register has been formatted to ensure clarity as detailed below:

1. Where a Finding has more than one Agreed Management Action, it is represented with double lines around that entire Finding.
2. Updates in relation to each Finding are displayed in chronological order i.e. latest update appears at the bottom of each Finding.
3. Each Finding that is to be closed (i.e. 100% complete for all Agreed Management Actions) is represented by a purple 'Closed Tally' column on the right and numbered.
4. All Findings that are being recommended for closure by the ARGC are filtered to the end of the register.

The ARGC is requested to recommend that Council note the progress and officer comments. In addition, it is recommended all Findings marked as complete (100%) in the Audit Register be registered as closed. All closed items will not form part of the Audit Register report for future meetings.

It is requested that the ARGC notes the Audit Register in **Confidential Attachment (a)**.

Consultation

Nil.

Policy and Legislative Implications

The Internal Audit function is considered a business improvement process that will assist in compliance with Regulation 5 of the Local Government (Financial Management) Regulation 1996 (CEO's duties as to financial management) and Regulation 17 of the Local Government (Audit) Regulations 1996 (CEO to review certain systems and procedures).

Financial Implications

The Internal Audit function has a budget of \$60,000 for the 2024/25 financial year, and it is anticipated that a budget of a similar amount is to be adopted for future years. Officers' effort to undertake the improvements and report on progress has not been estimated.

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	Medium
Mitigation and actions	Quarterly reporting of progress on the Audit Register to the ARGC and Council. In the report, Officer comments on actions taken and progressive completion of Actions are noted. Actions which are 100% complete are closed out and reported to the ARGC. There is no future reported on closed out actions.

Strategic Implications

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

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

Attachments

10.5.6 (a): Audit Register Report (*Confidential*)

10.5.7 Annual Review of Council Delegations

File Ref: D-25-7667
Author(s): Morgan Hindle, A/ Manager Governance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

The City has a statutory obligation under the *Local Government Act 1995* to review its Delegations each financial year. The Terms of Reference of the Audit, Risk and Governance Committee include responsibility for reviewing the City's Delegations.

A review of the Council Delegations has been completed and is now presented to the Audit, Risk and Governance Committee for consideration and referral to Council for adoption.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Ms Shona Zulsdorf
Seconded: Mr Warwick Gately

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

1. Notes that in accordance with Section 5.46(2) of the *Local Government Act 1995*, the following Delegations to the Chief Executive Officer and/or City Officers as shown at **Attachment (a)** have been reviewed with 'no changes' being proposed:

DC370	Approve or Refuse Granting of a Building Permit
DC373	Approve or refuse an Extension of the Duration for Occupancy Permits or Building Approval Certificates
DC374	Appoint Authorised Officers for the purposes of the Building Act 2011
DC376	Infringement Notices under the Building Regulations 2012
DC377	Referrals and Issuing Certificates
DC378	Inspection and Copies of Building Records
DC607	Tenders/E-Quotes/Common Use Agreements
DC609	Leases
DC612	Disposal of Surplus Property
DC617	Granting Discounts, Concessions, Fee Waiver and Debt Write Off
DC642	Appointment of Acting CEO
DC664	Dogs - Local Government Functions
DC665	Cats - Local Government Functions
DC677	Bush Fires Act 1954 - Local Government Functions
DC679	Administer the City's Local Laws
DC684	Sealed Documents
DC692	Enforcement and Legal Proceedings - Illegal Development
DC703	Minor Amendments to Delegations Register and Policies

2. Notes that in accordance with Section 5.46(2) of the *Local Government Act 1995*, the following Delegations to the Chief Executive Officer and/or City Officers as shown at **Attachment (b)** have been reviewed with ‘**minor changes**’ being proposed:
- | | |
|-------|---|
| DC371 | Approve or Refuse Granting of a Demolition Permit |
| DC372 | Grant, or Refuse to Grant Occupancy Permits or Building Approval Certificates |
| DC375 | Issue or Revoke Building Orders |
| DC379 | Private Pool Barrier - Alternative and Performance Solutions |
| DC401 | Graffiti Vandalism Act - Local Government Functions |
| DC511 | Partial Closure of a Thoroughfare for Repair or Maintenance |
| DC602 | Authority to Make Payments from the Municipal and Trust Funds |
| DC603 | Investment of Surplus Funds |
| DC618 | Commence a Prosecution for an Offence |
| DC685 | Inviting Tenders or Expressions of Interest |
3. Notes that in accordance with Section 5.46(2) of the *Local Government Act 1995*, the following Delegations to the Chief Executive Officer and/or City Officers as shown at **Attachment (c)** have been reviewed with ‘**major changes**’ being proposed:
- | | |
|-------|-----------------------------|
| DC690 | Local Planning Scheme No. 7 |
|-------|-----------------------------|
4. Notes that in accordance with Section 5.46(2) of the *Local Government Act 1995* the following Delegation to the Chief Executive Officer as shown at **Attachment (d)** has been reviewed and that it be **revoked**:
- | | |
|-------|------------------------------------|
| DC678 | Appointment of Authorised Officers |
|-------|------------------------------------|
5. Adopts the following ‘**new**’ Delegations to the Chief Executive Officer and/or City Officers as shown at **Attachment (e)** in accordance with Section 5.46(2) of the *Local Government Act 1995*:
- | | |
|-------|--|
| DC704 | Food Act 2008 - Determine Compensation |
| DC705 | Food Act 2008 - Debt Recovery and Prosecutions |
| DC706 | Food Businesses Registration |
| DC707 | Food Businesses List – Public Access |
| DC708 | Prohibition Orders and Certificates of Clearance |
| DC709 | Authorised Persons to Perform Specific Functions Under the <i>Local Government Act 1995 and Local Government (Miscellaneous Provisions) Act 1960</i> |
| DC710 | Appoint Authorised Officers and Designated Officers <i>Food Act 2008</i> |
| DC711 | Appoint Authorised Officers and Designated Officers – Food Act 2008 list of officers issuing infringements |
| DC712 | Appoint Authorised Officers and Designated Officers – Food Act 2008 list of officers administration of infringement notices |

Absolute Majority Required

CARRIED (5/0)

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

Against: Nil.

Background

Section 5.42 of the *Local Government Act 1995* (the Act) provides that a Council may delegate to the Chief Executive Officer (the CEO) the exercise of any of its powers or the discharge of any of its duties under the Act, other than those referred to in section 5.43.

Section 5.46(2) of the Act requires the local government to review its Delegations at least once every financial year.

The purpose of this review is to consider the operational effectiveness of the current delegations, whether they remain relevant and appropriate and whether legislative amendments or organisational changes necessitate any revisions to the text.

Comment

There are a range of powers and duties delegated to the CEO in accordance with the powers provided by Sections 5.42(1)(a) and (b) of the Act. The Delegations were forwarded to the relevant officers from each business unit who reviewed the appropriateness of the existing Delegations and if there was a need for any additional delegations.

No Changes

As a result of this review, the delegations listed below and at **Attachment (a)** have no changes, therefore no explanatory notes have been provided.

DC370	Approve or Refuse Granting of a Building Permit
DC373	Approve or refuse an Extension of the Duration for Occupancy Permits or Building Approval Certificates
DC374	Appoint Authorised Officers for the purposes of the Building Act 2011
DC376	Infringement Notices under the Building Regulations 2012
DC377	Referrals and Issuing Certificates
DC378	Inspection and Copies of Building Records
DC607	Tenders/E-Quotes/Common Use Agreements
DC609	Leases
DC612	Disposal of Surplus Property
DC617	Granting Discounts, Concessions, Fee Waiver and Debt Write Off
DC642	Appointment of Acting CEO
DC664	Dogs - Local Government Functions
DC665	Cats - Local Government Functions
DC677	Bush Fires Act 1954 - Local Government Functions
DC679	Administer the City's Local Laws
DC684	Sealed Documents
DC692	Enforcement and Legal Proceedings - Illegal Development
DC703	Minor Amendments to Delegations Register and Policies

Minor Changes

As a result of this review, the delegations listed below and at **Attachment (b)** are considered to have minor changes which are highlighted by tracked changes. As these changes are considered to be minor administrative changes, no explanatory notes have been provided.

DC371	Approve or Refuse Granting of a Demolition Permit
DC372	Grant, or Refuse to Grant Occupancy Permits or Building Approval Certificates
DC375	Issue or Revoke Building Orders
DC379	Private Pool Barrier - Alternative and Performance Solutions
DC401	Graffiti Vandalism Act - Local Government Functions
DC511	Partial Closure of a Thoroughfare for Repair or Maintenance
DC602	Authority to Make Payments from the Municipal and Trust Funds
DC603	Investment of Surplus Funds
DC618	Commence a Prosecution for an Offence
DC685	Inviting Tenders or Expressions of Interest

Major Changes

As a result of this review, the delegation listed below and at **Attachment (c)** has major changes to the content, therefore explanatory notes have been provided:

DC690 Local Planning Scheme No. 7

The conditions of delegation have been amended as follows:

1. Specific Uses

- e. Remove reference to '*Holiday house and Holiday accommodation;*'

2. Major Developments

- b. Residential development amended to remove reference to '*which is 9.0 metres or higher or comprises*' dwellings.

Revoke

Following review of the WALGA Template Delegations Register, the delegation listed below and at **Attachment (d)** is recommended for revocation, explanatory notes have been provided below.

DC678 Appointment of Authorised Officers

It is proposed that DC678 be revoked as section 9.10 of the *Local Government Act 1995* grants the authority to appoint authorised officers to the CEO. If the delegation were to remain, it could be interpreted as Council delegating this power to the CEO rather than recognising the CEO's authority under the Act.

New Delegations

Following review of the WALGA Template Delegations Register, the delegations listed below and at **Attachment (e)** are new delegations proposed for adoption, explanatory notes have been provided below:

DC709 Authorised Persons to Perform Specified Functions under the Local Government Act 1995 and Local Government (Miscellaneous Provisions) Act 1960

While the Chief Executive Officer has the power to appoint Authorised Officers under section 9.10 of the *Local Government Act 1995* (the Act), there are other authorised functions for which the power sits with the local government (Council).

Subsequently a delegation is required to enable the CEO to appoint authorised officers, where the head of power is within the Act or the Local Government (Miscellaneous Provisions) Act 1960) but outside of section 9.10 of the Act.

A new delegation titled DC709 Authorised Persons to Perform Specified Functions under the *Local Government Act 1995* and *Local Government (Miscellaneous Provisions) Act 1960* (Provisions Act) is proposed, which will capture the appointment of Authorised Officers which sit either outside of section 9.10 of the Act or within the Provisions Act.

Please see below examples of the types of authorisations this delegation covers:

1. In accordance with Section 3.24 of the *Local Government Act 1995* authority to authorise persons for the purposes of *Part 3, Division 3, Subdivision 2 – Certain provisions about land* - to exercise the Local Government’s powers under s.3.25 to 3.27 inclusive, to issue and administer notices requiring certain things to be done by owner or occupier of land [s.3.24]. For example: firebreaks.
2. The authority to impound property under [s3.39] and [s3.40A] does not sit with the CEO under [s9.10] as these sections of the Act specifically provide the power to the local government. This delegation will give the CEO the power to authorise City Officers for these purposes. An example of a situation where property is to be removed and impounded involves any goods that are involved in a contravention that can lead to impounding (illegal camping on City reserves, abandoned vehicles).
3. The *Local Government (Miscellaneous Provisions) Act 1960* is not a subsidiary legislation of the *Local Government Act 1995* - and therefore is an independent legislation. Delegation is therefore required to give the CEO the authority to appoint fit and proper persons as pound keepers or rangers [Misc.Prov.s.449]. An example where the appointment of a pound keeper may be required, relates to the City’s proposed Dogs Local Law 2025. This proposed local law has the provision for a pound keeper authorised by the local government to perform all or any of the functions conferred on a “pound keeper” under the local law. This delegation will give the CEO the power to appoint a City Officer as a “Pound Keeper”.

10.5.7 Annual Review of Council Delegations

- DC704 Food Act 2008 - Determine Compensation
- DC705 Food Act 2008 - Debt Recovery and Prosecutions
- DC706 Food Businesses Registration
- DC707 Food Businesses List – Public Access
- DC708 Prohibition Orders and Certificates of Clearance
- DC710 Appoint Authorised Officers and Designated Officers *Food Act 2008*
- DC711 Appoint Authorised Officers and Designated Officers – Food Act 2008 list of officers issuing infringements
- DC712 Appoint Authorised Officers and Designated Officers – Food Act 2008 list of officers administration of infringement notices

The abovementioned delegations have been identified as being required by the City to enhance operational effectiveness in relation to the City’s powers as they relate to the *Food Act 2008*.

Consultation

Nil.

Policy and Legislative Implications

Section 5.46(2) of the Act requires all delegations to be reviewed at least once each financial year.

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	Annual reviews in place.

Strategic Implications

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

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

Attachments

10.5.7 (a):	No Changes
10.5.7 (b):	Minor Changes
10.5.7 (c):	Major Changes
10.5.7 (d):	Revoke
10.5.7 (e):	New

10.5.8 Policy Review

File Ref: D-25-7668
Author(s): Morgan Hindle, A/ Manager Governance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

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

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Ms Shona Zulsdorf

Seconded: Mr Warwick Gately

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

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

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

CARRIED (5/0)

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

Against: Nil.

Background

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

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

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

Amended Policies

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

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

P210 Street Verges and Vegetation

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

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

Residential Design Codes

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

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

Vehicle Access

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

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

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

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

- vehicle access safety;
- reduced impact of access points on the streetscape;
- legible access;
- pedestrian safety;
- minimal crossovers; and
- high quality landscaping features.

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

Design Principle Compliance

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

Car Parking

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

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

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

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

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

Tree Removal

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

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

The proposed parameters for tree removal are as follows:

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

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

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

Amenity Valuation

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

Conditions of Development Approval

Conditions of development approval must:

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

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

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

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

Valuation Methodology

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

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

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

P672 Agenda Briefings, Concept Forums and Workshops

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

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

Consultation

Nil.

Policy and Legislative Implications

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

Financial Implications

In relation to P210 Street Verges – Vegetation, it is recommended that Council establish a reserve account for tree amenity contributions as part of the 2025/26 Annual Budget.

Key Risks and Considerations

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

Strategic Implications

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

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

Attachments

- 10.5.8 (a):** Amended Policies with Track Changes
- 10.5.8 (b):** Clean Copy of Amended Policies

10.5.9 Compliance Audit Return

File Ref: D-25-7669
Author(s): Morgan Hindle, A/ Manager Governance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report provides the City's response to the Department of Local Government, Sport and Cultural Industries 2024 Compliance Audit Return.

Officer Recommendation AND COMMITTEE RECOMMENDATION

Moved: Ms Shona Zulsdorf
Seconded: Mr Warwick Gately

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

1. Adopts the Department of Local Government, Sport and Cultural Industries Compliance Audit Return for the period 1 January 2024 to 31 December 2024 as contained in **Attachment (a)**;
2. Authorises the certification to be jointly completed by the Mayor and Chief Executive Officer in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996; and
3. Instructs the Chief Executive Officer to provide the Compliance Audit Return and Council's Resolution to the Department of Local Government, Sport and Cultural Industries by 31 March 2025.

CARRIED (5/0)

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

Against: Nil.

Background

The City is required to carry out an annual audit of statutory compliance in accordance with Regulation 14 of the Local Government (Audit) Regulations 1996. The Department of Local Government, Sport and Cultural Industries distributed a Compliance Audit Return for the period 1 January 2024 to 31 December 2024 which focused on those areas considered high risk in accordance with the *Local Government Act 1995* and associated regulations.

Comment

The 2024 Compliance Audit Return contained the following compliance categories:

- Commercial Enterprises by Local Governments;
- Delegation of Power/Duty;
- Disclosure of Interest;
- Disposal of Property;
- Elections;
- Finance;
- Integrated Planning and Reporting;
- Local Government Employees;
- Official Conduct;
- Optional Questions; and
- Tenders for Providing Goods and Services.

Each section of the 2024 Compliance Audit Return was completed by the relevant business unit.

Consultation

Nil.

Policy and Legislative Implications

In accordance with Regulation 14 of the Local Government (Audit) Regulations 1996 the completed 2024 Compliance Audit Return is to be reviewed and the results presented to Council. Following Council's adoption, the 2024 Compliance Audit Return must be submitted to the Department of Local Government, Sport and Cultural Industries by 31 March 2025.

Financial Implications

Nil.

Key Risks and Considerations

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

Strategic Implications

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

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

Attachments

10.5.9 (a): Compliance Audit Return 2024

11. APPLICATIONS FOR LEAVE OF ABSENCE

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

Nil.

13.2 QUESTIONS FROM MEMBERS: 25 MARCH 2025

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

15. MEETING CLOSED TO THE PUBLIC

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

15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Officer Recommendation

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

15.1.1 Councillor Code of Conduct

15.1.2 Appointment of Acting Chief Executive Officer

15.1.1 Councillor Code of Conduct

*This item is considered **confidential** in accordance with section 5.23(2)(b) of the Local Government Act 1995 as it contains information relating to "the personal affairs of any person"*

File Ref: D-25-5841

Author(s): Mike Bradford, Chief Executive Officer

Reporting Officer(s): Mike Bradford, Chief Executive Officer

15.1.2 Appointment of Acting Chief Executive Officer

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

File Ref: D-25-7597

Author(s): Pele McDonald, Manager People and Performance

Reporting Officer(s): Pele McDonald, Manager People and Performance

16. CLOSURE