

MINUTES

Ordinary Council Meeting

25 August 2026

Mayor and Councillors

Here within are the Minutes of the Ordinary Council Meeting of the City of South Perth Council held Tuesday 25 August 2026 in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth.



ANITA AMPRIMO
ACTING CHIEF EXECUTIVE OFFICER

8 September 2026

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

Members of the public are cautioned against taking any action as a result of a Council decision until such time as they have seen a copy of the Minutes or been advised, in writing, by the Council's Administration with regard to any particular decision.

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Ordinary Council Meeting - Minutes

Minutes of the Ordinary Council Meeting held in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth at 6.00pm on Tuesday 25 August 2026.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 6.01pm.

2. DISCLAIMER

The Presiding Member read aloud the City's Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

The Mayor presented the following report of the Mayor's formal engagements, meetings and events since the last Council Meeting:

Date	Subject
4 August 2026	Meeting with Mayor Patrick Hall
4 August 2026	Elected Member Workshop - South Perth Senior Citizens Centre & Urban Greening Implementation Plan
6 August 2026	Councillor Briefing
7 August 2026	Meeting with Geoff Baker MLA
10 August 2026	Special Council Meeting
11 August 2026	Local Emergency Management Committee Group Meeting
11 August 2026	Elected Member Workshop - Council Plan Workshop 3
12 August 2026	Community Safety and Crime Prevention Group Meeting
14 August 2026	Special Council Meeting
18 August 2026	Council Agenda Briefing
19 August 2026	Meeting with Monitor Gail McGowan
20 August 2026	Western Australia Local Government Association South-East Metro Zone Meeting
25 August 2026	Ordinary Council Meeting

4. ATTENDANCE

Mayor Greg Milner (Presiding Member)

Councillors

Como Ward
Manning Ward
Manning Ward
Mill Point Ward
Mill Point Ward
Moresby Ward

Councillor Kathy Lees
Councillor Blake D'Souza
Councillor André Brender-A-Brandis
Councillor Gavin Denton
Councillor Bronwyn David
Councillor Stephen Russell

Officers

Acting Chief Executive Officer
Acting Director Corporate Services
Acting Director Development and Community Services
Acting Director Infrastructure Services
Acting Manager Finance
Manager Governance
Communications Officer
Governance Officer
Governance Officer

Ms Anita Amprimo
Ms Donna Shaw
Ms Fiona Mullen (Retired at 7.44pm)
Ms Olaya Lope (Retired at 7.44pm)
Mr Azari Bakar (Retired at 7.44pm)
Mr Morgan Hindle
Ms Raquel de Brito (Retired at 7.44pm)
Ms Rebecca de Boer (Retired at 7.44pm)
Ms Sarah Gould

Gallery

There were approximately 5 members of the public present.

4.1 APOLOGIES

Nil.

4.2 APPROVED LEAVE OF ABSENCE

Nil.

5. DECLARATIONS OF INTEREST

- Mayor Greg Milner – Financial and Proximity Interest in Item 10.3.1 as ‘some of the proposed listings either include, or are adjacent to, or are across the road from, properties that are owned or indirectly owned by persons who contributed to my Mayoral re-election campaign in 2023.’
- Councillor Stephen Russell – Financial, Proximity and Impartiality Interest in Item 10.3.1 as ‘my property is on the heritage survey. Adjacent properties to my property are on the heritage survey. I know of persons whose properties are on the heritage survey.’
- Councillor Gavin Denton – Proximity Interest in Item 10.3.1 as ‘I have ownership of an apartment of 144 Mill Point Road, South Perth, that abuts 2 Parker Street, South Perth which is on the Local Heritage Survey.’

- Councillor Kathy Lees – Impartiality Interest in Item 10.3.1 as ‘prior to my election, as a ratepayer I requested that 49 Forrest Street, South Perth be considered for inclusion on the Local Heritage Survey. I also have friends who are members of the Royal Perth Golf Club, which is proposed for inclusion. On this basis I am declaring an impartiality interest but confirm that I will consider the matter on its merits and vote accordingly.’
- Councillor Bronwyn David - Impartiality Interest in Item 10.3.1 as ‘prior to joining Council I made submissions and deputations on the Heritage Survey. In addition, my sons attended Wesley College, and I served for 6 years on the Wesley College Parents and Friends Association, and Wesley College is a property considered for inclusion on the Heritage Survey. As a consequence, there may be a perception that my impartiality on the matter may be affected. Nevertheless, I declare that I will consider this matter on its merits and vote accordingly.’
- Councillor André Brender-A-Brandis - Impartiality Interest in Item 10.3.1 as ‘I know someone who is not a closely associated person to me and their property is on the Local Heritage Survey for final adoption. This impartiality interest will not impair my decision making which will be based on merit.’
- Mayor Greg Milner – Impartiality Interest in Item 10.3.2 as ‘I know a number of the members of the Royal Perth Golf Club, and I became a Clubhouse member in June 2026.’
- Councillor Kathy Lees – Impartiality Interest in Item 10.3.2 as ‘this item deals with rezoning of land owned by the Royal Perth Golf Club and have friends who are members of this Club. On this basis I am declaring an impartiality interest but confirm that I will consider the matter on its merits and vote accordingly.’
- Councillor Kathy Lees – Impartiality Interest in Item 10.3.3 as ‘this item provides a review of the City’s Tree Retention Policy, I declare an impartiality interest due to my association with the South Perth and WA Tree Canopy Advocates. I will consider the matter on its merits and vote accordingly.’
- Councillor Bronwyn David - Impartiality Interest in Item 10.3.3 as ‘I am a co-founder of the South Perth Tree Canopy Advocates which advocated for the adoption of the LPP. As a consequence, there may be a perception that my impartiality on the matter may be affected. Nevertheless, I declare that I will consider this matter on its merits and vote accordingly.’
- Mayor Greg Milner – Impartiality Interest in Item 10.3.4 as ‘one of the neighbouring residents is a friend.’
- Councillor Kathy Lees – Impartiality Interest in Item 10.3.4 as ‘this item deals with a development application proposing tree-damaging activity, I declare an impartiality interest due to my association with the South Perth and WA Tree Canopy Advocates. I will consider the matter on its merits and vote accordingly.’
- Councillor Bronwyn David - Impartiality Interest in Item 10.3.4 as ‘the Application under review includes reference to trees on the relevant site. I am a co-founder of the South Perth Tree Canopy Advocates. As a consequence, there may be a perception that my impartiality on the matter may be affected. Nevertheless, I declare that I will consider this matter on its merits and vote accordingly.’

- Councillor Kathy Lees – Impartiality Interest in Item 10.3.5 ‘as this item deals with a development application proposing tree-damaging activity, I declare an impartiality interest due to my association with the South Perth and WA Tree Canopy Advocates. I will consider the matter on its merits and vote accordingly.’
- Councillor Bronwyn David - Impartiality Interest in Item 10.3.5 as ‘the item includes reference to trees on the relevant site. I am a co-founder of the South Perth Tree Canopy Advocates. As a consequence, there may be a perception that my impartiality on the matter may be affected. Nevertheless, I declare that I will consider this matter on its merits and vote accordingly.’
- Mayor Greg Milner – Impartiality Interest in 15.1.1 as ‘I know and have had prior interactions with both the complainant and the respondent.’
- Councillor André Brender-A-Brandis – Impartiality Interest in 15.1.1 as ‘I know the respondent to this Councillor code of conduct matter.’
- Mayor Greg Milner – Impartiality Interest in 15.1.2 as ‘I know and have had prior interactions with both the complainant and the respondent, I am a witness to some of the matters referred to in this item.’
- Councillor André Brender-A-Brandis – Impartiality Interest in 15.1.2 as ‘I know the respondent to this Councillor code of conduct matter.’
- Mayor Greg Milner – Impartiality Interest in 15.1.3 as ‘I know and have had prior interactions with both the complainant and the respondent.’
- Councillor André Brender-A-Brandis – Impartiality Interest in 15.1.3 as ‘I know the respondent to this Councillor code of conduct matter.’
- Mayor Greg Milner – Impartiality Interest in 15.1.4 as ‘I know and have had prior interactions with both the complainant and the respondent.’
- Councillor André Brender-A-Brandis – Impartiality Interest in 15.1.4 as ‘I know the respondent to this Councillor code of conduct matter.’
- Mayor Greg Milner – Impartiality Interest in 15.1.5 as ‘I know and have had prior interactions with both the complainant and the respondent.’
- Councillor André Brender-A-Brandis – Impartiality Interest in 15.1.5 as ‘I know the respondent to this Councillor code of conduct matter.’
- Councillor André Brender-A-Brandis – Impartiality Interest in 15.1.6 as ‘I know the respondent and complainant to this councillor code of conduct matter. This impartiality interest will not impair my decision making which will be based on merit.’

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

6.2 PUBLIC QUESTION TIME: 25 AUGUST 2026

The Presiding Member opened Public Question Time at 6.09pm.

Written questions were received prior to the meeting from:

- Mr Graham Crane of Como.

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

There being no further questions, the Presiding Member closed Public Question Time at 6.15pm.

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 28 July 2026

Officer Recommendation AND COUNCIL DECISION

0826/177

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Blake D'Souza

That the Minutes of the Ordinary Council Meeting held 28 July 2026 be taken as read and confirmed as a true and correct record.

CARRIED (7/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Bronwyn David, Gavin Denton, Blake D'Souza, Kathy Lees and Stephen Russell.

Against: Nil.

7.1.2 Special Council Meeting Held: 10 August 2026

Officer Recommendation AND COUNCIL DECISION

0826/178

Moved: Councillor Bronwyn David

Seconded: Councillor André Brender-A-Brandis

That the Minutes of the Special Council Meeting held 10 August 2026 be taken as read and confirmed as a true and correct record.

CARRIED (7/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Bronwyn David, Gavin Denton, Blake D'Souza, Kathy Lees and Stephen Russell.

Against: Nil.

7.1.3 Special Council Meeting Held: 14 August 2026

Officer Recommendation AND COUNCIL DECISION

0826/179

Moved: Councillor Gavin Denton

Seconded: Councillor André Brender-A-Brandis

That the Minutes of the Special Council Meeting held 14 August 2026 be taken as read and confirmed as a true and correct record.

CARRIED (7/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Bronwyn David, Gavin Denton, Blake D'Souza, Kathy Lees and Stephen Russell.

Against: Nil.

7.2 CONCEPT BRIEFINGS

7.2.1 Council Agenda Briefing - 18 August 2026

Officers of the City presented background information and answered questions on Items to be considered at the August Ordinary Council Meeting at the Council Agenda Briefing held 18 August 2026.

Attachments

7.2.1 (a): Briefing Notes

7.2.2 Concept Briefings and Workshops

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

Date	Subject	Attendees
4 August 2026	South Perth Senior Citizens Centre	Mayor Greg Milner and Councillors André Brender-A-Brandis, Bronwyn David, Kathy Lees and Stephen Russell.
4 August 2026	Urban Greening Implementation Plan	Mayor Greg Milner and Councillors André Brender-A-Brandis, Bronwyn David, Kathy Lees and Stephen Russell.
11 August 2026	Council Plan Workshop 2	Mayor Greg Milner and Councillors André Brender-A-Brandis, Bronwyn David, Kathy Lees, Stephen Russell and Blake D'Souza

Officer Recommendation AND COUNCIL DECISION

0826/180

Moved: Councillor Bronwyn David

Seconded: Councillor Kathy Lees

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

- 7.2.1 Council Agenda Briefing - 18 August 2026
- 7.2.2 Concept Briefings and Workshops

CARRIED (7/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Bronwyn David, Gavin Denton, Blake D'Souza, Kathy Lees and Stephen Russell.

Against: Nil.

8. PRESENTATIONS

8.1 PETITIONS

Nil.

8.2 PRESENTATIONS

Nil.

8.3 DEPUTATIONS

Deputations were heard at the Council Agenda Briefing held 18 August 2026.

9. METHOD OF DEALING WITH AGENDA BUSINESS

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

The Acting Chief Executive Officer confirmed all the report items were discussed at the Council Agenda Briefing held 18 August 2026, with the exception of Items 15.1.1-15.1.6.

The Acting Chief Executive Officer advised that Item 10.3.1 was withdrawn from the Ordinary Council Meeting Agenda. The following statement was provided:

'As there are currently two vacancies on Council, only seven Elected Members are present in the chamber this evening. Three Elected Members have disclosed a Financial or Proximity interest in Item 10.3.1 Local Heritage Survey (Final Adoption). Requiring them to leave the meeting for that item. As a result quorum will not be retained.

The City sought approval from the Department of Local Government for a reduced quorum as soon as this situation became apparent. Today, the Department refused that request.

I have therefore made the decision to withdraw Item 10.3.1 Local Heritage Survey (Final Adoption) from this evening's Ordinary Council Meeting agenda. It will be brought back to Council at a future meeting.'

ITEMS WITHDRAWN FOR DISCUSSION

10.1.1	Draft Public Health Plan 2026-2031 (Final Adoption)
10.3.3	Local Planning Policy 3.2 – Tree Retention – Effectiveness Report
10.3.4	Proposed Grouped Dwellings, Lot 296 (No. 22) Barker Avenue, Como
10.3.5	Proposed Grouped Dwellings, Lot 5 (No.46) Thelma Street, Como
10.4.1	City of South Perth Communications Agreement
10.4.5	Chief Executive Officer Evaluation Committee

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

Officer Recommendation AND COUNCIL DECISION

0826/181

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Bronwyn David

- 10.1.2 RFT000005 – Provision of Security Services
- 10.3.2 Proposed Scheme Amendment No.3 to Local Planning Scheme No.7 – Lot 1 Labouchere Road, South Perth (Final Adoption)
- 10.3.6 Response to Notice of Motion – Review of Parking Management Systems and Technologies
- 10.4.2 City of South Perth Submission – Statutory Review – Cat Act 2011
- 10.4.3 Monthly Financial Statements – July 2026 (Interim)
- 10.4.4 Listing of Payments – July 2026

CARRIED (7/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Bronwyn David, Gavin Denton, Blake D'Souza, Kathy Lees and Stephen Russell.

Against: Nil.

10. REPORTS

10.1 STRATEGIC DIRECTION 1: COMMUNITY

10.1.1 Draft Public Health Plan 2026-2031 (Final Adoption)

File Ref: D-26-14760
Reporting Officer(s): Fiona Mullen, Acting Director Development and Community Services

Summary

This report presents the draft City of South Perth Public Health Plan 2026-2031 for consideration for final adoption following public advertising.

COUNCIL DECISION

0826/182

Moved: Councillor Kathy Lees
Seconded: Councillor Bronwyn David

That Council adopt the City of South Perth Public Health Plan 2026-2031 as contained in **Attachment (a)** subject to the following addition:

1. In the Action Plan, insert the following additional action under *'Emergency Preparedness', with the timeframe for the lifespan of the Public Health Plan:*

Objective	Action	Performance Measure	New or Existing	Financial or in-kind Resourcing (Budget)
Emergency Preparedness				
Protect the community by effectively managing local public health emergencies through pandemic preparedness , and reduce impacts of public health disaster by strengthening community	<i>Improve preparedness for resilience to extreme heat events through heatwave planning, response and adaptation measures, and community awareness programs.</i>	<i>Heatwave planning, response, adaptation measures, and community awareness programs documented and implemented .</i>	New	Staff time only – incorporated City's operational budget.

resilience through disaster risk reduction measures.				
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Reasons for Change

- The Administration's efforts in preparing the draft Public Health Plan 2026-2031 are acknowledged and appreciated, with the Plan providing an important framework to guide the City's efforts to protect and improve community health and wellbeing over the next five years.
- The Local Government Act 1995 now explicitly requires local governments to plan for and mitigate the risks of climate change, underpinning the City's role in addressing climate-related public health risks through preparedness, adaptation and resilience planning.
- Extreme heat is a significant and increasing public health risk, particularly for vulnerable populations, and can contribute to illness, hospitalisation and mortality.
- Heat-related health impacts are often under-recognised, as extreme heat commonly exacerbates existing medical conditions rather than presenting as a direct cause of illness or death.
- WA Department of Health projections published in 2024 show that by the 2050s, Perth could experience a 61.4% increase in heat-related deaths and a 33.8% increase in heat-sensitive hospital admissions, with older residents and people with cardiovascular conditions most vulnerable. This evidence supports the need for heat action to reduce health impacts, protect vulnerable community members and build resilience to increasing heat extremes.
- The proposed addition is relatively minor, consistent with the intent and objectives of the advertised draft Public Health Plan to lessen the health impacts of climate change and strengthens the Emergency Preparedness objective by recognising extreme heat as an emerging public health risk that needs to be planned for.

CARRIED (7/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Bronwyn David, Gavin Denton, Blake D'Souza, Kathy Lees and Stephen Russell.

Against: Nil

Officer Recommendation

That Council adopt the City of South Perth Public Health Plan 2026-2031 as contained in **Attachment (a)**.

Background

The City of South Perth (the City) is required to prepare and adopt a new Public Health Plan (PHP) developed in accordance with State Government legislation to reflect the requirements of the current State Public Health Plan 2025-2030; and to provide direction on the City's local public health priorities into the future.

At its 26 May 2026 Ordinary meeting, Council resolved to adopt the draft PHP 2026-2031 for the purposes of advertising. Following consultation, the City has developed the final City of South Perth PHP 2026-2031 to use as a strategic document for the next five years.

Comment

Amendments following consultation

The following modifications have been made to the draft PHP in response to feedback and submissions received:

- Timeframes for the implementation of actions have been added into the PHP (Action Plan) in response to community and stakeholder feedback; and to reflect the City's available resourcing;
- The total population of the City was updated using latest data from the Australian Bureau of Statistics (ABS); and
- Priorities in the Action Plan (PREVENT pillar) have been reordered to reflect feedback from stakeholder engagement provided through the Your Say South Perth consultation process.

The revised PHP 2026-2031 is presented for Council consideration for final adoption, as contained in **Attachment (a)**.

Reporting

Each Local government is required to provide reports to the Chief Health Officer on its performance of functions under the *Public Health Act 2016* (the Act).

Should Council adopt the draft PHP, the City will arrange for it to be graphically designed and published on the City's website. The City will be required to report on the effectiveness of the actions contained within the PHP. Review and evaluation of the PHP will also occur as required by the Act.

Consultation

The draft PHP was advertised for public comment between 3 June 2026 - 22 June 2026 (total of 19 days) through the 'Your Say South Perth' engagement portal. This was promoted through the City's website and social media platforms, Snapshot e-newsletter and hard copies of the draft PHP were also available at Manning and South Perth libraries. Information was sent to relevant networks including the Public Health Advisory Group, Inclusive Community Advisory Group, volunteer network, community grant funding recipients, recreation and sporting clubs and First Nations contacts.

In response, the City received 35 submissions, with the health priorities being ordered in the following way:

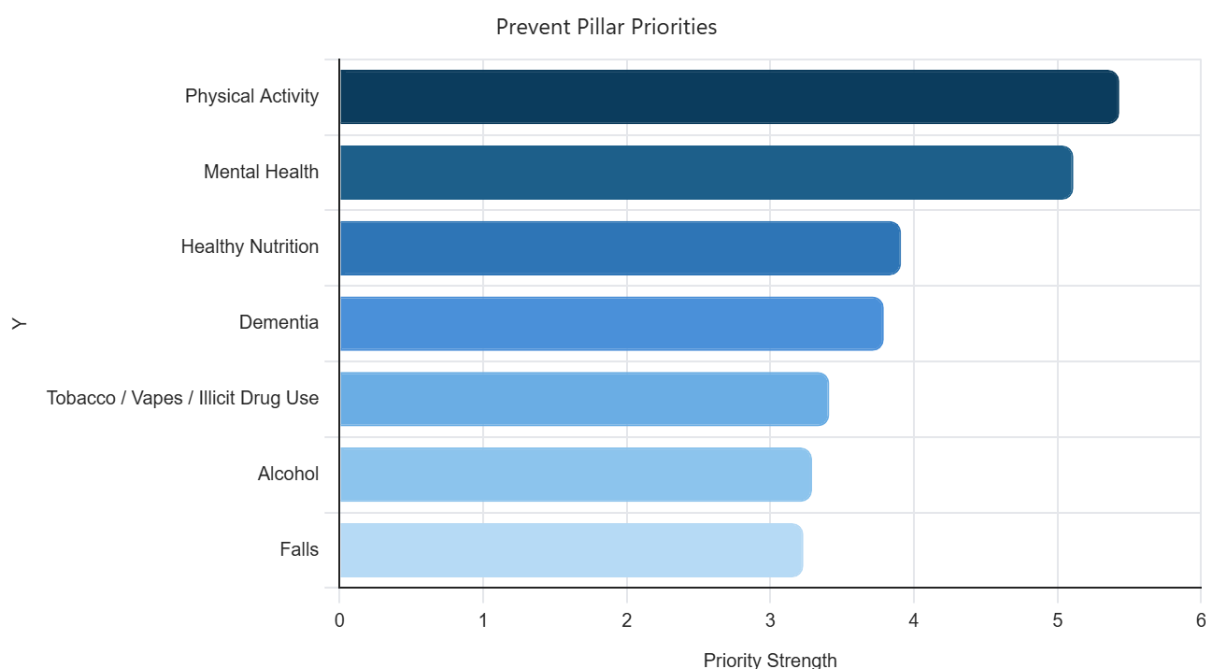


Figure 1: Community Health Issue Priorities

Comments received during the feedback period indicate support for the City's draft PHP and promoting health and wellbeing within the community. Feedback generally related to seven main themes, as shown in the table below.

Feedback	City Response
1. Active transport and cycling infrastructure – requests for more bike paths, safer cycling environment and improved facilities to increase physical activity levels.	Noted. Planning for the provision of active transport and cycling infrastructure is being considered through the City's Joint Bike Plan (with the Town of Victoria Park) and Integrated Transport Plan.
2. Public swimming pool and recreation facilities – strong community support was expressed for a public swimming pool, recreation centre or aquatic facility.	Noted. Council resolved in May 2023 that the Recreation Aquatic Facility (RAF) would not proceed. This was due to a shortfall in capital funding to support the project, and concerns about increasing interest rates and capacity for ongoing costs to be carried by ratepayers.
3. Healthy food environments and harm prevention – respondents sought stronger policy approaches to unhealthy food, alcohol, tobacco and gambling advertising. Rather than relying on education campaigns alone, policies to limit unhealthy advertising were also suggested by several respondents.	Noted. A report was presented to Council in May 2025 regarding a tender for the supply, installation and maintenance of bus shelters with advertising space. Council subsequently resolved for the City to enter into a contract with the successful tender respondent to oversee local bus shelters. The contract between the parties contains

	terms and conditions to prohibit displaying any advertisement depicting smoking, vaping or tobacco; and all advertising must comply with the Alcohol Advertising Pre-vetting System (AAPS) developed by the Outdoor Advertising Association of Australia. Officers will work with State (i.e. Cancer Council, Foodbank) and local organisations (i.e. Southcare) to address healthier approaches to food and supply of food to vulnerable populations.
4. Positive mental health and social inclusion – community events, volunteering opportunities and social participation were identified as important for wellbeing and resilience.	Noted. Residents enjoy opportunities for connection locally at events and workshops. The City provides an annual events program and runs a wide range of workshops depending on local needs as identified by the City.
5. Seniors, Age-friendly communities and Dementia – support for dementia awareness and community-based support initiatives, including volunteering.	Noted. Seniors programs and services are currently delivered within the local area through the Manning and South Perth Senior Citizens Centres, Libraries and as a portfolio of the Community Development team. Dementia specific support programs and services are provided at local venues, such as the Memory Café. Additionally, the City is planning to expand its support for the delivery of ‘age-friendly’, and dementia awareness programs and services.
6. Inclusion of Culturally and Linguistically Diverse (CaLD) communities – recommendations include multilingual communications, culturally appropriate programs and stronger partnerships with the City.	Noted. In line with the Access and Inclusion Plan, a focus is enhancing engagement with CaLD communities.
7. Quality, accountability and clarity – respondents requested clearer metrics, updated demographic data and accountability within the Plan.	Noted. Demographic data has been updated in line with latest information from the Australian Bureau of Statistics. Outcome measures have been identified through internal collaborations and with the City’s Public Health Advisory Group.

An Elected Member workshop was also held on 5 May 2026, with the feedback being incorporated into the Public Health Plan.

Information in relation to the public and stakeholder engagement is contained as **Attachment (b)**, and a Schedule of Submissions is contained as **Attachment (c)**.

Policy and Legislative Implications

Public Health Act 2016

Section 45(1) of the Act requires that a local government must prepare a public health plan (a local public health plan) that applies to its local government district.

Section 45(4) of the Act sets out the elements that must be incorporated into a local public health plan.

Financial Implications

The (amended) draft PHP contains a series of actions which, if adopted, will need to be funded and implemented.

The cost of delivering the (amended) draft PHP in the 2026/27 financial year is \$11,000; of which approximately \$1,000 is for new programs (that is, beyond the existing programs which are already funded in the adopted budget).

The total cost of implementing the (amended) PHP over the five-year lifespan is \$58,000, with the cost of implementing proposed new programs being approximately \$8,000. Whilst several actions are already funded as existing programs, Council will be required to consider funding new programs in each financial year as identified by the PHP as part of subsequent annual budget processes.

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 adoption of the City's Public Health Plan will ensure compliance with the <i>Public Health Act 2016</i> under Stage 5A.

Strategic Implications

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

Strategic Direction:	Community
Aspiration:	Our diverse community is inclusive, safe, connected and engaged
Outcome:	1.1 Culture and community
Strategy:	1.1.1 Develop, facilitate and/or support events, services and programs to respond to community needs and priorities 1.1.2 Develop, facilitate and/or support opportunities for inclusive and cohesive social, cultural and healthy activity in the City

Attachments

10.1.1 (a):	Public Health Plan 2026 - 2031 (Amended)
10.1.1 (b):	Stakeholder Engagement Overview Report
10.1.1 (c):	Schedule of Submissions

10.1.2 RFT000005 - Provision of Security Services

File Reference: D-26-14763

Reporting Officer(s): Olaya Lope, Acting Director Infrastructure Services

Summary

This report recommends Council accept a proposal from Allied Security Australia for the Provision of Security Services.

Please note that following adoption, the estimated contract value will be available on the Tender Register on the City's website.

Officer Recommendation AND COUNCIL DECISION

0826/183

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Bronwyn David

That Council:

1. Accepts the tender submitted by Allied Security Australia for the Provision of Security Services, as shown in **Confidential Attachment (a)**; and
2. Authorises the Chief Executive Officer to execute the contract with Allied Security Australia for Provision of Security Services.

CARRIED BY EXCEPTION RESOLUTION (7/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Bronwyn David, Gavin Denton, Blake D'Souza, Kathy Lees and Stephen Russell.

Against: Nil.

Background

The City of South Perth (the City) is seeking to engage a suitably qualified, skilled and experienced contractor for the Provision of Security Services. The required security services are anticipated to include, but are not limited to:

Part A – Operational Requirements	• Unlock & lock up of Facilities • 24/7 Security & Alarm responses • Security random patrol checks • Static Security • Staff Escorts
Part B – Community Events	• Event Crowd Control
Part C – Carpark Management	• Carpark unlock & lock up • Attendance for release of vehicles from secured carparks • Issuing of parking infringements

Comment

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

TABLE A – Tender Submissions

Tender Submissions	
1.	Allied Security Australia
2.	Alpha Sentry Group Pty Ltd
3.	M3 Integrated Services WA Pty Ltd
4.	R Group Security
5.	Safer Community Security

The Tenders were reviewed by an Evaluation Panel and assessed according to the qualitative criteria detailed in the Request For Tender (RFT), as per Table B below.

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Relevant Experience	30%
2. Key Personnel, Skills & Resources	20%
3. Demonstrated Understanding	30%
4. Quality Management System inc. Scheduling & Digital Reporting	20%
Total	100%

Based on the assessment of all submissions received for RFT000005 - Provision of Security Services, it is recommended that the tender submission from Allied Security Australia be accepted by Council.

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

Consultation

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

RFT000005 Provision of Security Services was advertised in the West Australian on Saturday 20 May 2026 and closed at 11pm on 26 June 2026.

A mandatory site briefing was held at 10:00am on Tuesday 9 June 2026 at the Civic Centre Administration Reception Room. Attendance at this briefing was a prerequisite for submitting a proposal.

Tenders were invited as a Schedule of Rates Contract.

The contract is for the period of 3 years. The Contract includes one option to extend the contract, for an additional 2 years exercisable at the sole discretion of the City.

Policy and Legislative Implications

All legislative and policy requirements have been adhered to.

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

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

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

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

The following Council Policies also apply:

Policy P605 - Purchasing

Policy P607 - Tenders and Expressions of Interest

Financial Implications

The full cost of the services is included in the 2026/27 operational budget. The costs for the subsequent years will be sought in the future City operational for the life of the contract.

Key Risks and Considerations

Risk Event Outcome	Business Interruption Incorporates the impact of events which impinge upon the City's capacity to deliver expected services to the community. These interruptions can range from minor inconvenience requiring an alternative method of service delivery being employed through to forced loss of ability to provide multiple services to all or some of the community. Knowledge loss, technological failure and property damage will also contribute to this outcome.
	Reputational Damage Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
	Risk rating Medium
Mitigation and actions	Approval of the tender report at the August 2026 Ordinary Council Meeting will enable timely contract award and reduce the risk of business interruption.

Strategic Implications

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

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

Attachments

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

10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

Item 10.3.1 Local Heritage Survey (Final Adoption) was withdrawn by the Acting Chief Executive Officer. The Local Heritage Survey will be considered at a future meeting.

Mayor Greg Milner disclosed a Financial and Proximity Interest in Item 10.3.1.

Councillor Stephen Russell disclosed a Financial, Proximity and Impartiality Interest in Item 10.3.1.

Councillor Gavin Denton disclosed a Proximity Interest in Item 10.3.1.

Councillors André Brender-A-Brandis, Bronwyn David and Kathy Lees disclosed an Impartiality Interest in Item 10.3.1.

10.3.1 Local Heritage Survey (Final Adoption)

File Ref: D-26-14764

Reporting Officer(s): Fiona Mullen, Acting Director Development and Community Services

Summary

At its meeting held 28 April 2026, Council supported advertising of proposed changes to the Local Heritage Survey to reflect the outcomes of a place specific review of several places.

This report presents the outcome of advertising and seeks final approval for the amended Local Heritage Survey.

Officer Recommendation

That Council:

1. Adopts the Local Heritage Survey at **Attachment (a)**.

Background

At its Ordinary Council Meeting held 28 October 2025, Council adopted a Heritage List and requested place specific reviews (including consideration of built form) be undertaken for five places in the Local Heritage Survey (LHS), ensuring where relevant, that the Statement of Significance of each place is consistent with the State Register of Heritage Places.

In November 2025, the City of South Perth (the City) engaged an independent heritage consultant to undertake place specific reviews in accordance with Council's resolution. In considering the outcome of these place specific reviews at its Ordinary Council Meeting held 24 March 2026, Council resolved to request the Chief Executive Officer prepare and present to Council an updated LHS reflecting review outcomes, including the creation of new and modified place records where required.

At its meeting held 28 April 2026, Council resolved to advertise proposed modifications to seven place records within the LHS, including the creation of two new place records.

This report presents the draft LHS for final adoption following advertising. It also includes changes to the place record for the Mount Henry Bridge reflecting its recent entry on the State Register of Heritage Places.

A copy of the proposed LHS is located at **Attachment (a)** with a copy of the LHS Survey - place records with tracked changes at **Attachment (b)**.

Comment

Modifications to the Local Heritage Survey

The following is a summary of modifications proposed to the LHS in response to feedback received during the consultation period:

- Minor modifications proposed in 'Section 5. Heritage Places' of the LHS to reflect updated place reference information including InHerit database place numbers;
- Minor corrections of typographical errors;
- Royal Perth Golf Club – Golf Course, Labouchere Road - in response to further research, additional historical information is proposed to be included in the place record to reflect the contribution of an early golf course designer, and an event involving the emergency landing of an aircraft in the 1920's;
- Wesley College, No. 40 Coode Street - further modifications to the Statement of Significance are proposed to align with the State Register entry by removing the Mildred Manning Science Building (No. 40 Coode St) and the Tranby and Cygnet Boarding House (No. 41 Swan St) from the area of cultural heritage significance, and, as per the State Register entry, noting the contribution of certain buildings to the historical development of the place. Modification to the location plan on page 2 of the place record to align with the curtilage reflected in the State Register of Heritage Places; and
- St Joseph's Convent and Dennehy House (fmr.), No. 16 York Street - modification to the place record to include information relating to the World War II (WWII) code breaking contribution of Sister Julie O'Sullivan who joined the order of the Sisters of St Joseph after WWII. Further modifications to the Statement of Significance are proposed to align with the State Register entry including noting the Irene Villa, MacKillop Court, Convent, Link/Garden Room as having little significance. It is proposed to remove reference in the Statement of Significance to the swimming pool, as it has been demolished.

Consultation

Proposed modifications to the LHS were advertised for a period of 28 days between 7 May 2026 to 4 June 2026 in the following manner:

- Written notification provided to owners and occupiers of the subject places;
- Consultation information displayed on the City's website; and
- Copies of documents made publicly available at the Civic Centre and the Manning and South Perth Libraries.

At the close of the consultation period, 18 submissions were received. A Schedule of Submissions is contained as **Attachment (c)**.

Summary of submissions received and City responses

The following table summarises feedback received and provides the City's response. A copy of submissions addressing proposed changes to the LHS and City responses are located at **Attachment (c)**.

Address & Heritage	Feedback	City response
Place No. 36, Wesley College No. 40 Coode Street, South Perth Category 1 (Exceptional) classification of significance. On the State Register of Heritage Places (2009).	- Support for Category 1 Classification of Significance as place is on the State Register of Heritage Places. - Owner objects to application of a secondary zone of cultural heritage significance as statutory implications are unclear, and inclusion of the Mildred Manning Science Building and the Tranby and Cygnet Boarding House in the primary zone of cultural heritage significance as these were not identified in the State Register entry, and whilst they contribute to the historical development of the place and its social significance, they are not considered essential to its cultural heritage values. - Owner objects to inclusion of whole of site on LHS and future Heritage List given portion of site is identified in State Register entry as having	- Two submissions were received, one from the owner and one from a community member supporting inclusion of Wesley College on the LHS. - Further modifications to the Statement of Significance are proposed to align with the State Register entry by: - removing the Mildred Manning Science Building (40 Coode St) and the Tranby and Cygnet Boarding House (41 Swan St) from the primary zone of cultural heritage significance, - removing reference to a primary and secondary zone of significance, - as per the State Register entry, noting the contribution of certain buildings to the historical development of the place but not being essential to its cultural heritage values, and - modifying the location plan on page 2 of the place record to align with the curtilage reflected in the State Register of Heritage Places entry. - Despite the State Register curtilage for Wesley College identifying specific areas of heritage value, the whole site at No. 40 Coode Street is a 'heritage protected place' under the <i>Planning and Development (Local</i>

Address & Heritage	Feedback	City response
	cultural heritage significance.	<i>Planning Schemes) Regulations 2015</i> by virtue of its cadastral boundary. In accordance with the <i>Heritage Act 2018</i> all development that may impact on the heritage values of that place, be in inside or outside the registered curtilage, require Heritage Council of WA referral.
Place No. 39, St Columba's Church, Presbytery and Primary School No. 25 Forrest Street, South Perth Category 1 (Exceptional) classification of significance. On the State Register of Heritage Places (2006).	Support for creation of separate place record and retention of Category 1 Classification of Significance as place is on the State Register of Heritage Places.	Four submissions were received from community members supporting inclusion of the place on the LHS.
Place No. 95, St Joseph's Convent (Dennehy House fmr.) No. 16 York Street, South Perth. Category 1 (Exceptional) classification of significance. On the State Register of Heritage Places (2006).	- Support for creation of a separate place record and retention of Category 1 Classification of Significance as place is on the State Register of Heritage Places. - Community member submission has been received requesting modification to the place record to reflect use of the place as a Signals Intelligence relay station during World War II, thereby meeting the criteria for 'scientific' value of significance.	- Six submissions were received, one from the owner and five from community members supporting inclusion of the place on the LHS. - As evidence confirming the place was a Signals Intelligence relay station during World War II has not been provided, reflecting this in the place record is not recommended. Modification to the place record is recommended to include information relating to the WWII code breaking contribution of Sister Julie O'Sullivan who

Address & Heritage	Feedback	City response
	Owner has requested that the core heritage significance of the site be attributed to the southern part of site, with later development to the north of the site being associated with the continued institutional operation and having less cultural heritage significance.	joined the order of the Sisters of St Joseph after WWII. Further modifications to the Statement of Significance are proposed to align with the State Register of Heritage Places entry, including noting the Irene Villa, MacKillop Court, Convent, Link/Garden Room as having little significance. It is recommended that the swimming pool is removed from the Statement of Significance as it has been demolished.
Place No. 50, Royal Perth Golf Club (Golf Course) Labouchere Road, South Perth Category 2 (Considerable) classification of Significance	Support for creation of separate place records for Golf Course and Clubhouse and for the retention of the Category 2 Classification of Significance for the golf course.	Two submissions received both from community members supporting inclusion of the place on the LHS and for creation of separate place records for each.
Place No. 96 - Royal Perth Golf Club (Clubhouse), Labouchere Road, South Perth Category 4 (Little) classification of significance.	Support for creation of separate place records for Golf Course and Clubhouse, and retention of the Category 4 Classification of Significance for the clubhouse.	One submission was received from a community member supporting inclusion of the place on the LHS and for creation of separate place records for each.
Place No. 85, Residence: 49 Forrest Street, South Perth Category 2 (Considerable) classification of significance.	Support for the Category 2 Classification of Significance.	Four submissions were received, one from the owner and three from community members. Community member feedback supports inclusion of the place on the draft LHS.

Address & Heritage	Feedback	City response
	- Owner objects to Category 2 Classification of Significance based on the house not being a rare example and the unlikely association with the architect Talbot Hobbs, proposing instead Category 3 or 4 as more appropriate. - Owner objects to elements of the interior being recognised as having cultural heritage significance on the basis it is a private house, not for public viewing, with jarrah features being common in the South Perth area.	- The Category 2 Classification of Significance is consistent with two independent heritage consultants' review based on the place having considerable significance due to its historical value representing the City's interwar development, its architecture by the famed firm of JJ Talbot Hobbs, and its aesthetic value as an excellent example of the Inter-War Old English architectural style. On this basis, further changes to the Classification of Significance are not recommended. - Clause 61 of the deemed provisions <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> allows internal building work to be carried out without development approval where the work relates to a place identified in the heritage list only if the heritage list specifies that the interior is not of cultural heritage significance. No. 49 Forrest Street is not currently a 'heritage protected place', and therefore certain works remain exempt from requiring a development application. Should the place be included on the Heritage List or be located in a heritage area, internal works would require

Address & Heritage	Feedback	City response
		consideration as part of a development application. In this instance, the City would consider any development in accordance with the Department of Planning, Lands and Heritage's (DPLH) Guidelines for the Assessment of Local Heritage Places (2022), and Local Planning Policy 8.1 Heritage Conservation and Development. Where an interior has not been reviewed and there are reasonable grounds to consider that an interior may be of cultural heritage significance, approval for interior building work may require the applicant to provide a heritage assessment from a competent heritage professional. In this instance, this review was undertaken by the City. Further changes to the place record are not recommended.
Place No. 86, Residence: 39 Anstey Street, South Perth Category 2 (Considerable) classification of significance.	• Support for Category 2 Classification of Significance. • One community member objects to Category 2 to Category of Significance based on poor condition	• Three submissions were received, one from the owner and two from community members. • The owner does not object to inclusion of the place on the LHS and one community member supports the proposed Classification of Significance. • The Category 2 Classification of Significance is consistent with the independent

Address & Heritage	Feedback	City response
	of place, identifying Category 3 as more appropriate, and does not recommend the place be included on the Heritage List in the future. Owner requests removal of historical occupant information (i.e. names, nationalities, occupations) and associated source references.	heritage consultants' review based on aesthetic, social and historical values. An external inspection notes a high degree of external integrity with the fabric remaining in the original state, and a high degree of authenticity with the original intention of the place still undertaken. A review of comparative analysis indicates that the place is a rare example of a modest timber weatherboard residency. On this basis, further modification to the Category 2 Classification of Significance is not recommended. Further modification to the place record to remove historical occupant information is recommended. This information is not considered critical to evaluation of the place's cultural heritage significance and may be removed without affecting the recommendation.

Other Places	Feedback	City response
Place No. 90 Residence: 2 Parker Street, South Perth Category 3 (Some/moderate) classification of significance.	Submission provides historical place information.	Not part of current LHS review.

No. 29 South Perth Esplanade, South Perth	• Submission provides historical place information.	• Not included on the LHS, and not part of current LHS review.
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Modifications to the Mount Henry Bridge place record

The Mount Henry Bridge, owned by the State of Western Australia and managed by Main Roads Western Australia, was entered on the State Register of Heritage Places on 16 April 2026.

In undertaking a scheduled assessment of the Mount Henry Bridge, the DPLH consulted with key stakeholders including the City of South Perth, providing a dedicated online engagement page with proposed place entry information, background information on the State Register and feedback form.

The Mount Henry Bridge is currently included on the City's LHS as Place No. 22 with a Category 3 Classification of Significance and is not on the Heritage List.

It is proposed to align the LHS place record for the Mount Henry Bridge with the State Register entry by:

- increasing the Classification of Significance from Category 3 (some/moderate) to Category 1 (exceptional);
- modifying the Statement of Significance;
- including new supporting images and diagrams; and
- augmenting place information (physical description and historical information).

Given the Mount Henry Bridge was recently subject to a general review of the LHS in 2024/25 and received no comments, and the scheduled assessment process undertaken by DPLH involved extensive advertising, further LHS consultation to amend the LHS place record is not considered necessary.

On this basis, it is considered acceptable to modify the LHS place record for the Mount Henry Bridge.

Heritage List

Council adopted a Heritage List at the 28 October 2025 Ordinary Council Meeting. As part of a separate statutory process, should Council adopt the recommended changes to the LHS, the City's Heritage List will be updated and presented to Council for further consideration.

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

Policy and Legislative Implications

The *Heritage Act 2018* requires that a local government must prepare a survey of places in its district that in its opinion are, or may become, of cultural heritage significance.

"After preparing a local heritage survey, or reviewing and updating, a LHS, a local government must –

- provide the Council with a copy of the local heritage survey; and*
- make the local heritage survey available to the public."*

Modifying the LHS is consistent with the Guidelines for Local Heritage Surveys. A copy of the adopted LHS will be made available on the City's website.

Financial Implications

Nil.

Key Risks and Considerations

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

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):	Local Heritage Survey (combined)
10.3.1 (b):	Local Heritage Survey - Place Records (with track changes)
10.3.1 (c):	Table of submissions and City responses

Mayor Greg Milner and Councillor Kathy Lees disclosed an Impartiality Interest in Item 10.3.2.

10.3.2 Proposed Scheme Amendment No.3 to Local Planning Scheme No. 7 - Lot 1 Labouchere Road, South Perth (Final Adoption)

File Ref: D-26-14765
Reporting Officer(s): Fiona Mullen, Acting Director Development and Community Services

Summary

The purpose of this report is for Council to consider final adoption of Scheme Amendment No. 3 to Local Planning Scheme No. 7 to zone Lot 1, Labouchere Road, South Perth 'Private Community Purposes'.

Officer Recommendation AND COUNCIL DECISION

0826/184

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Bronwyn David

That Council:

1. In accordance with Regulation 50(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, notes the submissions received in respect to Amendment No. 3 to Local Planning Scheme No.7;
2. In accordance with Regulation 50(3)(a) of the Planning and Development (Local Planning Schemes) Regulations 2015 determines to support without modification Amendment No. 3 to the City of South Perth Local Planning Scheme No. 7 by zoning Lot 1 Labouchere Road, South Perth 'Private Community Purposes';
3. 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; and
 3. The amendment is not considered a complex or basic amendment; and
4. Authorises the Mayor and the Chief Executive Officer, in accordance with Section 9.49A of the *Local Government Act 1995*, to execute under Common Seal Amendment No. 3 to City of South Perth Local Planning Scheme No. 7.

CARRIED BY EXCEPTION RESOLUTION (7/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Bronwyn David, Gavin Denton, Blake D'Souza, Kathy Lees and Stephen Russell.

Against: Nil.

Background

Lot 1 Labouchere Road, South Perth is owned in freehold by Royal Perth Golf Club (RPGC) and contains their clubhouse building. It is a separate parcel of land to the golf course.

At its 28 February 2024 meeting, the Western Australian Planning Commission (WAPC) resolved to prepare Amendment No.1423 to the Metropolitan Region Scheme (MRS) to amend the MRS reservation on the site from 'Regional Open Space - Restricted Public Access' to 'Urban'.

The MRS amendment request was initiated by the owner of the lot and intended to facilitate the investigation of potential redevelopment opportunities compatible with the site's current use and any subsequent planning and development.

In accordance with Part 9, section 124 of the *Planning and Development Act 2005* (the Act), following an MRS amendment of this nature, the local government is required to prepare an amendment to the respective scheme to ensure the local planning scheme is consistent with the MRS, no later than 90 days after the day on which the MRS has effect. At its 24 February 2026 Ordinary Meeting, Council initiated Scheme Amendment No. 3 to Local Planning Scheme No. 7, which sought to zone Lot 1, Labouchere Road, South Perth 'Private Community Purposes'.

A copy of the draft Scheme Amendment Report is contained as **Attachment (a)**.

Following Council initiation, in accordance with Part 5 Division 3 r.46A of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), the City submitted the proposed Scheme Amendment to the Environmental Protection Authority (EPA) and Western Australian Planning Commission (WAPC) for Ministerial approval to advertise on 17 March 2026. The City received comments from the EPA on 2 April 2026 stating the Amendment 'does not require referral to, or assessment by the EPA'. Confirmation from the WAPC for consent to advertise the scheme amendment was received on 21 May 2026.

Comment

Proposed Scheme Amendment No. 3 to Local Planning Scheme No. 7

The purpose of the Urban zone under the MRS is to provide for residential development and associated local employment, recreation and open space, shopping, schools and other community facilities.

In considering an appropriate zoning under LPS 7, the City considers the 'Private Community Purposes' zone is appropriate for the following reasons:

- The 'Private Community Purposes' zone under LPS 7 is a zone that can be contemplated under the Urban zoning under the MRS, ensuring the local planning scheme is consistent with the MRS as required by the Act;
- This zoning is compatible with the current use of the site for privately owned and operated recreation (Royal Perth Golf Course) and enables the integration of private recreation areas with public recreation areas (the adjacent golf course, which is located on reserved land under the MRS); and

10.3.1 Proposed Scheme Amendment No.3 to Local Planning Scheme No. 7 - Lot 1 Labouchere Road, South Perth (Final Adoption)

- The intensification of use at the site beyond private recreation purposes complementary to the golf course would reflect a departure from the adopted strategic planning framework as further detailed below.

Local Planning Scheme No.7

The objective of the Private Community Purposes zone is as follows:

- *To provide sites for privately owned and operated recreation, institutions and places of worship.*
- *To integrate private recreation areas with public recreation areas wherever possible.*
- *To separate potentially noisy engine sports from incompatible uses.*
- *To provide for a range of privately owned community facilities and uses that are incidental and ancillary to the provision of those facilities, which are compatible with surrounding development.*
- *To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area.*

The development requirements applicable to all land zoned Private Community Purposes are:

‘(1) In the absence of an approved local development plan, all non-residential development shall be designed in accordance with the following requirements:

- (a) Building height – Maximum 2 storeys*
- (b) Primary street setback – Minimum 7.5 metres*
- (c) Side Setbacks – Minimum 4.5 metres’*

Consultation

Public Submissions

The proposed Scheme Amendment was advertised for public comment for a period of 42 days between 11 June 2026 and 23 July 2026 in accordance with the Regulations, by way of the following:

- Letters sent to all occupiers and owners within a 100m radius of the site;
- An advertising sign placed on the verge adjacent to the site describing the proposal and how to make a submission;
- A public notice in a newspaper circulating within the district - PerthNow Southern;
- A project specific page on the City of South Perth Your Say page; and
- Hard copies of the proposed Scheme Amendment were made publicly available at the Civic Centre and Manning and South Perth Libraries.

At the close of the consultation period, two submissions were received, including one submission in support and one submission opposing the proposed Scheme Amendment. A summary of the key matters raised in submissions is provided in the table below, with a copy of the Schedule of Submissions contained as **Attachment (b)**.

Matter	Comment
Mature tree loss	The subject site of the proposed amendment only relates to the clubhouse. There are no significant trees located on site, as the clubhouse building covers the majority of the lot.
Importance of the site	The City notes that the Royal Perth Golf Club clubhouse provides streetscape and community value, being included in the City's Local Heritage Survey as a Category 4 place – however the clubhouse is not currently included on the City's Heritage List.
Further protection measures of trees	The City's Local Planning Policy 3.2 – Tree Retention applies to all zoned land in the City and already provides strong provisions surrounding tree protection. Notwithstanding the above, no trees which meet the definition of regulated under Local Planning Policy 3.2 are included in the subject site.
Lack of clarity on future implications	The amendment report outlines the land use and built form requirements of land zoned 'Private Community Purposes.' Any future development will be subject to these requirements, as outlined in the Local Planning Scheme.

Conclusion

The proposed Scheme Amendment is required to ensure consistency with the MRS. The proposed 'Private Community Purposes' zone is considered consistent with the Local Planning Strategy and the existing and future desired development for the site within the locality.

It is recommended that Council supports the proposed Scheme Amendment without modification.

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; and
3. The amendment is not considered a complex or basic amendment.

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	Consider 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

- 10.3.1 (a): Scheme Amendment Report
10.3.1 (b): Schedule of Submissions

Councillors Bronwyn David and Kathy Lees disclosed an Impartiality Interest in Item 10.3.3.

10.3.3 Local Planning Policy 3.2 - Tree Retention - Effectiveness Report

File Ref: D-26-14766
Reporting Officer(s): Fiona Mullen, Acting Director Development and Community Services

Summary

This report presents details of the effectiveness of Local Planning Policy 3.2 – Tree Retention since its adoption at the 26 August 2025 Ordinary Council Meeting, as required by a resolution of Council.

Moved: Councillor Kathy Lees
Seconded: Councillor Bronwyn David

That Council:

1. Notes the information contained within this report on the effectiveness of Local Planning Policy 3.2 – Tree Retention since its adoption at the 26 August 2025 Ordinary Council Meeting.
2. Requests the Chief Executive Officer to:
 - i. prepare and present to Council, for advertising, a draft amended Local Planning Policy 3.2 – Tree Retention, largely consistent with the WALGA Tree Retention Model Local Planning Policy (August 2026), with the addition of provisions that:
 - a) clarify when redesign of a development to retain regulated trees may be considered unfeasible, and the information required to justify this;
 - b) clarify the reference to weeds and the species for which tree damaging activity does not require development approval
 - c) address root damage to regulated trees that may threaten their health or survival; and
 - d) address replacement planting requirements where tree removal is approved, having regard to preferred species, canopy cover and environmental value;
 - ii. Prepare and present to Council, options and feasibility of a financial incentive or rebate program to support the maintenance and preservation of regulated trees on private land, including eligibility criteria, eligible works, funding arrangements, risk management and implementation options; and
 - iii. Prepare a City of South Perth list of preferred and non-preferred tree species.

Reasons for Change

- The officer report confirms that Local Planning Policy 3.2 – Tree Retention has delivered positive outcomes since its adoption, with 92 regulated trees retained on private property through the development approval process. The policy has provided a balanced approach by supporting the retention of significant trees where appropriate, while also allowing for tree removal where justified. The benefits to the community arising from the retention of these trees substantially outweigh the costs and resources associated with implementing and assessing the policy.
- The State Administrative Tribunal has now confirmed on two occasions that tree removal may constitute development and therefore be subject to planning control, reinforcing the need for the Policy in order to provide clarity for landowners on when trees can and cannot be lawfully removed.
- The policy is broadly achieving its objectives but would benefit from targeted refinements to improve clarity, consistency and implementation. Aligning the policy with the updated WALGA Tree Retention Model Local Planning Policy is appropriate as it is informed by legal advice and the expertise and experience of local government practitioners.
- Clearer provisions relating to when development redesign is considered unfeasible and tree removal is justified, together with requirements relating to root protection, replacement planting and weed species, will provide greater certainty for applicants, decision-makers and the community. These are issues that have emerged through the implementation of the policy, with some appropriately addressed other local governments in their policies.
- It is recognised that there are financial and practical implications for property owners in maintaining and caring for large trees on private land. Financial incentives or rebates could assist residents who retain and maintain significant trees, recognising the environmental, amenity and urban cooling benefits these trees provide to the broader community. Assessing the potential benefits, costs, risks and implementation options of such a program would enable Council to determine whether it would be feasible and sustainable.
- A preferred and non-preferred species list would provide practical guidance to residents, including in the selection of suitable replacement species where tree removal is supported, while advancing the City's urban greening objectives and right tree, right place approach.
- In pursuing this recommendation, I would encourage the City administration to explore greater access to arboricultural expertise, whether in-house or contracted, to support timely assessments and potentially reduce the need for residents to obtain private arborist reports in straightforward cases. I also support ongoing officer training and community education regarding the benefits of trees, policy requirements, approval processes, and the consequences of unlawful tree removal or works.

- This recommendation builds on the demonstrated success of Local Planning Policy 3.2 in protecting mature trees and urban canopy, while incorporating improvements informed by operational experience and the updated WALGA Tree Retention Local Planning Policy model. The recommendations will strengthen the policy, provide greater clarity and consistency, and support the long-term protection and enhancement of the City's urban forest.

Amendment

0826/185

Moved: Councillor Stephen Russell

Seconded: Councillor André Brender-A-Brandis

That an additional item iv be added as follows:

Requests the Chief Executive Officer to engage with relevant State Government agencies regarding the interaction between the subdivision approval process and the intent of City of South Perth Local Planning Policy (LPP) 3.2 – “Tree Retention” and the “Residential Design Codes” (R-Codes), with particular regard to circumstances where subdivision outcomes may create lots that cannot be reasonably developed without removal of regulated trees, and to report back to Council their responses.

Reasons for Change

The primary question is “Should significant tree retention be addressed earlier in the planning process, before subdivision boundaries are fixed?” The question should be answered “yes” for the following reasons;

1. LPP 3.2 and R-Codes have similar planning objectives regarding development applications and design to support tree retention and re-establishment of the urban tree canopy with the aim of reducing the impact of heat island effect.
2. The effectiveness report identifies that subdivision approvals can create lots that are difficult or impossible to develop without the subsequent removal of regulated trees. This can undermine the objectives of LPP 3.2 and R-Codes at a later stage of the planning process.
3. The City has identified that it has limited jurisdiction over subdivision approvals, which are determined by the WAPC, yet the consequences of those subdivision layouts are often realised during subsequent development application assessments under LPP 3.2 and R-Codes.
4. Early identification and consideration of significant trees at the subdivision stage may reduce the need for future applications seeking approval for tree damaging activity.
5. Better integration between subdivision design and tree retention objectives may assist in avoiding situations where future building envelopes conflict with established tree protection requirements.
6. The report notes that current WAPC subdivision conditions generally focus on identifying vegetation worthy of retention rather than requiring subdivision layouts to be designed around significant trees.

7. Consideration of tree retention earlier in the planning process is consistent with the objectives of LPP 3.2 and R-Codes, which seek to promote and facilitate tree preservation at the earliest possible stage in planning and development.
8. Improved coordination between local and State planning processes may provide greater certainty for landowners, applicants, councils and the community regarding the future development potential of lots containing significant trees.
9. A review of subdivision practices may help align urban canopy objectives with development outcomes and reduce future conflicts between housing delivery and tree retention objectives.
10. Engagement with WALGA, and appropriate State Government agencies would allow the City to contribute practical implementation experience gained from the first year of administering LPP 3.2.

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

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Bronwyn David, Gavin Denton, Blake D'Souza, Kathy Lees and Stephen Russell.

Against: Nil.

COUNCIL DECISION

0826/186

Moved: Councillor Kathy Lees

Seconded: Councillor Bronwyn David

That Council:

1. Notes the information contained within this report on the effectiveness of Local Planning Policy 3.2 – Tree Retention since its adoption at the 26 August 2025 Ordinary Council Meeting.
2. Requests the Chief Executive Officer to:
 - i. prepare and present to Council, for advertising, a draft amended Local Planning Policy 3.2 – Tree Retention, largely consistent with the WALGA Tree Retention Model Local Planning Policy (August 2026), with the addition of provisions that:
 - a) clarify when redesign of a development to retain regulated trees may be considered unfeasible, and the information required to justify this;
 - b) clarify the reference to weeds and the species for which tree damaging activity does not require development approval
 - c) address root damage to regulated trees that may threaten their health or survival; and
 - d) address replacement planting requirements where tree removal is approved, having regard to preferred species, canopy cover and environmental value;

- ii. Prepare and present to Council, options and feasibility of a financial incentive or rebate program to support the maintenance and preservation of regulated trees on private land, including eligibility criteria, eligible works, funding arrangements, risk management and implementation options; and
- iii. Prepare a City of South Perth list of preferred and non-preferred tree species.
- iv. Engage with relevant State Government agencies regarding the interaction between the subdivision approval process and the intent of City of South Perth Local Planning Policy (LPP) 3.2 – “Tree Retention” and the “Residential Design Codes” (R-Codes), with particular regard to circumstances where subdivision outcomes may create lots that cannot be reasonably developed without removal of regulated trees, and to report back to Council their responses.

CARRIED (6/1)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Bronwyn David, Gavin Denton, Kathy Lees and Stephen Russell.

Against: Councillor Blake D'Souza.

Officer Recommendation

That Council notes the information contained within this report on the effectiveness of Local Planning Policy 3.2 – Tree Retention since its adoption at the 26 August 2025 Ordinary Council Meeting.

Background

At its meeting held 26 August 2025, Council resolved as follows:

“That Council:

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

This report presents details of the effectiveness of Local Planning Policy 3.2 – Tree Retention (LPP 3.2) as required by the resolution.

Comment

Whilst the previous resolution of Council did not provide details as to the matters to be considered in the effectiveness of LPP 3.2, the City has undertaken an analysis of the following, which are further discussed in this report:

- Development application statistics where Regulated trees are involved;
- Compliance investigations undertaken;
- Prosecutions and State Administrative Tribunal reviews for applications within the City;

- Delegations;
- General resourcing implications; and
- Anecdotal applicant/ community feedback.

Development Application Statistics

The below table outlines data collected by the City for development applications (DAs) received during the specified time periods.

Measure	Number
Total No. DAs lodged in the 2024/25 financial year	451
Total No. DAs lodged in the 2025/26 financial year	532
Total No. DAs determined between 27/8/25 – 8/7/26	285

DA Tree Statistics

All DAs, building permits, demolition permits and swimming pool barrier permits are reviewed for Regulated trees at the time of lodgement.

Based on the data collected and officer observations, it is estimated that 23% of all DAs received by the City involve assessment of Regulated trees.

The below tables outline data collected by the City for DAs that included a Regulated tree(s), assessed against LPP 3.2 and determined between the period of 27 August 2025 and 8 July 2026. The data does not include DAs that were cancelled, withdrawn or rejected at lodgement stage or applications currently being assessed.

It should be noted that the City had recommended advertising a draft Local Planning Policy – Trees. The alternative motion and subsequent Council decision to immediately adopt LPP 3.2 impacted the consistency of early data collection, as functionality for recording Regulated tree data within the City's online lodgement and assessment system required time to develop and standardise. Consequently, there may be some discrepancies present in the data collected during the initial implementation stage.

For the purposes of LPP 3.2, a 'Regulated tree' means a living tree that:

- Is 8.0m or more high; and/or
- has an average canopy diameter of at least 6.0m; and/or
- has a trunk circumference of at least 1.5m, measured 1.4m above the ground; and
- is of a species that is not included on State or local area weed register.

Measure	Number
Total No. DAs approved	62
Total No. DAs refused due to tree damaging activity	5

Applications for 'tree only' DAs (included in total No.)	9
Total No. DAs that included a Regulated tree(s)	67
Total No. Regulated trees removed	40
Total No. Regulated trees retained	92
Total No. Regulated trees identified as part of a development application	132
Total No. Pruning approved	3
Total No. Pruning refused	0
Total No. DAs Tree pruning	3

Since LPP3.2 was adopted by Council in August 2025, 92 trees have been retained on private property as part of a development approval.

Compliance, Prosecutions and State Administrative Tribunal

Since LPP 3.2 came into effect, the City has undertaken 17 development compliance investigations relating to unauthorised tree damaging activity. These investigations are resource intensive given the evidence required to increase the likelihood of a successful prosecution in the event of an alleged offence.

Given the nature of the activity and risk to the tree(s), immediate site attendance is also required.

In response to the increased volume of tree related enquiries and compliance matters, the City reclassified an Urban Planning Assistant position to a Technical Support Officer to address tree related compliance issues.

A summary of compliance investigations is provided below.

Measure	Number
Type of compliance - pruning.	6
Type of compliance- tree damaging activity.	11
Total compliance investigations	17

The following section provides a summary of State Administrative Review and prosecution matters. and prosecutions. The specific details are confidential.

Measure	Number
Total number of SAT Reviews	2
Prosecution Details	Outcome

Case 1 A large Norfolk Pine tree was removed on 19 November 2025 from a residential zoned lot. The owner had been advised previously that the tree was Regulated after they met with City officers in November 2025 about a proposed single house development for the property which proposed the removal of the tree.	The property owner was convicted in the Magistrate's Court in March 2026 and a fine was imposed consisting of \$5,000 plus costs of \$1,646 to be paid to the City. Costs incurred by the City in relation to the prosecution was \$2,666.44
Case 2 A large tree was found to be in progress of being removed by City officers in January 2026. The works were ceased with the trunk of the tree still standing.	Pending — Magistrates Court hearing scheduled for 14 August 2026
Case 3 A large tree was removed from the property between October 2025 and January 2026. A subdivision approval was granted by the Western Australia Planning Commission (WAPC) in December 2025 which included a condition requiring that vegetation worthy of retention be identified and protected.	Pending - Magistrates Court date 28 August 2026
Case 4 In March 2026 the City received notification that tree damaging activity was taking place at a residential zoned property. Officers attended site and tree removal ceased, however it was found that significant and irreversible damage had already occurred and the tree was subsequently removed.	Pending - Magistrates Court date on 28 August 2026

In respect to prosecutions, the City is aware of instances where alleged unauthorised tree damaging activity has occurred yet has been unable to pursue enforcement action due to a lack of evidence, such as accurate information in relation to the tree(s) that has been removed or pruned.

General Implementation

Implementation Timeframe

Following Council's adoption of LPP3.2 with immediate effect, numerous DAs already under assessment became subject to the new policy requirements. As a result, these applications required reassessment against the updated provisions, leading to delays in the assessment timeframe and, in many cases, necessitating significant redesigns at a late stage in the DA assessment process.

Many applicants had not anticipated the immediate application of the Policy and expressed concern regarding the absence of a transition or delayed implementation period, which resulted in some reputational damage to the City.

The immediate effect of LPP3.2 also created operational challenges for the City with respect to updating assessment templates and integration with the City's online lodgement and assessment system and integration of available tree mapping data.

Mapping

The City had previously raised concerns regarding the specificity of data required for the purposes of assessment and prosecution.

The City currently relies on the 2024 CSIRO Urban Forest Vegetation mapping data provided via Landgate, as the height parameters align with LPP 3.2, and the City's current aerial photography subscription. The CSIRO mapping is updated every two years. More frequent vegetation mapping and aerial photography is required to identify and monitor Regulated trees as growth occurs over time.

Further, the mapping identifies canopies from street trees and interconnected canopies from multiple trees, making Regulated trees difficult to determine in some cases.

AI mapping tools that provide 'heat maps' of where trees have been removed have also been investigated however, these subscriptions incur costs exceeding \$20,000 and the City does not have a budget allocation for this purpose.

Mapping available also only measures tree height data. For the purposes of assessment, Officers use a number of methods including laser pointers, tree measuring applications, and tape measures to seek to obtain specific data. Services such as Arborcarbon set height data based on pre-determined height intervals, which is not suitable for assessment of individual trees, rather, provides a guide as to where Regulated trees may exist.

The City also relies on information provided in support of applications, surveyors and arborist reports to provide accurate information regarding tree heights and canopy width along with visual confirmation by Officers on site.

Resourcing – Enquiries

The implementation of LPP3.2 has resulted in a significant increase in general enquiries relating to the Policy, DAs and compliance matters, which are often resource intensive given the technical nature of the enquiries the ability of the City to implement the requirements of the Policy and conveying the required information. The City will typically meet with landowners and applicants to discuss the requirements and implications of LPP3.2 on DAs.

To assist customers, the City has expanded the information available on its website outlining the requirements of LPP3.2. As tree retention requirements were previously limited, officers continue to educate applicants and the broader community to improve awareness and understanding of the Policy.

Modification of Delegation DC690

When LPP3.2 was adopted in August 2025, there was no delegation in place that permitted officers to determine DAs involving tree damaging activity. This resulted in applications requiring determination by Council.

In March 2026 Delegation DC690 Local Planning Scheme No.7 (the Delegation) was modified by Council to provide delegated authority to approve tree damaging activity with the exception of where the reason for tree damaging activity is sought on the basis that a tree makes a redevelopment of a site 'unfeasible'.

Preparation of reports to Council and associated timeframes have resource implications and can impact statutory determination timeframes.

Separately, under the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), applications for development approval for a Prescribed Single House development (including alterations and additions) are required to be determined by the CEO or an authorised delegate and cannot be determined by Council. This had implications for applications involving a Regulated tree and Prescribed Single House development.

Prior to the Delegation being modified, the Delegation imposed conditions on the CEO's ability to determine certain development, including those involving tree removal and tree damaging activity as defined within LPP3.2. The City sought independent legal advice on matters such as:

- Whether the CEO would have authority under the Delegation to determine the application as a whole, including the tree damaging activity component;
- Whether the determination of the single house was required to explicitly exclude the removal of the Regulated tree from the determination;
- Whether the CEO had authority to determine the entire application, including tree damaging activity, where the two components are linked due to the design of the development; and
- Whether the City could require applications to be separated into tree damaging activity and Prescribed Single House components.

In June 2026, the Delegation was further modified by Council, which resolved this issue as the City was granted delegation to determine applications involving tree damaging activity.

Development Assessment and Timeframes

The implementation of LPP3.2 has resulted in increased assessment and determination timeframes given the additional assessment criteria and review of required information on lodgement.

Applicants have advised that the preparation and submission of the required arborist report and providing information about trees on development plans increases DA preparation timeframes, particularly in light of the demand for arborist reports within the sector. In addition to applications only involving tree damaging activity, the City is requiring this information for development proposed in proximity to Regulated trees proposed to be retained, and trees on a neighbouring property, to ensure the protection of these trees.

Once lodged, the City notes that many arborist reports contain insufficient information and justification, especially when the reason for tree removal is associated with a proposed development and not the health or safety of the tree/s on site.

Whilst these factors contribute to workload and greater decision timeframes for applications, the City is still determining development applications within statutory timeframes.

WALGA Model Template and LPP 3.2 Provisions

LPP 3.2 is generally consistent with the original WALGA Model Template. The basis of the WALGA Model Template was that 'tree damaging activity' as defined in the Policy would constitute works under the Regulations and development under the *Planning and Development Act 2005* for which development approval would be required.

Whilst the original WALGA Model Template effectively sought to require a DA for tree damaging activity to a Regulated tree as defined in the Policy, as ZORZI and TOWN OF CAMBRIDGE [2025] WASAT 77 has confirmed, tree removal may be considered works and require development approval based on the orthodox principles of planning law, and consideration should be given to the significance of the tree and the planning context as to whether the local government should require a DA. In effect, the existence of the Policy does not make 'tree damaging activities' works that constitute development.

On the basis that a DA may be required for any tree damaging activity (context dependant), the City had recommended that Council should consider exempting the need to obtain development approval for tree removal in certain circumstances, as provided by Clause 61(1) of the deemed provisions of the Regulations, and drafted an LPP as an exempting instrument.

WALGA has since updated its Model Template to this same effect, to emphasise the role of the LPP as an exempting instrument. LPP3.2 is therefore inconsistent with the current WALGA Model Template.

Provisions within LPP3.2 also require updating to address the issues outlined in the table below.

Policy Requirement	Comment
<u>Regulated tree definition</u> The definition of a Regulated tree includes species which are not included on State or local area weed register. The definition of a Regulated tree is as follows: <i>“Regulated tree: means a living tree that:</i> (a) <i>Is 8.0m or more high; and/or</i> (b) <i>has an average canopy diameter of at least 6.0m; and/or</i> (c) <i>has a trunk circumference of at least 1.5m, measured 1.4m above the ground; and</i> (d) <i>is of a species that is not included on State or local area weed register.</i>	The City sought advice from the Department of Primary Industries and Regional Development (DPIRD) who advised there is no formally adopted State weed register. The only tree species that is exempt under the Policy is a palm tree. There are some existing trees which grow to the Regulated tree specifications that would be suitable for removal given extreme susceptibility to Polyphagous shot-hole borer, such as <i>Acer negundo</i> (Box elder maple), <i>Erythrina x sykesii</i> (Coral tree) and <i>Robinia pseudoacacia</i> (Robinia, mop top robinia, black locust. The Policy does not provide for these circumstances. Undesirable tree species such as umbrella and Brazilian pepper trees must be treated as Regulated trees. Smaller 'shrub like' species which are often identified as being of low retention value are not exempt and require development approval as they fit the definition of a Regulated tree due to the canopy width exceeding 6.0m. On numerous occasions, trees have multiple trunks measured at 1.4m above the ground level and it is unclear how multiple trunks are to be assessed. The

	City has taken the approach of AS490 to measure multiple trunks however, Australian Standards are not available to the public, and the City is required to advise residents in regard to the measurement technique.
<u>General Requirements</u> Overhanging branches Trees located on a neighbouring property.	LPP3.2 lacks guidance on pruning of trees on an adjacent site which protrude over a lot boundary. There have been instances where pruning overhanging branches results in extensive tree damaging activity, especially where the tree trunk is situated close to the lot boundary. If this occurs, the neighbour may be required to sign the development application form to consent to tree damaging activity.
<u>Subdivision Applications</u> 8.3 <i>The subdivision plan shall identify Regulated Trees and note if they are to be retained or removed, and the applicant is to demonstrate how the retained Regulated Trees will be protected as part of the subdivision process.</i>	The City has no jurisdiction to require that information be shown on subdivision plans, as all applications for subdivision approval are lodged with and determined by the WAPC. If a subdivision plan is approved by the WAPC showing that all trees are to be removed this authorises all trees to be removed in accordance with Clause 157 of the <i>Planning and Development Act 2005</i> . In response, the WAPC consistently imposes a model condition which requires that applicants identify vegetation on site worthy of retention; it does not require retention of trees or a redesign of the subdivision layout to retain trees. New lots are therefore created which cannot be reasonably developed without removal of Regulated trees, inconsistent with the objectives of the Policy.

Officer Training

Officers involved in the assessment of DAs do not have training or expertise in arboricultural matters. There are currently no training courses offered by WALGA or the Planning Institute of Australia WA branch for the assessment and interpretation of arboricultural reports.

LPP3.2 requires that arborist reports are to be prepared by a suitably qualified and experienced arboriculturist with a minimum qualification of Diploma of Horticulture (Arboriculture) Australian Qualification Framework (AQF 5) or equivalent, and with demonstrated experience in high level tree assessment and diagnosis.

The City reviews arborist reports submitted in support of applications to ensure this requirement is met, however, requires peer review of such reports where the City requires the assessment to be substantiated or clarification on information in the report. The typical cost of an individual peer review is \$600.

Independent arborists engaged by the City are not always available to undertake inspections in the statutory assessment timeframes required for a DA, and as such, often perform desktop peer reviews of the arborist report. Further, landowner permission for the arborist to attend the site would be required, as the independent arborist is not authorised to access private property.

Due to the high industry demand for AQF 5 arborists and associated fees, the likelihood of successfully recruiting an in-house arborist is low.

Should an applicant seek a State Administrative Tribunal (SAT) review of a decision relating to tree damaging activity, the City will be required to engage an external consultant arborist to represent the City as an expert witness at the SAT. To date, independent arborists have advised that they do not have capacity to attend the SAT as an expert witness.

Implementation Costs

Implementation of LPP3.2 has incurred additional costs including but not limited to, purchasing measuring tools, Personal Protective Equipment (PPE), construction safety permit white cards, independent arborist fees, legal advice and costs associated with enforcement, including prosecutions. Information relating to costs incurred is contained within the financial implications section of this report.

Feedback from Community/Applicants

The City has received a range of feedback regarding LPP3.2 both from community members and developers. The feedback is generally positive in that LPP3.2 has established a clear criterion in which trees are to be considered as part of a DA, and it is evident that LPP3.2 has been successful in achieving retention of trees on private property.

However, the City has also received feedback that aspects of LPP3.2 are unclear (such as the lack of a weed register) and that LPP3.2 is onerous as it requires applicants obtain arborist reports at their cost or has resulted in the submission of DAs which would otherwise be exempt.

Potential Actions

The effectiveness of LPP3.2 may be improved by undertaking the following:

- Conduct a full review of LPP3.2 provisions;
- Consideration of an exemptions-based policy;
- Continue to monitor WALGA updates and relevant SAT decisions;
- Consider issuing infringements for minor tree damaging activity offences;
- Officers to attend WALGA and other training opportunities as they become available;
- Improve or purchase IT systems and software to collect more accurate tree data where available; and

- Resourcing and recruitment of an in-house arborist.

Policy and Legislative Implications

Local Planning Policy 3.2 – Tree Retention.

Financial Implications

The City has incurred the following costs implementing LPP3.2 between the period of 27 August 2025 and 8 July 2026:

Cost Description	Amount
Legal Advice	\$2,934
Prosecution Costs to date	\$14,272
Independent Arborist Reviews	\$5,685
Measuring Tools and Equipment	\$346
PPE	\$800 (approximate)
Total:	\$24,037

Key Risks and Considerations

Risk Event Outcome	Environmental Damage Includes any detrimental impact upon the natural environment within the City. This includes pollutant spillages and leakages, failure to maintain or enhance the natural environment within the City or its connections with its natural or municipal neighbours. 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. Financial Loss 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.
Risk rating	Low
Mitigation and actions	As detailed in this report, some reputational damage occurred as a result adopting LPP3.2 without notice of implementation date. There are ongoing costs associated with the implementation of LPP3.2. The City will continue to implement LPP3.2 – Tree Retention.

Strategic Implications

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

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

Attachments

Nil.

Mayor Greg Milner and Councillors Bronwyn David and Kathy Lees disclosed an Impartiality Interest in Item 10.3.4.

10.3.4 Proposed Grouped Dwellings, Lot 296 (No. 22) Barker Avenue, Como

Location: 22 Barker Avenue, Como
Ward: Moresby Ward
Applicant: Y Huang
Owner: BPD FAMILY PTY LTD
File Reference: D-26-14767
DA Lodgement Date: 4 March 2026
Reporting Officer(s): Fiona Mullen, Acting Director Development and Community Services
Previous Reference: Nil.
Delegation: SC690 – Local Planning Scheme No. 7
Council Role: Quasi- Judicial

Summary

The purpose of this report is to consider an application for development approval for three Grouped Dwellings on Lot 296 (No. 22) Barker Avenue, Como.

The item is referred to Council as the proposed development is an application which proposes tree damaging activity to a regulated tree in accordance with 7.2 (c) of Local Planning Policy 3.2 – Tree Retention.

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

COUNCIL DECISION

0826/187

Moved: Councillor Stephen Russell
Seconded: Councillor André Brender-A-Brandis

That pursuant to the provisions of the City of South Perth Local Planning Scheme No.7 and the Metropolitan Region Scheme, the application for development approval for three Grouped Dwellings on Lot 296 (No. 22) Barker Avenue, Como be refused for the following reasons:

1. The proposed development does not satisfy Clause 67(2)(g) of the Planning and Development (Local Planning Schemes) Regulations 2015, as the proposed development does not comply with the objectives of Local Planning Policy 3.2 - Tree Retention in that it does not:
 - i. Prioritise the retention, protection, and the provisions of trees on private land as the proposed development requires the removal of Tree 1 (Jarrah - Eucalyptus Marginata), being a healthy and substantial regulated tree.
 - ii. The applicant has not adequately demonstrated that the redesign of the development to accommodate the regulated trees is unfeasible.

- iii. Promote and facilitate tree preservation at the earliest possible stage in the planning and development process, balancing with the desired built form and land use outcomes.
- 2. The proposed development does not satisfy Clause 67(2)(n) of the Planning and Development (Local Planning Schemes) Regulations 2015, as the proposed development adversely impacts the amenity of the locality by virtue of removing Tree 1 (Jarrah - Eucalyptus Marginata).
- 3. The proposed development does not satisfy Clause 67(2)(p) of the Planning and Development (Local Planning Schemes) Regulations 2015 as a tree on site that should be preserved is proposed to be removed, being Tree 1 (Jarrah Eucalyptus Marginata).
- 4. The proposed development does not comply with the Residential Design Codes -Volume 1 - Part C- 3.7 - Access as the proposed development has not met the deemed-to-comply criteria of demonstrated compliance with Design Principle P3.7.4 by virtue of providing unobstructed sightlines at vehicle access points to ensure safety and visibility.

Reasons for Change

- 1. The applicant has not satisfactorily demonstrated, for the purposes of Clause 7.2(c) of Local Planning Policy 3.2 – Tree Retention, that redesign of the development to accommodate retention of Tree 1 is unfeasible. The term “Unfeasible” as used in the policy cannot be misconstrued with "difficult", "inconvenient" or "less efficient". The information provided primarily demonstrates that retention of the tree is incompatible with the specific three-dwelling development outcome proposed, rather than demonstrating that reasonable development of the site cannot occur whilst retaining the tree.
- 2. The proposal is inconsistent with Clauses 4.2 and 4.3 of Local Planning Policy 3.2 – Tree Retention, which seek to prioritise the retention and protection of regulated trees and facilitate tree preservation at the earliest stages of the planning and development process. The applicant has not demonstrated that all reasonable development options have been sufficiently explored prior to seeking approval for tree damaging activity.
- 3. The removal of Tree 1 would have an unacceptable impact on the amenity, landscape character and sense of place of the locality. Tree 1 is a substantial mature Jarrah which makes a significant contribution to neighbourhood character, visual amenity and urban canopy. The officer assessment acknowledges that removal of the regulated trees will adversely impact neighbourhood amenity, character and sense of place.
- 4. Insufficient provision has been made for the preservation of Tree 1. Whilst replacement planting is proposed, replacement trees are not considered an equivalent substitute for the loss of a mature Jarrah tree that currently provides substantial canopy, environmental and visual amenity benefits.
- 5. The development relies on rear laneway access for Units 2 and 3 whilst proposing built form which constrains vehicle sightlines to the right-of-way. These matters further demonstrate that the proposed three-dwelling layout is not necessarily the only reasonable development outcome available for the site and reinforce the position that redesign alternatives have not been sufficiently examined prior to seeking removal of Tree 1

6. It is acknowledged that the site is capable of residential redevelopment and does not oppose development of the land. However, planning seeks to balance development outcomes by having regard to site characteristics, environmental values and planning objectives, rather than necessarily maximise dwelling yield. A significant regulated tree is a legitimate planning constraint, similar to other recognised planning constraints such as heritage places, environmental assets, bushfire prone or flood affected land, which may appropriately influence the scale and form of development. The proposal is not sufficient to demonstrate that retention of Tree 1 renders reasonable development of the site to be unfeasible.

CARRIED (5/2)

For: Councillors André Brender-A-Brandis, Bronwyn David, Gavin Denton, Kathy Lees and Stephen Russell.

Against: Mayor Greg Milner, Councillor Blake D'Souza.

Officer Recommendation

That pursuant to the provisions of the City of South Perth Local Planning Scheme No.7 and the Metropolitan Region Scheme, this application for development approval for three Grouped Dwellings on Lot 296 (No. 22) Barker Avenue, Como be approved subject to the following conditions:

1. This decision constitutes development approval only and is valid for a period of two years from the date of determination. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan. In the event of any inconsistency, conditions of development approval prevail over the approved plans.
3. All works to be carried under this development approval, including footings, are required to be contained within the boundaries of the subject lot.
4. External fixtures, including but not limited to, air-conditioning units, clothes drying facilities, satellite dishes and non-standard television aerials, but excluding solar collectors, are to be integrated into the design of the building and shall be located so that they are not visible from the street to the satisfaction of the City of South Perth.
5. All street trees in the verge adjacent to the lot will be required by the City of South Perth to be protected by a tree protection zone (TPZ) to Australian Standards during the works. The City of South Perth requires that mulch is provided around the base of each tree within the TPZ and watered regularly for the duration of the works.
6. All stormwater discharge from the development shall be contained and disposed of on-site unless otherwise approved by the City of South Perth.
7. Prior to occupation or use of the development, the boundary wall(s) shall be constructed and finished in a clean material (Render) to the same standard as the rest of the development to the satisfaction of the City of South Perth.

8. Prior to or in conjunction with the submission of a building permit application, the applicant is to submit to a final schedule of colours, materials and finishes to the City of South Perth. This schedule is to be approved in writing to the satisfaction of the City of South Perth. Prior to occupation or use of the development, the endorse material and finishes schedule shall be implemented and thereafter maintained to the satisfaction of the City of South Perth.
9. Prior to or in conjunction with the submission of a building permit application, a detailed landscape plan demonstrating long-term viability of planting is to be submitted and approved in writing by the City of South Perth to address the following:
 - (i) Hard and soft landscaping areas;
 - (ii) The location, size and species of all trees and plants to be planted;
 - (iii) A minimum of three 200L (pot size) new trees;
 - (iv) The location of any lawn areas to be established;
 - (v) Reticulation details;
 - (vi) Any structures and/or landscaping features are to be removed from the future ROW widening area; and
 - (vii) Details of any proposed verge landscaping and planting of street trees.

Prior to occupation or use of the development, landscaping areas shall be installed in accordance with the approved landscaping plan or any approved modifications to the satisfaction of the City of South Perth. All landscaping areas shall be maintained for the lifetime of the development to the satisfaction of the City of South Perth.
10. The height of any wall, fence, vegetation or other structure, shall be of no higher than 0.75 metres within 1.5 metres of where any driveway meets any public street or right of way, to the satisfaction of the City of South Perth.
11. The visual permeability of the fence outside of the visual truncation area/visual sightline truncation area and within the primary street setback shall be a minimum of 50% permeable above 1.2 metres as measured from the street side of the fence to the satisfaction of the City of South Perth.
12. Prior to occupation or use of the development, the proposed driveways shall be constructed with brick paving or concrete and suitably drained to the satisfaction of the City of South Perth.
13. Prior to occupation or use of the development, all vehicle crossings are required to be upgraded, designed, and constructed to the satisfaction of the City of South Perth.
14. Prior to occupation or use of the development, any redundant crossovers shall be removed and the verge and kerbing reinstated, at the expense of the applicant to the satisfaction of the City of South Perth.
15. Prior to or in conjunction with the submission of a building permit application, or demolition permit application, whichever is earlier, a Construction Management Plan must be submitted to, and approved in writing by, the City of South Perth. The Construction Management Plan must address the following issues where applicable:

- (i) public safety and amenity;
- (ii) site plan and security;
- (iii) contact details of essential site personnel, construction period and operating hours;
- (iv) community information, consultation and complaints management plan;
- (v) noise, vibration, air and dust management;
- (vi) traffic, access and parking management;
- (vii) waste management and materials re-use;
- (viii) earthworks, excavation, land retention/piling methods and associated matters;
- (ix) stormwater and sediment control;
- (x) street tree management and protection;
- (xi) removal of onsite effluent disposal system and stormwater management system; and
- (xii) asbestos removal.

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

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

1.0 Details

Metropolitan Region Scheme - Zone/Reserve	Urban
Local Planning Scheme - Zone/Reserve	Residential – R30
Activity Centre Plan	N/A
Activity Centre Land Use Designation	N/A
Use Class and Permissibility	Grouped Dwellings – Permitted ('P') Use
Lot Size	1012m ²
Existing Land Use	Single House
Heritage	N/A
Bushfire Prone Area	No

2.0 Proposal

On 4 March 2026, the City of South Perth (the City) received an application for three grouped dwellings on Lot 296 (No. 22) Barker Avenue, Como (the subject site).

Upon completion of the initial assessment, on 9 March 2026 the City requested further information relating to clarification and amendments regarding the proposed removal of trees onsite, layout and site levels. Upon receipt of this information the application was formally accepted on 26 March 2026.

The application includes the following:

- Demolition of the existing Single House;
- Construction of three two storey Grouped Dwellings; and
- Removal of three regulated trees.

A copy of the development plans is contained as **Attachment (a)**, and the applicant's justification in support of the proposal is contained in **Attachment (b)**.

3.0 Background

Site Context

The site has two street frontages, Barker Avenue to the south and a right-of-way to the north. The prevailing development surrounding the subject site is characterised by predominately single storey single houses and single storey grouped dwellings.

A subdivision application was received by the City from the Western Australia Planning Commission (WAPC) on 17 October 2025, for a three-lot subdivision. The initial subdivision application plan proposed three lots accessed from a common property access way along the western side of the lot to Barker Avenue. On 5 November 2025 the City provided a recommendation of refusal to the WAPC, given the lots did not prioritise access to the rear right-of-way or the retention of trees. On receipt of the recommendation, the applicant provided a revised subdivision plan with a layout similar to that incorporated in the subject application. The WAPC has deferred determination of the subdivision application pending the receipt and determination of the current development application.

An aerial image and zoning map depicting the site within its context is contained as **Attachment (c)**.

4.0 Legislation and Policy

Legislation

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)

Metropolitan Region Scheme (MRS)

City of South Perth Local Planning Scheme No. 7 (LPS 7)

Residential Design Codes - Volume 1 (R-Codes)

State Government Policies

State Planning Policy 5.4 – Road and Rail Noise (SPP 5.4)

State Planning Policy 7.0 – Design of the Built Environment (SPP7.0)

Local Planning Policies

Local Planning Policy 1.1 – Residential Development

Local Planning Policy 3.2 – Tree Retention

Local Planning Policy 6.1 – Advertising of Planning Proposals

5.0 Consultation and Referrals

Public Consultation

Consultation has been undertaken 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 8 May 2026 and 22 May 2026 in the following manner:

- A total of 14 letters were sent to adjoining landowners and occupiers; 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 in opposition to the development.

A Schedule of Submissions is contained as **Attachment (d)**.

Matter	Comment
Vehicle Access and traffic	The proposed development complies with the parking requirements of the R-Codes with vehicle access to Unit 1 from the primary street and Units 2 and 3 from the adjoining right-of way. The right-of way together with the setback of the garages of Units 2 and 3 enable compliant manoeuvring for vehicles exiting the property.
Boundary Walls	The proposed boundary walls to Unit 1 and 2 have been amended following the consultation period and are considered to meet the design principles of the R-Codes.
Privacy	The proposed development complies with the visual privacy requirements of the R-Codes.
Tree retention	The location of the existing regulated trees onsite and their size presents a significant constraint to development onsite. The SRZ and NRZ of each of the trees will affect the ability to develop the site. A redesign of the development to accommodate the regulated trees would result in a compromised and inefficient dwelling layout and conflict with the functional and design expectations of the R-Codes.

6.0 Assessment

Residential Design Codes Volume 1 – Part C (Medium Density)

The R-Codes include ‘deemed-to-comply’ criteria and design principles. Applications not complying with the deemed-to-comply criteria can be assessed against relevant design principles, which is a merit-based approach to determine whether a proposal meets the objectives of the R-Codes.

The proposal seeks assessment under the design principle requirements of the following R-Code elements:

- Clause 3.1 – Site Cover;
- Clause 3.4 – Lot Boundary Setbacks; and
- Clause 3.7 – Access.

Clause 3.1 – Site Cover	Deemed-to-comply requirement	Proposed
Unit 3	60%	67%

Design Principles	Assessment
The site cover of the development is suitable for its context to: (i) achieve appropriate building bulk on the site, consistent with the intent of the applicable density code and/or as outlined in the local planning framework. (ii) ensure sufficient outdoor space for landscaping including trees and deep soil areas; (iii) ensure adequate solar access and natural ventilation into the dwelling. (iv) provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within and around the site. (v) provide space for utilities and essential facilities. (vi) be compatible with the existing and/or desired streetscape and local character.	• The Unit 3 dwelling is two-storey in height and of a scale and bulk expected of a development on the site. The dwelling has compliant lot boundary setbacks and building height. • The Unit 3 dwelling has a compliant outdoor living area to the rear of the lot with alfresco area garden areas including lawn areas and a tree. • The Unit 3 dwelling includes openings along the northern rear frontage and openable windows to enable solar access and ventilation throughout the dwelling. • The Unit 3 dwelling provides an internal storage area for space for utilities and essential facilities. • The proposed dwelling is located at the rear of the lot and is of a scale and bulk at two storeys in height, with a flat roof, that will both address the rear right-of-way and be accessible via a pedestrian access way from the primary street. • It is noted that in the event the development met the deemed-to-comply requirement for open space, the development would still result in the removal of regulated trees.

<i>Clause 3.4 – Lot Boundary Setbacks</i>	Deemed-to-comply requirement	Proposed
Unit 1 Boundary wall height (eastern) Ensuite – Store & Kitchen	3.5m height	3.6m height 3.7m height
Unit 2 Boundary wall height (eastern) Garage -Guest	3.5m height	3.5m – 3.9m height

Design Principles	Assessment
Buildings are built up to lot boundaries (other than the street boundary) where this: (i) makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas; (ii) does not compromise the design principle contained in Clause 5.1.3 P3.1; (iii) does not have any adverse impact on the amenity of the adjoining property; (iv) ensures sunlight to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; (v) positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework	Unit 1 • The design of Unit 1 makes effective use of space along the eastern elevation of the property. • The boundary walls to each section of Unit 1 are separated by a 2.2m portion of wall setback from the boundary which assists to offset the impact of building bulk to the adjoining property to the east. • Following neighbour consultation, the applicant submitted revised plans reducing the height of boundary walls to 0.4m (Unit 1 Ensuite -Store), 0.2m (Unit 1- Kitchen) and 0.3m – 0.5m (Unit 2). • The boundary wall height variation has been reduced to 0.1m (ensuite-store) and 0.2m (kitchen) is considered to be minor and will have minimal impact to the adjoining property. • The sections of boundary wall principally abut an existing boundary wall/garage/patio and non-descript side area of the adjoining property to the east which contains no major openings on ground floor level. • Due to the alignment of Barker Street and the setback to the street, the boundary walls will not be highly visible within the streetscape. Unit 2 • The design of Unit 2 makes effective use of space along the eastern elevation of the property. • The boundary wall is of a length of 10.7m and is located at the northern end of the lot

	and with the remainder of this elevation articulated to offset the building bulk of the adjoining property to the east. • The boundary wall height variation of 0.4m is considered minor and will have minimal impact to the adjoining property as it abuts a non-descript side area of the adjoining property to the east • The boundary wall is located at the rear of the subject site and will not unduly impact any future streetscape along the right-of-way.
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Requirement	Deemed-to-comply requirement	Proposed
Unit 1 Vehicle Access	Vehicle access is to be provided from the right-of-way in lieu of primary street.	Vehicle access is to be provided from the primary street in lieu of the right-of-way for Unit 1

Design Principles	Assessment
The relevant design principles for access consider the following: P3.7.1 Access for each development site is to: (i) balance pedestrian and cyclist safety while providing safe vehicle access; (ii) minimise the extent of impervious surfaces:(iii) provide legible access; and (iv) include high quality landscaping features. P3.7.2 Vehicle access is designed and located to: (i) minimise the number and width of vehicle access points and the impact on the streetscape; (ii) provide access to the street with the lowest volume of traffic; and	• It is not possible for Unit 1 to access the ROW due to the proposed lot configuration which proposes the two lots at the rear with right-of-way access as required by the R-Codes for access to the lesser street to be required. • The development provides clear, legible and direct street access to the front unit (Unit 1), with the utilisation of the existing crossover and removal of the existing right hand side crossover. • Only one unit will have access from Barker Street which does not result in a net increase to traffic movements to Barker Street given this lot has one existing crossover. • Impervious surfaces are principally confined to the driveway and pedestrian access way, with landscaping proposed along the full extent of the street frontage on the eastern side. Only one crossover is present to Barker Street, minimising the width to 5.2m.

(iii) accommodate sloping sites and retaining walls. P3.7.4 Unobstructed sightlines provided at vehicle access points to ensure safety and visibility along vehicle access ways, streets, rights-of-way, communal streets, crossovers, and footpaths. P3.7.5 Legible, safe, and direct access for residents and their visitors to move between communal car parking areas or public streets and individual dwellings.	• The crossover achieves a compliant setback and does not result in a different point of access to the primary street than the existing crossover on the western side of the lot. • The location of the proposed crossover to Barker Street is preferred over the location of the existing crossover on the eastern side of the lot as will result in a straighter crossover alignment with the road and will provide the ability for vehicles to enter and exit the street in both directions by avoiding the traffic island. • The removal of the existing crossover on the eastern side of the lot will reduce hardstand in close proximity to the verge tree. • The development maintains clear sightlines, with the crossover designed to provide appropriate separation to verge infrastructure, including street trees. No obstructions are proposed ensuring pedestrian, vehicle and cyclist safety is maintained.
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The proposal is considered to meet the relevant design principles of the R-Codes.

Local Planning Policy 3.2 – Tree Retention (LPP 3.2)

The purpose of LPP 3.2 is to encourage and facilitate the protection of trees and to maintain and enhance tree canopy. For the purposes of the Policy:

Requirement	Assessment
Regulated tree	means a living tree that: (a) Is 8.0m or more high; and/or (b) has an average canopy diameter of at least 6.0m; and/or (c) has a trunk circumference of at least 1.5m, measured 1.4m above the ground; and (d) is of a species that is not included on State or local area weed register.
Tree-damaging activity	means: (a) the killing or destruction of a tree; and/or (b) the removal of a tree; and/or (c) the severing of branches, limbs, stems or trunk of a tree; and/or (d) the ringbarking, topping of a tree; and/or

	(e) any other substantial damage to a tree.
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The City has undertaken an assessment of the site and identified three trees that meet the definition of a regulated tree, as outlined in the Arborist Report contained in **Attachment (e)**. Further justification is provided by the applicant for the development in **Attachment(b)**.

The Arborist Report provided identifies the health, and relevant particulars of the regulated trees on site and serves solely as a factual record for the trees characteristics assisting with the assessment of the development proposal.

The regulated trees are as follows:

Tree	Characteristics
Tree 1 - Jarrah Tree (<i>Eucalyptus Marginata</i>) Located to the middle - rear western side of the lot	Height: Approx. 10.0m Canopy Spread: Approx. 16.0m Diameter at breast height: 0.55m
Tree 2 - Peppermint Tree (<i>Agonis Flexuosa</i>) Located to the rear eastern side of the lot	Height: Approx. 4.0m Canopy Spread: Approx. 7.0m Diameter at breast height: 0.35m
Tree 5 - Black Tea Tree (<i>Melaleuca Bracteata</i>) Located to the front of the lot closest to Barker Street.	Height: Approx. 7.0m Canopy Spread: Approx. 7.0m Diameter at breast height: 0.35m

The proposal is compliant with LPP 3.2 with the exception of the following:

Requirement	Assessment
<u>Objectives</u> 4.2 Prioritise the retention, protection, and the provisions of trees on private land and adjacent reserves in the planning process.	Whilst the proposal involves the removal of regulated trees, the development has been designed in accordance with the residential density provisions applicable to the site under LPS7, whilst also giving due consideration to the retention and protection of trees. The development incorporates the planting of three new trees, which, upon maturity, are expected to provide some offset to the mature trees to be removed onsite. The development is considered to balance, where possible, site yield with the provision of new planting.

4.3 Promote and facilitate tree preservation at the earliest possible stage in the planning and development process, balancing with the desired built form and land use outcomes.	Given the location of regulated trees onsite and the need for site works to provide compliant vehicular access to the ROW for the rear lots and the proposed building footprints, the retention of the regulated trees is not deemed feasible. The designs are considered to achieve an appropriate balance between delivering functional building layouts with solar access to indoor and outdoor living units and overall functionality.
4.4 Preserve and enhance neighbourhood amenity, character and sense of place.	The City considers that the proposed Tree Damaging Activity will adversely impact the neighbourhood amenity, character and sense of place given the tree's visual prominence in the locality.
4.5 Mitigate the urban heat island effect, reduce air pollution, improve groundwater quality and contribute to biodiversity and other environmental benefits.	The removal of the trees will not mitigate the urban heat island effect, reduce air pollution, improve ground water quality or contribute towards biodiversity and does not have any environmental benefits. Notwithstanding, subject to the implementation of the proposed landscaping plan, which includes the planting of three new trees, the proposed canopy coverage will contribute to mitigating the urban heat island effect, while also supporting improved air quality, groundwater outcomes and broader biodiversity benefits.
<u>Development applications</u> 7.2 Tree damaging activity to a regulated tree may be considered if the following relevant information and/or technical reports are provided to demonstrate: (a) The regulated tree is unhealthy, based on the recommendations of an Arborist Report;	Trees 1 and 2 identified within the subject site have been assessed as being in good health. Accordingly, their current health and condition do not form part of the justification for their removal. Tree 5 has been identified as being of reduced vitality as its affected by basal growth and minor deadwood. The life expectancy of this tree is estimated to be between 5 -15 years and the tree is intertwined with Tree 6 (a non-regulated tree) which has a medium risk rating due to major deadwood.
(b) The regulated tree causes safety risks to people infrastructure or buildings based on recommendations	None of the regulated trees identified within the application have been assessed as posing

on an Arborist Report and/or Structural Engineering Report;	an imminent safety risk to people, infrastructure or property. Accordingly, safety considerations do not form part of the justification for their removal.
(c) In the opinion of the City, the redesign of the development to accommodate the regulated tree is unfeasible.	The regulated trees proposed for removal are centrally located within Units 1-3 and the proposed building envelope. <u>Tree 1</u> Tree 1, (Jarrah) is the largest tree on the lot and is located within the building footprint of the proposed Lot 3. This tree has a Structural Root Zone (SRZ) of 1.98m and a Notional Root Zone (NRZ) of 6.6m. The canopy of this tree has a diameter of 16m and its position in the middle of the lot would require significant pruning to facilitate any development given the width of the current lot is 20m wide. Retention of this tree is not considered to be viable when taking into account 136.85m² (45.6%) of the lot is required to provide an adequate NRZ of the tree, free of major encroachments. After factoring other planning requirements including vehicle access, minimum outdoor living areas and lot boundary setbacks, there is approximately 45m² of buildable area north of the tree and approximately 33m² to the south of the tree. These two areas are detached, and it is not considered viable for a dwelling to be designed around Tree 1. The rear laneway is the only vehicle access for the rear lots (2 and 3) and therefore the finished floor level of the garage, driveway apron and transition to the right of way is required to be consistent and aligned to the level of the right-of-way. It is necessary to align the finished ground level of the garage at the rear of the property with the right of way access and therefore earthworks are required in this area of the site. The excavation poses risks to the trees, causing long term health stability issues to the trees. The proposed excavation footprint enters the mapped NRZ and SRZ of the tree, causing major root disturbance. This creates the situation where the development of the dwelling makes the retention of the tree unviable. <u>Tree 2</u>

	Tree 2, (Peppermint) is located within the building footprint (garage) of proposed Lot 2. This tree has a SRZ of 1.5m and a NRZ of 4.2m. Excavation is required to be provided for the construction of the Unit 2 dwelling to facilitate the floor level of the garage to correspond with the level of the right of way, which cannot be altered by the development. Given these site particulars, excavation is required to be provided in this area of the lot to provide for the development of the site. This excavation footprint however enters the area of the NRZ and SRZ of the tree 2, causing root disturbance. This creates the situation where the development of the dwelling makes the retention of the tree unviable. <u>Tree 5</u> Tree 5 (<i>Black Tea</i>) is located within the primary street setback area within proposed Unit 3. This tree has a SRZ of 1.5m and a NRZ of 3.6m. Although there may be potential to retain this tree if the dwelling design was amended, the tree is classified as being of low retention value due to some Basel growth and minor deadwood defects resulting in a reduced life expectancy of 5-15 years. This tree has a SRZ of 1.5m and a NRZ of 3.6m and requires 40.72m² (11.7%) of the lot is required to provide an adequate NRZ of the tree free of major encroachments. This tree is also intertwined with another (non-regulated) tree which is to be removed.
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State Planning Policy 5.4 – Road and Rail Noise

State Planning Policy 5.4 (SPP 5.4) considers the impact of road and rail noise on noise sensitive land-uses within the specified trigger distance of strategic freight and major traffic routes.

SPP 5.4 applies to the development as it is located within 300m of a strategic freight and major traffic route (Canning Highway), and results in an intensification of the land use on site.

In support of the application, an acoustic report has been provided which concluded that no acoustic mitigation measures are required in order for the development to maintain appropriate acoustic targets, which is supported by the City.

Local Planning Scheme No. 7 (LPS 7)

The proposal has been assessed against all relevant legislative requirements of the LPS 7, and is considered to satisfy the relevant zone objectives as follows:

Zone Name	Objectives	Comment
Residential	To provide for a range of housing and a choice of residential densities to meet the needs of the community.	The proposal is consistent with this objective, resulting in an increase in housing density consistent with the site's coding.
	To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.	The development is considered to be consistent with the prevailing and desired streetscape context.
	To provide for a range of non-residential uses, which are compatible with and complementary to residential development.	N/A

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 67(2) of the Regulations include matters which the local government is to have due regard to when considering an application for Development Approval. Items relevant to the assessment of this application include:

Requirement	Comment
(a) The aims and provisions of this Scheme (including any planning codes that are read, with or without modifications, into this Scheme) and any other local planning scheme operating within the Scheme area;	The proposal is consistent with the requirements of LPS 7 and satisfies the applicable design principles and policy objectives where relevant.
(m) The compatibility of the development with its setting, including – (i) The compatibility of the development with the desired future character of its setting; and (ii) The relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect on the height bulk, scale,	The development is consistent with the prevailing and future development context, which consists of examples of grouped dwelling developments. It is not considered to introduce a new or inconsistent built form to the area. The proposed development satisfies the deemed-to-comply requirements of the R-Codes and where relevant the corresponding design principles. The development is not considered to have an adverse impact on adjoining properties of the streetscape.

orientation and appearance of the development;	
(n) the amenity of the locality including the following – (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development.	The development is consistent with the prevailing and desired future development context.
(p) Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.	Landscaping and new trees have been proposed as part of the development and a condition has been recommended to ensure its compliance. Retention of trees is discussed as part of the LPP 3.2 section of this report.

7.0 Conclusion

The proposed development is consistent with the applicable local planning framework, achieving a built form and design outcome that aligns with both the existing and desired future character of the locality. While the removal of three regulated trees is proposed, their location and size within Lots 1-3 building envelope, presents a significant and impractical constraint to development.

A redesign of the development to accommodate the regulated trees would result in a compromised and inefficient dwelling layout and conflict with the functional and design expectations of the R-Codes.

In the context of the subject site and development, the proposal achieves an appropriate development outcome through the provision of landscaping, which includes the planting of three trees as well as retention of the existing street tree along Barker Avenue. This approach somewhat balances tree replacement with the delivery of a functional development consistent with its coding.

The redesign of the development to accommodate the retention of all regulated trees is not considered feasible. Accordingly, the application is recommended for approval subject to appropriate conditions.

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	Legislative Breach Refers to failure to comply with statutory obligations in a 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 proposal has been assessed against the applicable State and local planning frameworks.

Strategic Implications

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

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

Attachments

10.3.4 (a):	Development Plans
10.3.4 (b):	Applicant Justification
10.3.4 (c):	Aerial and Zoning Map
10.3.4 (d):	Schedule of Submissions
10.3.4 (e):	Arborist Report

Councillors Bronwyn David and Kathy Lees disclosed an Impartiality Interest in Item 10.3.5.

10.3.5 Proposed Grouped Dwellings, Lot 5 (No. 46) Thelma Street, Como

Location:	46 Thelma Street, Como
Ward:	Como Ward
Applicant:	Black Pearl Homes Pty Ltd
Owner:	Naamiran Group Pty Ltd, Tirgan Pty Ltd
File Reference:	D-26-14770
DA Lodgement Date:	3 March 2026
Reporting Officer(s):	Fiona Mullen, Acting Director Development and Community Services
Previous Reference:	Nil.
Delegation:	DC690 – Local Planning Scheme No. 7
Council Role:	Quasi – Judicial

Summary

The purpose of this report is to consider an application for development approval for four Grouped Dwellings and Tree Damaging Activity on Lot 5 (No.46) Thelma Street, Como.

The item is referred to Council as the proposed development is an application which proposes tree damaging activity to a regulated tree in accordance with 7.2 (c) of Local Planning Policy 3.2 – Tree Retention.

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

COUNCIL DECISION

0826/188

Moved: Councillor Bronwyn David

Seconded: Councillor Kathy Lees

That pursuant to the provisions of the City of South Perth Local Planning Scheme No.7 and the Metropolitan Region Scheme, the application for development approval for Four Grouped Dwellings on Lot 5 (No.46) Thelma Street, Como, be refused for the following reasons:

1. The proposed development does not satisfy Clause 67(2)(g) of the Planning and Development (Local Planning Schemes) Regulations 2015 as the proposed development is inconsistent with the City of South Perth Local Planning Strategy endorsed by the Commission, which seeks to facilitate development that protects and enhances the City's urban forest.
2. The proposed development does not satisfy Clause 67(2)(g) of the Planning and Development (Local Planning Schemes) Regulations 2015 as the proposed development does not comply with the objectives of Local Planning Policy 3.2 – Tree Retention as it does not:
 - (i) Prioritise the retention, protection, and the provisions of trees on private land;

- (ii) Preserve and enhance neighbourhood amenity, character and sense of place; and
 - (iii) Result in mitigation of the urban heat island effect, reduce air pollution, improve groundwater quality or contribute to biodiversity and other environmental benefits.
 - (iv) The applicant has not adequately demonstrated that the redesign of the development to accommodate the regulated trees is unfeasible.
3. The proposed development does not satisfy Clause 67(2)(m) of the Planning and Development (Local Planning Schemes) Regulations 2015 as the proposed development is incompatible within the setting and does not protect the amenity of the area by virtue of the bulk and scale, which is in contrast with the predominantly vegetated area on which the development is sited.
 4. The proposed development does not satisfy Clause 67(2)(n) of the Planning and Development (Local Planning Schemes) Regulations 2015 as the proposed development requires the removal of Regulated trees, resulting in adverse environmental impacts and loss of character in the locality.
 5. The proposed development does not satisfy Clause 67(2)(o) of the Planning and Development (Local Planning Schemes) Regulations 2015 as the removal of Regulated trees has adverse impacts to the natural environment, including Black Cockatoo food source and climate impacts.
 6. The proposed development does not satisfy Clause 67(2)(p) of the Planning and Development (Local Planning Schemes) Regulations 2015 as the proposed development requires the removal of Regulated trees that should be preserved.
 7. The proposed development does not satisfy Clause 67(2)(r) of the Planning and Development (Local Planning Schemes) Regulations 2015 as the proposed development requires the removal of Regulated trees, which if removed, result in a possible risk to human health by virtue of impacts associated with climate impacts and declining ecosystem health.

Reasons for Change

The reasons are detailed in the motion. Additionally, the creation of Local Planning Policy 3.2 and the enormous community support for the preservation of trees means that going forward, it is no longer “business as usual” for development within the City. Here is a site with 34 trees, two of which are over 8 metres AND which are located on the margins of the site.

One of those trees is a Liquidambar, the fruit and seeds of which are known to be utilised by endangered Carnaby's black cockatoos and vulnerable Forest Red Tailed black cockatoos.

The community wants tree retention, and it has to start somewhere. The proposed replacement of the existing canopy with one olive tree, three crepe myrtles and one ornamental pear is simply inadequate. None of these trees provide food or habitat for endangered or vulnerable bird species. They will take decades to replace the lost canopy, if at all. Given the climate is getting hotter and drier, any tree planted now will struggle to achieve the height and spread of existing trees.

Here the applicant has started from the position of seeking to maximise the potential built utility of the land, and subsequently had an arborist report that the trees, as a result, can't stay. The arborists' report says as much: “the report assesses the existing trees on the site in relation to the proposed group dwelling project”. This backwards

argument doesn't demonstrate that the redesign of the development to accommodate the regulated trees is unfeasible.

Just because previous developments in the vicinity match the bulk and scale of the proposed development is insufficient, in my view, to justify this development. Times change and attitudes change AND a community's needs change. We need to preserve as much canopy as we can, and it starts here.

CARRIED (5/2)

For: Councillors André Brender-A-Brandis, Bronwyn David, Gavin Denton, Kathy Lees and Stephen Russell.

Against: Mayor Greg Milner, Councillor Blake D'Souza.

Officer Recommendation

That pursuant to the provisions of the City of South Perth Local Planning Scheme No. 7 and the Metropolitan Region Scheme, this application for development approval for four grouped dwellings on Lot 5 No. 46 Thelma Street, Como be **approved** subject to the following conditions:

1. This decision constitutes development approval only and is valid for a period of two years from the date of determination. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plans. In the event of any inconsistency, conditions of development approval prevail over the approved plans.
3. All works to be carried out under this development approval, including footings, are required to be contained within the boundaries of the subject lot.
4. External fixtures, including but not limited to, air conditioning units, clothes drying facilities, satellite dishes and non-standard television aerials, but excluding solar collectors, are to be integrated into the design of the building and shall be located so that they are not visible from the street and screened if located within the private open space of Units 1 – 4 to the satisfaction of the City of South Perth.
5. All street trees in the verge adjacent to the lot will be required by the City of South Perth to be protected by a tree protection zone (TPZ) to Australian Standards during the works. The City of South Perth requires that mulch is provided around the base of each tree within the TPZ and watered regularly for the duration of the works.
6. All stormwater discharge from the development shall be contained and disposed of on-site unless otherwise approved by the City of South Perth.
7. Prior to occupation or use of the development, the boundary wall(s) shall be constructed and finished in a clean material to the same standard as the rest of the development to the satisfaction of the City of South Perth.
8. Prior to occupation or use of the development, landscaping areas shall be installed in accordance with the approved landscaping plan or any approved modifications to the satisfaction of the City of South Perth.

- (i) Hard and soft landscaping areas;
- (ii) The location and species of all trees and plants to be retained or removed;
- (iii) The size (both height and pot size) and number of new trees and plants to be planted, with a minimum pot size of 200L for new trees;
- (iv) The location and species of any lawn areas to be established; and
- (v) Reticulation details.

All landscaping areas shall be maintained for the lifetime of the development to the satisfaction of the City of South Perth.

9. The height of any wall, fence, vegetation or other structure, shall be no higher than 0.75 metres within 1.5 metres of where any driveway meets any public street or right of way, to the satisfaction of the City of South Perth.
10. The visual permeability of the fence outside of the visual truncation area/visual sightline truncation area and within the primary street setback shall be a minimum of 50% permeable above 1.2 metres as measured from the street side of the fence to the satisfaction of the City of South Perth.
11. Prior to occupation or use of the development, the proposed common property accessways/driveways shall be constructed with brick paving or concrete and suitably drained to the satisfaction of the City of South Perth.
12. Prior to or in conjunction with the submission of a building permit application, an external lighting plan is to be provided to and approved by the City of South Perth which details lighting along the common property driveway. The lighting is to be designed and located to prevent any increase in light spill onto the adjoining properties and demonstrate compliance with the Australian Standard 4282 – Control of Obtrusive Effects on Outdoor Lighting. Prior to occupation and use of the development, the lighting shall be installed in accordance with the approved and maintained thereafter to the satisfaction of the City of South Perth.
13. Prior to occupation or use of the development, all vehicle crossings are required to be upgraded, designed, and constructed to the satisfaction of the City of South Perth.
14. Prior to occupation or use of the development, any redundant crossovers shall be removed and the verge and kerbing reinstated, at the expense of the applicant to the satisfaction of the City of South Perth.
15. Prior to the submission of an occupancy permit application, written certification shall be submitted to and approved in writing by the City of South Perth, demonstrating that all noise attenuation measures, identified in the Acoustic Report prepared by Lloyd George Acoustics dated March 2026 have been implemented or installed. Such noise attenuation measure shall remain in place in perpetuity.
16. Prior to or in conjunction with the submission of a building permit application, the applicant is to submit a final schedule of colours, materials and finishes to the City of South Perth. This schedule is to be approved in writing to the satisfaction of the City of South Perth. Prior to occupation or use of the development, the endorsed material and finishes schedule shall be

implemented and thereafter maintained to the satisfaction of the City of South Perth.

17. Prior to or in conjunction with the submission of a building permit application, or demolition permit application, whichever is earlier, a Construction Management Plan must be submitted to, and approved in writing by, the City of South Perth. The Construction Management Plan must address the following issues, where applicable:

- (i) public safety and amenity;
- (ii) site plan and security;
- (iii) contact details of essential site personnel, construction period and operating hours;
- (iv) community information, consultation and complaints management plan;
- (v) noise, vibration, air and dust management;
- (vi) traffic, access and parking management;
- (vii) waste management and materials re-use;
- (viii) earthworks, excavation, land retention/piling methods and associated matters;
- (ix) stormwater and sediment control;
- (x) street tree management and protection;
- (xi) removal of onsite effluent disposal system and stormwater management system; and
- (xii) asbestos removal.

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

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

1.0 Details

Metropolitan Region Scheme - Zone/Reserve	Urban
Local Planning Scheme - Zone/Reserve	Residential R60
Activity Centre Plan	N/A
Activity Centre Land Use Designation	N/A
Use Class and Permissibility	Grouped Dwellings – Permitted ('P') use
Lot Size	807m ²
Existing Land Use	Single House

Heritage	N/A
Bushfire Prone Area	No

2.0 Proposal

On 3 March 2026 the City of South Perth (the City) received a development application for four grouped dwellings on Lot 5 (No. 46) Thelma Street, Como (the subject site). Further information was requested as the development application was required to be referred to the City's Design Review Panel for review, an acoustic report was required and details in relation to the provision of an Arborist Report given the presence of trees onsite. The development application was accepted on 19 March 2026. Specifically, the application involves:

- Demolition of the existing Single House;
- Construction of four two storey Grouped Dwellings; and
- Removal of two regulated trees.

A copy of the development plans is contained as **Attachment (a)**.

3.0 Background

Site Context

The site has a street frontage to Thelma Street. The prevailing development surrounding the subject site comprises predominately single and two storey grouped dwellings, multiple dwellings and single houses as well as the Holy Family Catholic Church, opposite the lot.

A subdivision application was received by the City from the Western Australian Planning Commission (WAPC) on 13 March 2026, for a four-lot subdivision. The four-lot subdivision matches the proposed lot layout with the development application. The City provided its recommendation of support (subject to conditions) to the WAPC on 11 May 2026.

An aerial image and zoning map depicting the site within its context is contained in **Attachment (b)**.

4.0 Legislation and Policy

Legislation

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)

Metropolitan Region Scheme (MRS)

City of South Perth Local Planning Scheme No. 7 (LPS 7)

Residential Design Codes - Volume 1 Part C (R-Codes)

State Government Policies

State Planning Policy 7.0 – Design of the Built Environment (SPP 7.0)

Local Planning Policies

Local Planning Policy 3.2 – Tree Retention

Local Planning Policy 6.1 – Advertising of Planning Proposals

Local Planning Policy 6.2 – Design Review Policy

5.0 Consultation and ReferralsPublic Consultation

Consultation has been undertaken 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 May 2026 and 5 June 2026 in the following manner:

- A total of 23 letters were sent to adjoining landowners and occupiers; 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 objecting to the proposed development.

A Schedule of Submissions is contained as **Attachment (c)**

Matter	Comment
Setbacks	The proposed grouped dwellings are considered to comply with the design principles of the Residential Design Codes.
Privacy	The proposed grouped dwellings comply with visual privacy requirements of the R-Codes following amendments to the proposed plans.
Density	The proposed development complies with the minimum and average site area requirements of the R-Codes.
Traffic	The proposed development complies with the parking requirements of the R-Codes with forward gear access provided for all of the dwellings.
Construction Hours/Noise/Access	A condition is recommended that a Construction Management Plan be provided ensuring that the developer provides details including compliance with access, noise and deliveries to the site.

Design Review Panel Advice

The proposal was reviewed by the Design Review Panel (DRP) in April 2026.

The minutes of the DRP are contained as **Attachment (d)**.

In response to the commentary and recommendations made by the DRP, the following changes were made to the development:

- The front boundary treatment has been revised to provide a clearer definition and ‘ownership’ to the street setback, with the extension of the street fencing to enclose a larger portion of the street setback. A paved pedestrian pathway is also provided leading into the entry of Unit 1;
- The locations of the air-conditioning units and bins within the units have been updated on the proposed plans;

- It is noted that there are no specific requirements under Part C of the R-Codes with respect to sustainability initiatives, however, the applicant has noted the following sustainability initiatives will be incorporated into the development:
 - a) light coloured roofing materials;
 - b) Window shade shrouds to northern-facing windows;
 - c) skylights and solar orientation to maximise natural daylight;
 - d) tree planting within courtyards to improve microclimate and amenity; and provision for future EV charging within garages.
- Bathrooms provided with external windows to provide for natural light and ventilation; and
- New window openings have been introduced to the rear elevation of Unit 4 on the ground and upper floor levels.

In response to the changes made to the development throughout the assessment and DRP review process, the City is satisfied that the development has addressed the requirements of the R-Codes and provisions of LPS 7.

6.0 Assessment

Residential Design Codes – Part C (Medium Density)

The R-Codes include ‘deemed-to-comply’ criteria and design principles. Applications not complying with the deemed-to-comply criteria can be assessed against relevant design principles, which is a merit-based approach to determine whether a proposal meets the objectives of the R-Codes.

The proposal seeks assessment under the relevant design principles of the following elements:

- Clause 1.1 – Private Open Space
- Clause 3.4 – Lot Boundary Setbacks
- Clause 2.5 – Utilities

Clause 1.1 – Private Open Space	Deemed-to-comply requirement	Proposed
Units 2-3	20m ²	19.8m ²
Unit 4	30m ²	19.7m ²

Design Principles	Assessment
Dwellings are designed to have direct access to private open space which provides for entertaining, leisure and connection to the outdoors that is: (i) of sufficient size and dimension to be functional and usable for the	Units 2, 3 and 4 are provided with private garden areas which are directly accessed from primary living spaces. The private garden areas are of a sufficient size and dimension to be functional and usable in proportion to the size of the dwellings.

intended number of dwelling occupants; (ii) is sited, orientated and designed for occupant amenity, including consideration of solar access and natural ventilation appropriate to the climatic region. (iii) capable of use in conjunction with a primary living space of the dwelling. Private open space allows for sufficient uncovered area to: (i) permit winter sun and natural ventilation into the dwelling; and (ii) provide for soft landscaping, including the planting of a tree(s) and deep soil area.	Each of these Units 2-4 primary garden areas have some access to northern light and natural ventilation given the orientation of the lot. Each of the lots primary garden areas incorporates space available for landscaping including an area for the planting of a tree and deep soil area. Whilst the private garden area of Unit 4 is undersized, there is an additional 30m² area available in the north-eastern corner at the rear of the lot. This space is likely to function as a passive garden area as it is not private, however it will contribute to the provision of soft landscaping and deep soil area. It has been confirmed in the applicant's arborist report that increasing the private garden area to 30m² would not facilitate retention of the existing regulated tree which is discussed below. The variations are therefore supported under the applicable design principles.
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Clause 3.4 – Lot Boundary Setbacks	Deemed-to-comply requirement	Proposed
Units 1-4 (first floor, western elevation)	1.5m	1.0m
Unit 4 (first floor, northern elevation)	3.0m	1.5m

Design Principles	Assessment
Lot boundary setbacks reinforce the location's streetscape character and are consistent with the existing and desired built form local character. The setback of development from lot boundaries provides a transition between sites with different land uses or intensity of the development. Buildings are set back from lot boundaries or adjacent buildings on the same lot to: (i) provide adequate solar access and natural ventilation to the building	The proposed unit's 1-4 western first floor elevations includes portions of wall to the master bedrooms that are setback 1m from the western lot boundary. The remainder of the wall is setback greater than 3m and provides articulation and building separation consistent with the existing and desired built form local character. The western elevation of the master bedroom wall of the first floor of Unit 2 abuts a minor corner area of the rear yard area of the adjoining western

and open spaces on the site and adjoining properties; and (ii) address the potential for overlooking and resultant loss of privacy on adjoining properties.	property, whilst Units 3-4 are adjacent to the larger rear yard areas of the unit complex to the adjoining western property. Given this separation in built form and articulation provided between the ground and upper floor of the unit, the setback of the development provides a transition between the built form of the units and the adjoining properties. The proposed Unit 4 northern elevation includes an upper portion of wall which is provided with a 1.5m setback. The section of wall is provided with solar access and natural ventilation to the habitable rooms. The development complies with visual privacy and overshadowing requirements. The lot boundary setbacks are therefore supported under the applicable design principles.
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Clause 2.5 – Utilities	Deemed-to-comply requirement	Proposed
Air conditioning units are located within the private open space of each of the units.	Air conditioning units to be located and/or screened so that they are not visually obtrusive and minimise the impact of noise sources to habitable rooms and private open space both on the development site and adjoining properties.	Air conditioning units located within the private open space unscreened.

Design Principles	Assessment
The site is serviced with utilities that are fit for purpose and meet current performance and access requirements of service providers addressing access, maintenance and safety considerations.	Air conditioning units are incorporated within the private open space of each of the units. These air conditioning units reduce the usable area of each of the private open space areas and are visible from the primary living area. However, due to the lack of alternative

Utilities balance operational requirements with the need to minimise: (i) visual, noise, heat and air quality impacts on habitable rooms and private open space both on the development site and adjoining properties; and (ii) the visual impact on the streetscape.	locations away from habitable rooms and adjoining properties, it is considered that the most appropriate location within the site for the air conditioning units is adjoining the garage wall within the private open space. It is recommended that the air conditionings units are screened to improve visual amenity within the private open space.
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The proposal is considered to meet the relevant design principles of the R-Codes.

Local Planning Policy 3.2 – Tree Retention

The purpose of LPP 3.2 is to encourage and facilitate the protection of trees and to maintain and enhance tree canopy. For the purposes of the Policy:

Requirement	Assessment
Regulated tree	means a living tree that: (a) Is 8.0m or more high; and/or (b) has an average canopy dimension of at least 6.0m; and/or (c) has a trunk circumference of at least 1.5m, measured 1.4m above the ground; and (d) is of a species that is not included on State or local area weed register.
Tree-damaging activity	Means: (a) the killing or destruction of a tree; and/or (b) the removal of a tree; and/or (c) the severing of branches, limbs, stems or trunk of a tree; and/or (d) the ringbarking, topping or lopping of a tree; and/or (e) any other substantial damage to a tree.

The City has undertaken an assessment of the site and identified two trees that meet the definition of a regulated tree, as outlined in the Arborist Report contained in **Attachment (e)**.

The Arborist Report provided identifies the species, health, and relevant particulars of the regulated trees onsite. As the justification for their removal is not based on health or safety concerns, the report does not make any recommendations regarding retention or removal and instead serves solely as a factual record of the tree's characteristics assisting with the assessment of the development proposal.

The regulated trees are as follows:

Tree	Characteristics
Tree 16 – Jacaranda (<i>Jacaranda Mimosifolia</i>) North-east area of the site alongside the access way and within the built form area of Unit 3.	Height: 9.8m Canopy Spread: 8m Diameter at breast height: 0.415m Structural Root Zone (SRZ): 2.3m Notional Root Zone (NRZ): 4.98m
Tree 28 – Liquidambar (<i>Liquidambar Styraciflua</i>) North-west rear corner of the site within the primary living area and outdoor living area of Unit 4.	Height: 12m Canopy Spread: 9.5m Diameter at breast height: 0.43m SRZ: 2.4m NRZ: 5.16m

The proposal is compliant with LPP 3.2 with the exception of the following:

Requirement	Assessment
Objectives 4.2 Prioritise the retention, protection, and the provisions of trees on private land and adjacent reserves in the planning process.	Whilst the proposal involves the removal of two regulated trees, the development has been designed in accordance with the residential density provisions applicable to the site under LPS 7, The development incorporates the planting of a minimum of seven new trees recommended by the applicant's arborist - which, upon maturity, are expected to provide a significant canopy coverage onsite. The development is considered to balance site yield with the provision of new landscaping and planting onsite.
4.3 Promote and facilitate tree preservation at the earliest possible stage in the planning and development process, balancing with the desired built form and land use outcomes.	Given the location of regulated trees onsite, the retention of all regulated trees is not deemed feasible for the following reasons: Tree 28 (Liquidambar) is located in the north-west rear area of the lot which is required to be removed to accommodate the proposed dwelling. The applicant was requested to investigate if a larger outdoor living

	area for Unit 4 could facilitate the retention of Tree 28, however it was concluded that this would not be sufficient to retain the tree given the maximum building footprint and major encroachment into the tree's NRZ. Tree 16 (Jacaranda) is located in the area alongside the vehicle accessway and within the built form area of Unit 3. Given the location of the tree and the need for vehicle access to be provided to the unit in accordance with the approved subdivision layout, it is not feasible to retain the tree. Whilst the proposed development does not facilitate tree preservation of the two regulated trees onsite, the provision of seven new trees onsite will contribute towards some canopy replacement. This has been balanced against the need to achieve appropriate built form outcomes, including appropriate solar access to indoor and outdoor living areas.
4.4 Preserve and enhance neighbourhood amenity, character and sense of place.	It is noted that currently given the single storey dwelling onsite, the trees to the rear can be seen from the street and adjoining properties. The proposal incorporates additional planting throughout the site with seven new trees provided along with two of these trees located in the front courtyard of Unit 1. The proposal is considered to maintain and enhance neighbourhood character, amenity and sense of place by reinforcing the landscaping within the streetscape. The City considers that the proposed tree damaging activity will adversely affect the neighbourhood amenity, character and sense of place given the trees visual prominence.
4.5 Mitigate the urban heat island effect, reduce air pollution, improve groundwater quality and contribute to biodiversity and other environmental benefits.	The removal of the trees will not mitigate the urban heat island effect, reduce air pollution, improve ground water quality or contribute towards

	biodiversity and does not have any environmental benefits. However, the implementation of the proposed landscaping which includes the planting of six new trees, the development is considered to provide a significant canopy coverage for the subject site. This proposed canopy coverage will contribute to mitigating the urban heat island effect, whilst also supporting improved air quality, groundwater outcomes and broader biodiversity benefits.
Development Applications 7.2 Tree damaging activity to a regulated trees may be considered if the following relevant information and/or technical reports are provided to demonstrate: (a) The regulated tree is unhealthy, based on the recommendations of an Arborist Report;	The two regulated trees identified within the subject site have been assessed as being in 'good' health. Accordingly, their current health and condition do not form part of the justification for their removal.
(b) The regulated tree causes safety risks to people, infrastructure or buildings based on recommendations on an Arborist Report and/or Structural Engineering Report;	Neither of the two regulated trees identified within the application have been assessed as posing a safety risk to people, infrastructure or property. Accordingly, safety considerations do not form part of the justification for their removal.
(c) In the opinion of the City, the redesign of the development to accommodate the regulated tree is unfeasible.	The two regulated trees proposed for removal are located within the proposed building envelope of Unit 4 - Tree 28, (Liquidambar) in and Tree 16 (Jacaranda) in the submitted Arborist Report, within the accessway area and built form area of Lot 3. <u>Tree 28</u> The tree's NRZ occupies approximately 58m² of the lot which is 184m². The applicant was requested to investigate if provision of a larger outdoor living area would facilitate tree retention, however the location of this regulated tree and its SRZ and NRZ requirements within the Unit 4 lot significantly constrains the developable footprint of

	the lot. Should the private open space be increased to 30m² this would not be sufficient to retain the tree and would result in an inefficient and compromised dwelling layout that would not satisfy Part C, of the R-Codes. <u>Tree 16</u> The tree's NRZ occupies 77m² of the lot which significantly reduces the developable area of the lot. The position of this tree in relation to the vehicle accessway and subdivision lot configuration approved by WAPC results in the retention of the tree Being unachievable. It is considered that the applicant has demonstrated that it is not possible to redesign the development to accommodate the regulated trees.
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Local Planning Scheme No. 7 (LPS 7)

The proposal has been assessed against all relevant legislative requirements of LPS 7, and is considered to satisfy the relevant zone objectives as follows:

Zone Name	Objectives	Comment
Residential	To provide for a range of housing and a choice of residential densities to meet the needs of the community.	The proposal is consistent with this objective, resulting in an increase in housing density consistent with the site's coding.
	To facilitate and encourage high quality design, built form and streetscapes throughout residential areas,	The development is considered to be consistent with the prevailing and desired streetscape context.
	To provide for a range of non-residential uses, which are compatible with and complementary to residential development.	N/A

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 67(2) of Regulations outline matters which the local government is to have due regard to when considering an application for development approval. Items relevant to the assessment of this application include:

Requirement	Assessment
<u>Objectives</u> (a) The aims and provisions of this Scheme (including any planning codes that are read, with or without modifications, into this Scheme) and any other	The proposal is consistent with the requirements of LPS 7 and satisfies the applicable design principles and policy objectives where relevant.
(m) The compatibility of the development with its setting, including – (i) the compatibility of the development with the desired future character of its setting; and (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;	The development is consistent with the prevailing and future development context, which consists of single/grouped and multiple dwelling typologies. It is not considered to introduce a new or inconsistent built form to the area. The proposed development satisfies the deemed to comply requirements of the R-Codes and where relevant the corresponding design principles. The development is not considered to have an adverse impact on adjoining properties of the streetscape.
(n) the amenity of the locality including the following – (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development.	The development is consistent with the prevailing and desired future development context.
(p) Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.	Landscaping has been proposed as part of the development and a condition has been recommended to ensure compliance. Retention of trees is discussed as part of the LPP 3.2 section of this report.

7.0 Conclusion

The proposed development is consistent with the applicable local planning framework, achieving a built form and design outcome that aligns with both the existing and desired future character of the locality. Whilst the removal of two regulated trees is proposed, their location and size within the Lot 3 and Lot 4 building envelope and vehicle accessway, presents a significant and impractical constraint to the development.

A redesign of the development to accommodate the regulated trees would result in a compromised and inefficient dwelling layout and conflict with the functional and design expectations of the R-Codes.

In the context of the subject site and development, the proposal achieves an appropriate development outcome through the provision of a tree for each lot and the retention of street verge trees. This approach balances tree retention with the development of a functional proposal consistent with the R60 coding.

The redesign of the development to accommodate the retention of the regulated trees onsite is not considered feasible. Accordingly, the application is recommended for approval subject to appropriate conditions.

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	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 proposal has been assessed against the applicable State and local planning frameworks.

Strategic Implications

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

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

Attachments

10.3.3 (a):	Development Plans
10.3.3 (b):	Aerial and Zoning Map
10.3.3 (c):	Schedule of Submissions
10.3.3 (d):	DRP Report
10.3.3 (e):	Arborist Report

10.3.6 Response to Notice of Motion - Review of Parking Management Systems and Technologies

File Ref: D-26-14771

Reporting Officer(s): Donna Shaw, Acting Director Corporate Services

Summary

This report presents the response to a Notice of Motion from Mayor Greg Milner titled 'Review of Parking Management Systems and Technologies.' It provides details on systems available to assist with parking management throughout the City of South Perth.

Officer Recommendation AND COUNCIL DECISION

0826/189

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Bronwyn David

That Council:

1. Notes the outcomes of the review of Parking Management Systems; and
2. Requests the Chief Executive Officer present information on Automatic Number Plate Recognition technology for parking management as part of the 2027/28 Budget workshops.

CARRIED BY EXCEPTION RESOLUTION (7/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Bronwyn David, Gavin Denton, Blake D'Souza, Kathy Lees and Stephen Russell.

Against: Nil.

Background

In response to a Notice of Motion from Mayor Greg Milner, at its meeting held 26 May 2026, Council resolved as follows:

"That Council requests the Chief Executive Officer to:

1. *Review the systems and technologies available to assist the City in giving effect to the City's parking management; and*
2. *Provide a report to Council on what systems and technologies are recommended for adoption by the City (if any) by the Ordinary Council Meeting to be held August 25 2026."*

This report presents the City of South Perth's (the City) review into this resolution.

Comment

Parking Technology

The City has undertaken a high-level review of Automatic Number Plate Recognition (ANPR) technology as part of this review, including limited testing by Aero Ranger and a demonstration by EQT (Orikan).

Aero Ranger is a subscription-based compliance and safety platform combining vehicle recognition, permit management, and compliance workflows into one system. It is designed to autonomously identify potential parking offences using mounted cameras, including where there is no active parking session, vehicles overstaying time restrictions, or parking in no stopping or no parking zones. Similarly, EQT is an integrated parking, enforcement, and compliance technology solutions, however, utilises two mobile phones mounted inside the vehicle to capture and process parking data and infringements.

Trial – Aero Ranger

For the trial, zones were created in the following locations:

- Carpark 3 – Windsor Park (Labouchere Road);
- Carpark 14 – Coode Street Boatshed;
- Angelo Street (Waverley Street to Strickland Street);
- Charles Street; and
- South Perth Esplanade (SPE 2–3: Frasers Lane to Mends Street).

These smaller trial areas were selected to limit the amount of data generated while still allowing patrol frequencies sufficient for meaningful testing. It also reduced the administration burden associated with creating and managing zones across the City's Ranger Services, Aero Ranger, and ADR/ TicketOr2 (used by the City for issuing of infringements).

Operational Outcomes

The trial identified the following positive operational outcomes:

- The quality of photographs and captured evidence was of a good standard;
- The system's mobility resulted in, significantly more patrol passes/checks could be completed compared to manual chalking, increasing the quality and reliability of evidence and reducing potential defences;
- Prepopulated reports and exported evidence packages were of a high standard;
- Ranger safety benefits given there was a reduced need to exit vehicles in traffic environments or conduct manual chalking in hot or poor weather conditions;
- The system still appeared to operate effectively during rainy conditions;
- Automated licence plate reading and offence detection substantially increased potential enforcement output per hour; and
- The system integrated with EasyPark (the platform used by the City for digital parking payments) and ADR/ TicketOr2 to identify active parking sessions.

The trial also identified several operational gaps, risks, and considerations that would need to be addressed before any broader rollout, including:

- Up-front setup. If implemented, there would need to be:

- A significant project to correctly establish parking zones across the City as incorrect or poorly configured zoning would increase false readings and inefficiencies; and
 - Integration with the City's enterprise software for efficiencies.
- How infringements are issued:
 - If infringements are issued directly in the field, there is limited actual time saved;
 - While the system automates detection and evidence gathering, additional patrol passes are often still required. The evidence then needs to be reviewed and verified, exported into the infringement system, and the vehicle subsequently located on foot in busy areas so the infringement can physically be attached; and
 - If infringements are posted following a bulk review of offences occurring during the patrol cycle, the City is not currently configured or resourced for bulk postal infringement processing.
- To address bulk postal infringement, upgrades would be required to the City's enterprise software, including the ability to:
 - Identify Aero Ranger-generated infringements;
 - Generate Department of Transport ownership request worksheets;
 - Import returned ownership data;
 - Match ownership details to applicable infringements;
 - Automatically update postal/issue dates; and
 - Generate batch infringement notices and mailout workflows.
- Resourcing, generated by use of the system and additional enforcement action, including:
 - Establishing the parking zones across the City;
 - Infringement verification;
 - Appeals management;
 - Postal processing;
 - Customer enquiries;
 - Other evidence capture to support infringements not otherwise captured by Aero Ranger, including parking signage, dashboard notes or permits and vehicle condition checks); and
 - Reporting and administration.
- Technical and operational issues noted during the trial, including:
 - Occasional cellular connectivity issues;
 - Startup delays (up to five minutes); and
 - Operational inconvenience if the vehicle was repeatedly stopped and restarted.

While the trial provided insight into detection and evidence-gathering capabilities, the trial was constrained in scope and did not extend to validating the complete end-to-end infringement lifecycle.

The City considers that use of ANPR solutions such as Aero Ranger can result in efficiency, safety, data analytics and compliance capabilities, however, appropriate implementation and supporting structures are required to ensure the operational benefits are realised.

Broader ANPR solutions

There are also broader ANPR solutions available in the market, including fixed camera systems such as SmartParking and Parklio. These are significantly more expensive infrastructure-based solutions requiring fixed entry/exit cameras, power, and maintenance, however, they offer:

- 24/7 monitoring;
- Passive enforcement;
- Automatic entry/ exist tracking; and
- Ticketless and pay-by-plate integration.

The City may consider such technology in car parks where there is a fixed entry point and continuous monitoring would provide stronger compliance outcomes.

Consultation

Nil. Should Council provide a budget allocation for ANPR technology in future, the City will notify the community as to the use of ANPR technology for parking management.

Policy and Legislative Implications

Local Government Act 1995

Part 9, Division 2 of provides for Enforcement and legal proceedings related to car parking matters. Infringement notices issued using technology would be required to comply with the manner and form requirements of the Act.

Financial Implications

The cost of implementing Aero Rangers is approximately \$18,000 across the City's Ranger Vehicles. Actual costs would be determined through required procurement processes in accordance with Council Policy P605 – Purchasing. There is currently no specific allocation in the 2026/27 adopted budget for this purpose.

The City has not determined the actual cost of establishing parking zones across the City for the technology or the integration costs associated with the City's enterprise software.

Implementation of ANPR technology for parking management will have resource implications in respect to infringement verification and appeals management as the system is likely to increase the volume of infringements. Whilst increasing the volume of infringement is also likely to result in an increase in revenue from infringements, use of this technology will require additional employee resourcing and/ or changes in current operations (i.e. time allocated to patrols compared to administrative tasks) to administer the system. This needs to be considered in light of any additional revenue generated.

Key Risks and Considerations

Risk Event Outcome	Business Interruption Incorporates the impact of events which impinge upon the City's capacity to deliver expected services to the community. These interruptions can range from minor inconvenience requiring an alternative method of service delivery being employed through to forced loss of ability to provide multiple services to all or some of the community. Knowledge loss, technological failure and property damage will also contribute to this outcome.
Risk rating	Low
Mitigation and actions	The City would seek to ensure integration with the City's enterprise system and appropriate training, prior to implementation of ANPR technology for parking management.

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

Nil.

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 City of South Perth Communications Agreement

File Ref: D-26-14772

Reporting Officer(s): Anita Amprimo, Acting Chief Executive Officer

Summary

This report presents the draft City of South Perth Communications Agreement and recommends Council adopt the agreement.

COUNCIL DECISION

0826/190

Moved: Councillor Kathy Lees

Seconded: Councillor André Brender-A-Brandis

That Council:

1. Adopts the City of South Perth Communications Agreement; and
2. Requests the Chief Executive Officer to establish and maintain a Councillor Request Register recording formal elected member requests for information and the responses provided by the administration, and that the register be made available to all elected members.

Reasons for Change

The request for a register is intended to complement the Communications Agreement. The City previously maintained a register of elected member requests, and re-establishing a similar register would improve transparency, accountability and equitable access to information, reduce duplication of requests, and enable elected members to efficiently track the progress and status of their requests.

CARRIED (7/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Bronwyn David, Gavin Denton, Blake D'Souza, Kathy Lees and Stephen Russell.

Against: Nil.

Officer Recommendation

That Council adopts the City of South Perth Communications Agreement.

Background

Communications agreements support governance within each local government by setting out minimum expectations for formal communications between Council Members and employees of the local government.

The Local Government Amendment Act 2023 (2023 Amendment Act) was passed by Parliament in May 2023 and made a series of amendments to the *Local Government Act 1995* (the Act). Included in the 2023 Amendment Act is the requirement for a communications agreement between the Council and the Chief Executive Officer (CEO) to be in place.

Pending new sections 5.92A – 5.92C inserted by the 2023 Amendment Act provide that:

- each local government must have a communications agreement which deals with the matters required by the Act and regulations;
- a local government may adopt a communications agreement by the council and the CEO both agreeing to its terms; and
- if a local government does not adopt or is unable to adopt a communications agreement, the default communications agreement set out in a ministerial order applies.

To implement these reforms, the State Government has prepared the draft Local Government Regulations Amendment Regulations 2025 and the draft Local Government (Default Communications Agreement) Order 2025 (draft Order), contained as **attachment (a)**.

Whilst the Regulations and draft Order with respect to the communications agreement are still in development, in the interim, local governments can prepare communications agreements or continue to use existing communications agreements.

Whilst the City has processes with respect to Council Member enquiries, it does not have an adopted communications agreement and as such, the City has prepared a draft communications agreement generally consistent with the draft Order, contained **attachment (b)** and further discussed in this report.

Comment

Communications Agreement

Sections in the draft communications agreement that differ to the draft Order are highlighted in yellow (in addition to minor changes like removal of reference to Shire President).

Although the draft Order will be implemented to comply with legislative changes without a Council decision if no other agreement is adopted, the City recommends adoption of the agreement for the following reasons:

- It provides council members and the City with direction on processes including:
 - the steps that a council member or committee member who wants access to information must take;
 - the steps that the CEO must take if a council member or committee member wants access to information; and
 - the nominated officers a council member or committee member can contact for particular information.
- It provides for existing processes not otherwise provided in the draft Order, such as how certain enquiries should be addressed to the City;
- It provides details of responsible business units to respond to enquiries, specific to the City's current structure; and

- Transparency as to the agreement. Should Council adopt the agreement, it will be made available on the City's website rather than contained within the draft Order.

Future Amendments

Once the requirements for communications agreements are established in Regulations, local governments will need to review (and potentially modify) their existing agreements to ensure they align with the requirements in regulations. The Department of Local Government, Industry Regulation and Safety will provide notice of the changes in advance of implementation to provide local governments with time to prepare for the changes, following which the City can present any required changes to Council for consideration.

Consultation

Nil.

Policy and Legislative Implications

Local Government Act 1995

Pending new section 5.92B inserted by the 2023 Amendment Act implements the default communications agreement if the local government does not have their own, adopted under pending new section 5.93B.

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	Legislative Breach Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation.
Risk rating	Low
Mitigation and actions	The draft Local Government (Default Communications Agreement) Order 2025 will be implemented should Council not adopted a specific City of South Perth Communications Agreement.

Strategic Implications

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

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

Attachments

- | | |
|-------------|--|
| 10.4.1 (a): | Draft Local Government (Default Communications Agreement) Order 2025 |
| 10.4.1 (b): | Draft City of South Perth Communications Agreement |

10.4.2 City of South Perth Submission - Statutory Review - Cat Act 2011

File Ref: D-26-14773
Reporting Officer(s): Anita Amprimo, Acting Chief Executive Officer

Summary

This report presents the City of South Perth submission on the statutory review of the *Cat Act 2011* for Council's endorsement.

Officer Recommendation AND COUNCIL DECISION

0826/191

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Bronwyn David

That Council endorse the City of South Perth submission on the statutory review of the *Cat Act 2011* as contained in **Attachment (a)**.

CARRIED BY EXCEPTION RESOLUTION (7/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Bronwyn David, Gavin Denton, Blake D'Souza, Kathy Lees and Stephen Russell.

Against: Nil.

Background

The State Government is seeking to progress the Cat Amendment (Local Laws) Bill 2026 and is currently undertaking consultation on the statutory review of the *Cat Act 2011* (the Cat Act).

The Cat Act provides for the control and management of cats and to promote the responsible ownership of cats. It requires the identification, registration and sterilisation of pet cats, and gives local governments the power to administer and enforce the legislation.

The Department of Local Government, Industry Regulation and Safety is responsible for conducting statutory reviews of the Cat Act, which was last reviewed in 2019, and is currently seeking feedback.

Through the Bill, if passed, local governments will be able to implement local laws that include restricting cats to their owners' premises, prohibiting cats from all public areas, or introducing cat curfews.

This report presents the City's responses to feedback sought and a draft submission for Council's consideration. Submissions close 31 August 2026.

Comment

Purpose

The purpose of the submission is to provide advice on the City's proposed position regarding potential amendments to the Cat Act 2011 and associated regulations, specifically in relation to:

- registration;
- enforcement and compliance;
- sterilisation;
- microchipping;
- breeding; and
- limits on the number of cats kept at a property.

The City has prepared a submission in respect to these points, as well as additional recommended reform measures, as contained in **Attachment (a)**.

The following provides an overview of the City's recommendation with respect to retention of existing parts of the Cat Act and the City's reform position.

Retention of existing parts

It is proposed that the City recommend retaining the existing provisions that provide local governments with appropriate registration, local-law, breeder approval, infringement, prosecution and cat-number control powers. Specifically, the City proposes retaining:

- existing registration and record-keeping arrangements;
- local-law-making powers;
- cat-prohibited area powers;
- education and graduated enforcement options;
- cat control notices;
- infringement and prosecution powers;
- the requirement that only approved breeders may breed cats; and
- local government authority to establish and enforce cat-number limits.

Reform

The City proposes that the legislation be reviewed or amended to:

- reduce the mandatory registration, microchipping and sterilisation age from six months to four months;
- allow veterinary exemptions to operate from four months and include appropriate review or expiry dates;
- provide provision that allow local governments to introduce cat-containment requirements throughout the whole or specified parts of their districts;
- create a specific offence for failing to comply with a cat control notice; and stipulate what issues or offences can be addressed through the use of a cat control notice. (a common issue is where a resident is feeding stray cats creating nuisance issues and caring for the cats while not claiming 'ownership' of the cat/s. The ability to issue a cat control notice in these circumstances may assist.)

- introduce specific provisions for investigating cat attacks that result in injury;
- review the approved cat breeder framework, including approval conditions and information-sharing arrangements; and
- review the age at which cats are counted towards local cat-number limits (if effective requirements modified to 4 months this should align)

The City also proposes that registration, microchipping and sterilisation operate as an integrated framework, with consistent commencement ages and exemptions.

Conclusion

The City's proposed position retains the existing provisions that are operationally useful and focuses the City's proposed legislative reforms on areas where the current framework is unclear, incomplete or inconsistent.

It is therefore recommended that Council endorse the City's submission on the statutory review of the Cat Act.

Consultation

Nil.

Policy and Legislative Implications

Cat Act 2011

Financial Implications

Nil, however, the outcome of legislative reform may have operational implications which required additional resources.

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	Providing a submission on the on the statutory review of the <i>Cat Act 2011</i> will provide transparency to the community as to the City's position on the review.

Strategic Implications

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

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

Attachments

10.4.2 (a):	Draft Statutory Review of Cat Act 2011 Submission
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10.4.3 Monthly Financial Statements - July 2026

File Ref: D-26-14774

Reporting Officer(s): Donna Shaw, Acting Director Corporate Services

Summary

To present to Council the Financial Statements for July 2026.

Officer Recommendation AND COUNCIL DECISION

0826/192

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Bronwyn David

That Council notes the Financial Statements and report for this financial year to 31 July 2026, as shown in **Attachments (a)–(i)**.

CARRIED BY EXCEPTION RESOLUTION (7/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Bronwyn David, Gavin Denton, Blake D'Souza, Kathy Lees and Stephen Russell.

Against: Nil.

Background

The *Local Government (Financial Management) Regulations 1996* require a Statement of Financial Activity and Statement of Financial Position to be prepared monthly. These statements must report on material variances between the adopted budget and actual revenue and expenditure.

At the Special Council Meeting of 18 June 2026, as part of adoption of the 2026/27 budget, Council determined the material variance reporting threshold as \$10,000 or 10%.

Comment

The following CPI and interest rate update is provided as background:

- The national Consumer Price Index (CPI) inflation was 3.8% for the 12 months to June 2026 and Perth was 3.7% for the same period, compared to 4.0% for Perth and nationally for the 12 months to May 2026.
- At its 11 August 2026 meeting the Reserve Bank of Australia (RBA) decided to leave the cash rate target unchanged at 4.35%.
- The RBA Monetary Policy Board released the following statement on the 11 August 2026: *"Inflation picked up materially in the second half of 2025, and information since the beginning of this year confirms that some of the increase reflected greater capacity pressures. While the impact of the Middle East conflict on inflation has so far been less than expected, headline inflation is still too high. Trimmed mean inflation also remains elevated and is little changed from the March quarter. Oil and most related commodity prices remain higher than they were prior to the Middle East conflict. Some firms experiencing cost pressures are increasing the prices of*

their goods and services and others are looking to do so. Short-term measures of inflation expectations have eased but remain higher than earlier in the year.”

- Banks have been offering improved average interest rates of 5.03% for investments under 12 months.

Financial Statements

The Financial Statements represent the results of the 2026/27 operations to 31 July 2026 and compare year to date expenditure and revenue against the corresponding adopted budget of Council.

Category	Variance
Revenue from operating activities	Favourable variance of \$32,326. (\$62,574,248 in comparison to budget of \$62,541,922)
Expenditure from operating activities	Favourable variance of \$162,701. (\$5,010,422 in comparison to the budget of \$5,173,123)
Net operating position (See Attachment (c))	Favourable variance of \$195,027 (\$57,563,826 in comparison to budget of \$57,368,799)
Capital revenue	Unfavourable variance of \$4,354 (\$23,646 in comparison to budget of \$28,000)
Capital expenditure (See Attachment (e))	Unfavourable by \$145,414. (\$1,853,785 in comparison to the budget \$1,708,371)

A variance analysis is provided within **Attachment (f) Significant Variance Analysis** for those variances of \$10,000 or 10%.

Attachment (h) is a *Summary of Cash Investments, Investments and Cash* and shows where cash is invested, what % it equates to and the short-term credit rating provided by Standard & Poor's for each of the institutions.

Municipal	\$20,854,511
Reserves	\$57,712,110
Total	\$78,566,621
Total invested (various institutions)	\$72,907,386
Interest earned YTD (as at 30 June 2026)	\$5,659,235

As at 31 July 2026, the City held 29.84% of its investments in institutions that do not provide fossil fuel lending.

Consultation

The City is required to prepare and submit a report to Council for the Statement of Financial Activity for each month, reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d) of the *Local Government (Financial Management) Regulations 1996*.

Statements of Financial Activity must be submitted within two months after the end of the month to which the statement relates in accordance with regulation 36(4) of the *Local Government (Financial Management) Regulations 1996*.

Policy and Legislative Implications

Section 6.4 of the *Local Government Act 1995*

Regulation 34 and 35 of the *Local Government (Financial Management) Regulations 1996* and AASB 1031 Materiality.

Policy P603 Investment of Surplus Funds

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	Adopting the officer recommendation ensures the Monthly Financial reporting timelines do not exceed statutory requirements.

Strategic Implications

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

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

Attachments

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

10.4.4 Listing of Payments - July 2026

File Ref: D-26-14775
Reporting Officer(s): Donna Shaw, Acting Director Corporate Services

Summary

This report presents to Council:

- The list of accounts paid under delegated authority between 1 July 2026 to 31 July 2026; and
- Purchase card (credit and fleet cards) transactions included in the total monthly balance settled between 1 July 2026 and 31 July 2026.

Officer Recommendation AND COUNCIL DECISION

0826/193

Moved: Councillor André Brender-A-Brandis

Seconded: Councillor Bronwyn David

That Council receives the Listing of Payments for the month of July 2026 as detailed in **Attachment (a)** and notes all payments made by the Chief Executive Officer under Delegation DC602- Authority to Make Payments from the Municipal and Trust Funds.

CARRIED BY EXCEPTION RESOLUTION (7/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Bronwyn David, Gavin Denton, Blake D'Souza, Kathy Lees and Stephen Russell.

Against: Nil.

Background

Council has delegated to the Chief Executive Officer (CEO) the exercise of power to make payments from its Municipal and Trust Funds.

In accordance with regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid by the CEO is to be prepared each month and presented to Council at the next Ordinary Meeting of the Council after the list is prepared.

Regulation 13A of the *Local Government (Financial Management) Regulations 1996* requires payments made with purchase cards to be included in the list of accounts paid.

Comment

The payment listing for July 2026 is included in **Attachment (a)** and shows the following payments:

EFT Payments to Creditors	376	\$4,289,959.62
Cheque payments to Creditors	2	\$72.35
EFT Payments to Non-Creditors	66	\$49,579.04
Cheque payments to Non-Creditors	2	\$966.83
<i>Total EFT & Cheque Payments</i>	446	\$4,340,577.84
Credit Card Payments	69	\$15,226.30
Fleet Card Payments	22	\$1,648.04
Total Payments	537	\$4,357,452.18

The attached reports include a “Description” for each payment.

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 Regulations. The Regulations requires the City to prepare a list of the payments made with each card and to present it to Council.

Timing of Purchase Card Reporting

Due to the timing of statement receipt and transaction acquittal in the City’s system, this listing generally relates to transactions from the preceding month. The total value of those transactions is settled in the month being reported.

The City have redacted (in black) information of a private or confidential nature.

Details of payments made by direct credit to employees are not provided in this report.

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

Local Government (Financial Management) Regulations 1996 - Regulations 12, 13(1) and 13A

Financial Implications

The payment of authorised amounts is within existing budget provisions.

Key Risks and Considerations

Risk Event Outcome	Legislative Breach Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation.
Risk rating	Low
Mitigation and actions	Adopting the officer recommendation ensures the Monthly Financial reporting timelines do not exceed statutory requirements.

Strategic Implications

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

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

Attachments

10.4.4 (a): Payment Listing July 2026

10.4.5 Chief Executive Officer Evaluation Committee

File Ref: D-26-14776
Reporting Officer(s): Anita Amprimo, Acting Chief Executive Officer

Summary

This report seeks the appointment of Chief Executive Officer Evaluation Committee for the period 25 August 2026 to 16 October 2027.

Officer Recommendation AND COUNCIL DECISION

0826/194

Moved: Mayor Greg Milner
Seconded: Councillor André Brender-A-Brandis

That Council in accordance with the provisions of the *Local Government Act 1995*, Sections 5.10 and 5.11, appoint Councillor Gavin Denton to the Chief Executive Officer Evaluation Committee for the period 25 August 2026 to 16 October 2027.

CARRIED BY ABSOLUTE MAJORITY (7/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Bronwyn David, Gavin Denton, Blake D'Souza, Kathy Lees and Stephen Russell.

Against: Nil.

Background

The objective of the CEO Evaluation Committee (the Committee) is to oversee the Chief Executive Officer's performance and undertake an annual performance review

At its 28 October 2025 Ordinary meeting, Council resolved as follows:

"That Council:

1. *In accordance with the provisions of the Local Government Act 1995, Sections 5.10 and 5.11, appoints the following Elected Members to the Chief Executive Officer Evaluation Committee for the period 28 October 2025 to 16 October 2027.*
 - a. *Mayor Greg Milner*
 - b. *Councillor Kathy Lees*
 - c. *Councillor Hayley Prendiville*
 - d. *Councillor Bronwyn Waugh*
 - e. *Councillor Blake D'Souza*
 - f. *Councillor André Brender-A-Brandis*
 - g. *Councillor Tim Houweling*
 - h. *Councillor Jacqueline Raison*

10.4.5 Chief Executive Officer Evaluation Committee

- i. Councillor Stephen Russell*
- 2. Amends the membership section of the Terms of Reference for the Chief Executive Officer Evaluation Committee from 'up to 6 Elected Members' to 'up to 8 Elected Members.'*
- 3. In accordance with section 5.12(1) of the Local Government Act 1995 appoints Mayor Greg Milner as the Presiding Member of the Chief Executive Officer Evaluation Committee.*
- 4. In accordance with section 5.12(2) of the Local Government Act 1995 appoints Councillor André Brender-A-Brandis as the Deputy Presiding Member of the Chief Executive Evaluation Committee."*

Comment

The Committee is responsible for:

- Undertaking an annual assessment of the Chief Executive Officer's performance in accordance with the Chief Executive Officer's contract of employment;
- Developing and reviewing contractual performance criteria and performance indicators in conjunction with the Chief Executive Officer;
- Reviewing the Chief Executive Officer's remuneration package; and
- Reviewing the following year's annual performance process.

The Committee does not currently have any delegation.

A quorum for the Committee is three (3).

The Terms of Reference state the Committee is to consist of the Mayor and up to eight elected members.

Mayor Greg Milner, Councillor Kathy Lees, Councillor Blake D'Souza, Councillor André Brender-A-Brandis and Councillor Stephen Russell are currently on the Committee.

Council may appoint additional members.

Consultation

Nil.

Policy and Legislative Implications

The Local Government Act 1995

The Local Government (Administration) Regulations 1996

Policy P639 CEO Recruitment, Performance and Termination

Financial Implications

Nil.

Key Risks and Considerations

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

Nil.

11. APPLICATIONS FOR LEAVE OF ABSENCE

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

COUNCIL DECISION

0826/195

Moved: Mayor Greg Milner

Seconded: Councillor Bronwyn David

That Council approve the Leave of Absence applications received from:

1. Councillor Kathy Lees for the period 21 October 2026 to 28 October 2026, inclusive.
2. Councillor André Brender-A-Brandis for the period 23 September 2026 to 21 October 2026, inclusive.

CARRIED (7/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Bronwyn David, Gavin Denton, Blake D'Souza, Kathy Lees and Stephen Russell.

Against: Nil.

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

Nil.

13.2 QUESTIONS FROM MEMBERS

- Councillor Kathy Lees
- Councillor Stephen Russell

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

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

Nil.

15. MEETING CLOSED TO THE PUBLIC

The Chief Executive Officer advised 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 (4)(g) of the *Local Government Act 1995* and regulation 4(b) of the *Local Government Administration Regulations 1996*:

15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Officer Recommendation AND COUNCIL DECISION

0826/196

Moved: Mayor Greg Milner

Seconded: Councillor André Brender-A-Brandis

That the following Agenda Items be considered in closed session, in accordance with 5.23 (4)(g) of the *Local Government Act 1995* and regulation 4(b) of the *Local Government Administration Regulations 1996*:

- 15.1.1 Councillor Code of Conduct - Matter 1
- 15.1.2 Councillor Code of Conduct - Matter 2
- 15.1.3 Councillor Code of Conduct - Matter 3
- 15.1.4 Councillor Code of Conduct - Matter 4
- 15.1.5 Councillor Code of Conduct - Matter 5
- 15.1.6 Councillor Code of Conduct - Matter 6

CARRIED (7/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Bronwyn David, Gavin Denton, Blake D'Souza, Kathy Lees and Stephen Russell.

Against: Nil.

The meeting was closed to the public at 7.44pm.

At 7.45pm, the Presiding Member called for an adjournment.

COUNCIL DECISION

0826/197

Moved: Mayor Greg Milner

Seconded: Councillor Blake D'Souza

That the meeting be adjourned for 10 minutes.

CARRIED (7/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Bronwyn David, Gavin Denton, Blake D'Souza, Kathy Lees and Stephen Russell.

Against: Nil.

At 8.03pm, the meeting reconvened.

Mayor Greg Milner and Councillor André Brender-A-Brandis disclosed an Impartiality Interest in Item 15.1.1.

Councillor André Brender-A-Brandis left the meeting at 7.45pm prior to the consideration of Item 15.1.1.

15.1.1 Councillor Code of Conduct - Matter 1

*This item is considered **confidential** in accordance with section 5.23(4)(g) of the Local Government Act 1995 as it contains information relating to "a complaint that alleges a behavioural breach under the local government's adopted code of conduct (as defined in section 8A.2(1)) and any information relating to the complaint, in accordance with Regulation 4A(b) of the Local Government (Administration) Regulations 1996"*

File Ref: D-26-14136

Reporting Officer(s): Anita Amprimo, Acting Chief Executive Officer

Moved: Councillor Gavin Denton

Seconded: Councillor Kathy Lees

That Council:

1. Notes and rejects the recommendation contained within **Confidential Attachment A**.
2. That Council finds that the conduct that is the subject of the complaint, constitutes a breach of the following provisions of the Code of Conduct:
 - Division 2 – General Principles – 5. Relationship with others.
 - Division 3 – Behaviour – 9. Relationship with others.
3. Request the Chief Executive Officer refers the Councillor Code of Conduct Matter 1 to the Local Government Inspector.

COUNCIL DECISION

0826/198

Moved: Councillor Stephen Russell

Seconded: Councillor Bronwyn David

That Clause 8.9 of the City of South Perth Standing Orders Local Law 2007 'Speaking Twice' be suspended.

Reasons

I feel as though this requires a free debate then we should not be constrained by this clause in the Standing Orders.

CARRIED (6/0)

For: Mayor Greg Milner, Councillors Bronwyn David, Gavin Denton, Blake D'Souza, Kathy Lees and Stephen Russell.

Against: Nil.

At 8.25pm, the Presiding Member called for an adjournment.

COUNCIL DECISION

0826/199

Moved: Mayor Greg Milner

Seconded: Councillor Bronwyn David

That the meeting be adjourned.

CARRIED (6/0)

For: Mayor Greg Milner, Councillors Bronwyn David, Gavin Denton, Blake D'Souza, Kathy Lees and Stephen Russell.

Against: Nil.

At 8.32pm, the meeting reconvened.

Moved: Mayor Greg Milner

That Clause 8.9 of the City of South Perth Standing Orders 'Speaking Twice' be reinstated.

Motion lapsed for want of a seconder.

COUNCIL DECISION

0826/200

Moved: Councillor Gavin Denton

Seconded: Councillor Kathy Lees

That Council:

1. Notes and rejects the recommendation contained within **Confidential Attachment A**.
2. That Council finds that the conduct that is the subject of the complaint, constitutes a breach of the following provisions of the Code of Conduct:
 - Division 2 – General Principles – 5. Relationship with others.
 - Division 3 – Behaviour – 9. Relationship with others.
3. Request the Chief Executive Officer refers the Councillor Code of Conduct Matter 1 to the Local Government Inspector.

Reasons for Change

On the basis of the evidence before us, I disagree with the investigator's decision and for reasons of procedural fairness I believe this matter should be reviewed.

CARRIED (5/1)

For: Mayor Greg Milner, Councillors Bronwyn David, Gavin Denton, Kathy Lees and Stephen Russell.

Against: Councillor Blake D'Souza.

Mayor Greg Milner and Councillor André Brender-A-Brandis disclosed an Impartiality Interest in Item 15.1.2.

15.1.2 Councillor Code of Conduct - Matter 2

*This item is considered **confidential** in accordance with section 5.23(4)(g) of the Local Government Act 1995 as it contains information relating to "a complaint that alleges a behavioural breach under the local government's adopted code of conduct (as defined in section 8A.2(1)) and any information relating to the complaint, in accordance with Regulation 4A(b) of the Local Government (Administration) Regulations 1996"*

File Ref: D-26-14137

Reporting Officer(s): Anita Amprimo, Acting Chief Executive Officer

Moved: Councillor Gavin Denton

Seconded: Councillor Kathy Lees

That Council:

1. Notes and rejects the recommendation contained within **Confidential Attachment A**.
2. That Council finds that the conduct that is the subject of the complaint, constitutes a breach of the following provisions of the Code of Conduct:
 - Division 2 – General Principles – 5. Relationship with others.
 - Division 3 – Behaviour – 9. Relationship with others.
3. Request the Chief Executive Officer refers the Councillor Code of Conduct Matter 2 to the Local Government Inspector.

Amendment

Moved: Councillor Stephen Russell

Seconded: Councillor Bronwyn David

That Recommendation 2 'Division 2 – General Principles – 5. Relationship with others and Division 3 – Behaviour – 9. Relationship with others be amended as follows:

2. Division 2 – General Principles – 5. Relationship with others clause 5.1 (a) 5.1 (b) and 5 (2).
Division 3 – Behaviour – 9a. Relationship with others

During debate on the amendment, Councillor Stephen Russell withdrew the amendment.

COUNCIL DECISION

0826/201

Moved: Councillor Gavin Denton

Seconded: Councillor Kathy Lees

That Council:

1. Notes and rejects the recommendation contained within **Confidential Attachment A**.
2. That Council finds that the conduct that is the subject of the complaint, constitutes a breach of the following provisions of the Code of Conduct:
 - Division 2 – General Principles – 5. Relationship with others.
 - Division 3 – Behaviour – 9. Relationship with others.
3. Request the Chief Executive Officer refers the Councillor Code of Conduct Matter 2 to the Local Government Inspector.

Reasons for Change

On the basis of the evidence before us, I disagree with the investigator's decision and for reasons of procedural fairness I believe this matter should be reviewed.

CARRIED (5/1)

For: Mayor Greg Milner, Councillors Bronwyn David, Gavin Denton, Kathy Lees and Stephen Russell.

Against: Councillor Blake D'Souza.

Mayor Greg Milner and Councillor André Brender-A-Brandis disclosed an Impartiality Interest in Item 15.1.3.

15.1.3 Councillor Code of Conduct - Matter 3

*This item is considered **confidential** in accordance with section 5.23(4)(g) of the Local Government Act 1995 as it contains information relating to "a complaint that alleges a behavioural breach under the local government's adopted code of conduct (as defined in section 8A.2(1)) and any information relating to the complaint, in accordance with Regulation 4A(b) of the Local Government (Administration) Regulations 1996"*

File Ref: D-26-14138

Reporting Officer(s): Anita Amprimo, Acting Chief Executive Officer

COUNCIL DECISION

0826/202

Moved: Councillor Gavin Denton

Seconded: Councillor Kathy Lees

That Council:

1. Notes and rejects the recommendation contained within **Confidential Attachment A**.
2. That Council finds that the conduct that is the subject of the complaint, constitutes a breach of the following provisions of the Code of Conduct:
Division 2 – General Principles – 4. Personal Integrity.
Division 2 – General Principles – 5. Relationship with other.
Division 3 – Behaviour – 9. Relationship with others.
3. Request the Chief Executive Officer refers the Councillor Code of Conduct Matter 3 to the Local Government Inspector.

Reasons for Change

On the basis of the evidence before us, I disagree with the investigator's decision and for reasons of procedural fairness I believe this matter should be reviewed.

CARRIED (5/1)

For: Mayor Greg Milner, Councillors Bronwyn David, Gavin Denton, Kathy Lees and Stephen Russell.

Against: Councillor Blake D'Souza.

Mayor Greg Milner and Councillor André Brender-A-Brandis disclosed an Impartiality Interest in Item 15.1.4

15.1.4 Councillor Code of Conduct - Matter 4

*This item is considered **confidential** in accordance with section 5.23(4)(g) of the Local Government Act 1995 as it contains information relating to "a complaint that alleges a behavioural breach under the local government's adopted code of conduct (as defined in section 8A.2(1)) and any information relating to the complaint, in accordance with Regulation 4A(b) of the Local Government (Administration) Regulations 1996"*

File Ref: D-26-14139

Reporting Officer(s): Anita Amprimo, Acting Chief Executive Officer

COUNCIL DECISION

0826/203

Moved: Councillor Gavin Denton

Seconded: Councillor Kathy Lees

That Council:

1. Notes and rejects the recommendation contained within **Confidential Attachment A**.
2. That Council finds that the conduct that is the subject of the complaint, constitutes a breach of the following provisions of the Code of Conduct:
 - Division 2 – General Principles – 5. Relationship with others.
 - Division 3 – Behaviour – 9. Relationship with others.
3. Request the Chief Executive Officer refers the Councillor Code of Conduct Matter 4 to the Local Government Inspector.

Reasons for Change

On the basis of the evidence before us, I disagree with the investigator's decision and for reasons of procedural fairness I believe this matter should be reviewed.

CARRIED (5/1)

For: Mayor Greg Milner, Councillors Bronwyn David, Gavin Denton, Kathy Lees and Stephen Russell.

Against: Councillor Blake D'Souza.

Mayor Greg Milner and Councillor André Brender-A-Brandis disclosed an Impartiality Interest in Item 15.1.5.

15.1.5 Councillor Code of Conduct - Matter 5

*This item is considered **confidential** in accordance with section 5.23(4)(g) of the Local Government Act 1995 as it contains information relating to "a complaint that alleges a behavioural breach under the local government's adopted code of conduct (as defined in section 8A.2(1)) and any information relating to the complaint, in accordance with Regulation 4A(b) of the Local Government (Administration) Regulations 1996"*

File Ref: D-26-14140

Reporting Officer(s): Anita Amprimo, Acting Chief Executive Officer

COUNCIL DECISION

0826/204

Moved: Councillor Gavin Denton

Seconded: Councillor Kathy Lees

That Council:

1. Notes and rejects the recommendation contained within **Confidential Attachment A**.
2. That Council finds that the conduct that is the subject of the complaint, constitutes a breach of the following provisions of the Code of Conduct:
Division 2 – General Principles – 4. Personal Integrity.
Division 2 – General Principles – 5. Relationship with other.
Division 3 – Behaviour – 9. Relationship with others.
3. Request the Chief Executive Officer refers the Councillor Code of Conduct Matter 5 to the Local Government Inspector.

Reasons for Change

On the basis of the evidence before us, I disagree with the investigator's decision and for reasons of procedural fairness I believe this matter should be reviewed.

CARRIED (5/1)

For: Mayor Greg Milner, Councillors Bronwyn David, Gavin Denton, Kathy Lees and Stephen Russell.

Against: Councillor Blake D'Souza.

Mayor Greg Milner left the meeting at 9.00pm prior to the consideration of Item 15.1.6.

Councillor André Brender-A-Brandis disclosed an Impartiality Interest in Item 15.1.6.

Councillor André Brender-A-Brandis returned to the Chamber at 9.01pm and assumed the Chair.

15.1.6 Councillor Code of Conduct - Matter 6

*This item is considered **confidential** in accordance with section 5.23(4)(g) of the Local Government Act 1995 as it contains information relating to "a complaint that alleges a behavioural breach under the local government's adopted code of conduct (as defined in section 8A.2(1)) and any information relating to the complaint, in accordance with Regulation 4A(b) of the Local Government (Administration) Regulations 1996"*

File Ref: D-26-14141

Reporting Officer(s): Anita Amprimo, Acting Chief Executive Officer

COUNCIL DECISION

0826/205

Moved: Councillor Gavin Denton

Seconded: Councillor Kathy Lees

That Council:

1. Notes and rejects the recommendation contained within **Confidential Attachment A**.
2. That Council finds that the conduct that is the subject of the complaint, constitutes a breach of the following provisions of the Code of Conduct:
Division 2 – General Principles – 4. Personal Integrity.
Division 2 – General Principles – 5. Relationship with other.
Division 3 – Behaviour – 9. Relationship with others.
3. Request the Chief Executive Officer refers the Councillor Code of Conduct Matter 6 to the Local Government Inspector.

Reasons for Change

On the basis of the evidence before us, I disagree with the investigator's decision and for reasons of procedural fairness I believe this matter should be reviewed.

CARRIED (5/1)

For: Councillors André Brender-A-Brandis, Bronwyn David, Gavin Denton, Kathy Lees and Stephen Russell.

Against: Councillor Blake D'Souza.

Mayor Greg Milner returned to the meeting at 9.11pm and assumed the Chair.

COUNCIL DECISION

0826/206

Moved: Mayor Greg Milner

Seconded: Councillor Blake D'Souza

That Clause 8.9 of the City of South Perth Standing Orders 'Speaking Twice' be reinstated.

CARRIED (7/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Bronwyn David, Gavin Denton, Blake D'Souza, Kathy Lees and Stephen Russell.

Against: Nil.

COUNCIL DECISION

0826/207

Moved: Mayor Greg Milner

Seconded: Councillor André Brender-A-Brandis

That the meeting be reopened to the Public.

CARRIED (7/0)

For: Mayor Greg Milner, Councillors André Brender-A-Brandis, Bronwyn David, Gavin Denton, Blake D'Souza, Kathy Lees and Stephen Russell.

Against: Nil.

In accordance with section 5.23(8)(f) of the *Local Government Act 1995*, the meeting was closed to the public for consideration of Items 15.1.1 to 15.1.6 only, and after the consideration of Item 15.1.1 to 15.1.6, the meeting was reopened at 9.13pm.

The motions passed behind closed doors were read out by the Presiding Member.

16. CLOSURE

The Presiding Member thanked everyone for their attendance and closed the meeting at 9.18pm.

APPENDIX

6.2 PUBLIC QUESTION TIME: 25 August 2026

1 Mr Graham Crane, Como Received: 19 August 2026	Response provided by: Olaya Lope – Acting Director Infrastructure Services
1. With a portion of the South Perth Foreshore pedestrian path currently closed for drainage works, will the Council instruct the City to temporarily designate the cycle only path between Coode Street and South Perth Esplanade as a shared path, and install signage asking cyclists to slow down for pedestrian safety?	An approved Traffic Management Plan is in place that provides separation between pedestrians and cyclists along the entire route. Signage has been installed directing pedestrians to a temporary pathway on the grassed area adjacent to the bike path. The temporary pedestrian footpath is covered with track matting to improve accessibility for prams and other users. However, the City will continue to monitor the effectiveness of the traffic management arrangements throughout the works period.
2. Also, now that the water fountain near the Boatshed is inaccessible and the playground fountain is unavailable due to construction, will the Council instruct the City to consider relocating the water fountain so that it remains accessible to path users?	The City does not propose to relocate or install additional drinking fountains during these works. An external drinking fountain is available at the new Changing Places facility at Sir James Mitchell Park on Coode Street, which is located approximately midway between the affected areas. Given the temporary nature of the current works, which are expected to be completed within 6 to 7 weeks, the provision of additional drinking water facilities is not considered necessary.
3. When major foreshore paths and amenities are closed, does the City conduct risk assessments and implement mitigation measures to address hazards for pedestrians and other users? If not can the Council request this procedure to implement?	For projects that involve the temporary closure of paths or amenities, risk assessments and mitigation measures are undertaken as part of the Traffic Management Plan (TMP). City officers regularly inspect the site to monitor compliance with the TMP and ensure the traffic management arrangements remain appropriate.

13.2 QUESTIONS FROM MEMBERS OCM 25 AUGUST 2026

Councillor Kathy Lees	
1. Can the Administration advise who within the organisation is authorised to approve the removal of trees on city managed land, whether due to tree health, public safety concerns, infrastructure works, or other operational reasons?	Taken on notice.
2. Further, can the Administration confirm whether all removals of trees from City managed land are reported to Council through the weekly Councillor Bulletin?	Taken on notice.

Councillor Stephen Russell	
1. Is there a reason as to why floodway and flood fringes are mapped on the City's Intramaps but not the flood plains?	Taken on notice.

DISCLAIMER

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

These Minutes were confirmed at the Ordinary Council Meeting held: Tuesday 29 September
2026

Signed _____

Presiding Member at the meeting at which the Minutes were confirmed