

AGENDA.

Ordinary Council Meeting

24 February 2026

Notice of Meeting

Mayor and Councillors

The next Ordinary Council Meeting of the City of South Perth Council will be held on Tuesday 24 February 2026 in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth commencing at 6.00pm.



LIZ LEDGER
CHIEF EXECUTIVE OFFICER

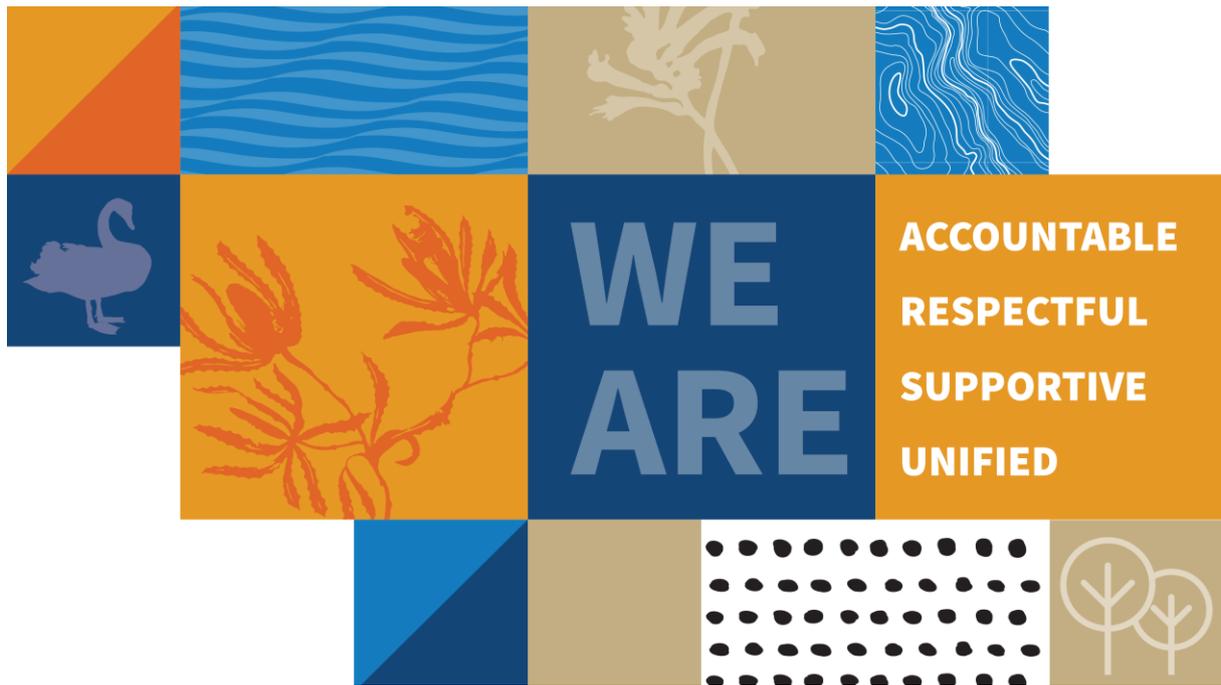
20 February 2026

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 - Agenda

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2. DISCLAIMER

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

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

4. ATTENDANCE

4.1 APOLOGIES

4.2 APPROVED LEAVE OF ABSENCE

Nil.

5. DECLARATIONS OF INTEREST

- Mayor Greg Milner - Impartiality Interest in Item 10.1.1 as 'my wife and I have previously been gifted tickets to see a show at Old Mill Theatre Inc. The total value of the tickets was below the \$300 threshold for a Financial Interest.'
- Councillor Kathy Lees - Impartiality Interest in Item 10.1.1 as 'I have met with Old Mill Theatre Board Members and attended shows at the Theatre on a number of occasions. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.'
- Councillor Jacqueline Raison – Impartiality Interest in Item 10.1.1 as 'during last year's election campaign I met with Board members of the Old Mill Theatre at their invitation and discussed a number of matters including the lease that is the subject of this agenda item. More than 5 years ago, Old Mill Theatre Board Member, Roger Farley and I served on a Board together and I was the Chair of that Board. Since then we have only seen one another in passing in and around South Perth. Notwithstanding these matters, I will consider this Agenda item impartially in accordance with my duties as a Councillor.'
- Councillor Kathy Lees - Impartiality Interest in Item 10.1.2 as 'I know people who are members of the Friends of Collier Reserve and I am a client of a clinic that leases space in the adjacent pavilion at the Reserve. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.'
- Councillor Hayley Prendiville – Impartiality Interest in Item 10.1.2 as 'my son has previously been involved in the South Perth Junior Cricket Club at this reserve.'

- Councillor Jacqueline Raison – Impartiality Interest in Item 10.1.2 as ‘in my capacity as a Councillor I have been contacted by and met with various members of the community in relation to Collier Reserve. I do not know any of these community members personally and will consider this Agenda item impartially in accordance with my duties as a Councillor.’
- Mayor Greg Milner - Impartiality Interest in Item 10.3.1 as ‘I know a number of the members of the Royal Perth Golf Club.’
- Councillor Kathy Lees - Impartiality Interest in Item 10.3.1 as ‘I have friends who are members of the Royal Perth Golf Club. Consequently, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.’
- Councillor Jacqueline Raison – Impartiality Interest in Item 10.3.1 as ‘In my capacity as a Councillor for Mill Point Ward, I have been contacted by and met with various members of the community in relation to the Royal Perth Golf course. Recently at the invitation of the Royal Perth Golf Club, I attended a tour of the golf course. I also attend private events at the Club from time to time at the invitation of community groups such as Soroptimist International. Notwithstanding these matters I will consider this Agenda item impartially in accordance with my duties as a Councillor.’
- Mayor Greg Milner – Financial and Proximity Interest in Item 10.3.2 as ‘the proposed closure of the South Perth Esplanade Car Park (SPE11) could potentially affect the financial and businesses interests of persons who contributed to my election campaign in 2023.’
- Councillor Jacqueline Raison – Impartiality Interest in Item 10.3.2 as ‘In my capacity as a Councillor for Mill Point Ward, I have been contacted by and met with various members of the community in relation to issues connected with the foreshore around Mends Street. I also have acquaintances who live in apartments near South Perth Esplanade Car Park No. 11. Notwithstanding these matters I will consider this Agenda item impartially in accordance with my duties as a Councillor.’
- Councillor Kathy Lees - Impartiality Interest in Item 10.3.3 as ‘I am a co-founder of the South Perth Tree Canopy Advocates and a co-founder and committee member of the WA Tree Canopy Advocates. Through this work I know the landowner’s arborist and the landowner has also contacted me to discuss the requested tree removal. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.’
- Councillor Kathy Lees - Impartiality Interest in Item 10.3.4 as ‘I am a co-founder of the South Perth Tree Canopy Advocates and a co-founder and committee member of the WA Tree Canopy Advocates and I note the application involves removal of a tree. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.’
- Councillor Jacqueline Raison – Impartiality Interest in Item 10.3.4 as ‘in my capacity as a Councillor for Mill Point Ward, I have been contacted by one of the owners of The Station to discuss various issues relating to The Station. I also attend functions and dine at The Station from time to time as a resident of Mill Point Ward. Notwithstanding these matters I will consider this Agenda item impartially in accordance with my duties as a Councillor.’

- Councillor Kathy Lees - Impartiality Interest in Item 10.3.5 as 'I am a co-founder of the South Perth Tree Canopy Advocates and a co-founder and committee member of the WA Tree Canopy Advocates. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.'
- Mayor Greg Milner - Impartiality Interest in Item 10.4.1 as 'I know a number of the members of the Royal Perth Golf Club.'
- Councillor Kathy Lees - Impartiality Interest in Item 10.4.1 as 'I am a co-founder of the South Perth Tree Canopy Advocates and a co-founder and committee member of the WA Tree Canopy Advocates. I also have friends who are members of the Royal Perth Golf Club. Consequently, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.'
- Councillor Jacqueline Raison – Impartiality Interest in Item 10.4.1 as 'In my capacity as a Councillor for Mill Point Ward, I have been contacted by and met with various members of the community in relation to the Royal Perth Golf course. Recently at the invitation of the Royal Perth Golf Club, I attended a tour of the golf course. I also attend private events at the Club from time to time at the invitation of community groups such as Soroptimist International. Notwithstanding these matters I will consider this Agenda item impartially in accordance with my duties as a Councillor.'
- Councillor Hayley Prendiville – Impartiality Interest in Item 10.4.1 as 'I know someone who is a member of that golf club.'
- Councillor Kathy Lees - Impartiality Interest in Item 10.4.6 as 'I am a co-founder of the South Perth Tree Canopy Advocates and a co-founder and committee member of the WA Tree Canopy Advocates. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.'
- Mayor Greg Milner - Impartiality Interest in Item 12.1 as 'Cr Houweling's motion specifically names me and seeks to increase my reporting requirements.'
- Councillor Jacqueline Raison – Impartiality Interest in Item 12.2 as 'in my capacity as a Councillor for Mill Point Ward, I have been contacted by and met with various members of the community in relation to various matters that concern the South Perth foreshore. I also live in Mill Ward and enjoy and attend various events at the South Perth foreshore.'

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

6.2 PUBLIC QUESTION TIME: 24 FEBRUARY 2026

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 16 December 2025

Officer Recommendation

That the Minutes of the Ordinary Council Meeting held 16 December 2025 be taken as read and confirmed as a true and correct record.

7.2 CONCEPT BRIEFINGS

7.2.1 Concept Briefings and Workshops

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

Date	Subject	Attendees
29 January 2026	Royal Perth Golf Club Presentation	Mayor Greg Milner and Councillors André Brender-A-Brandis, Tim Houweling, Kathy Lees, Jacqueline Raison, Stephen Russell, Blake D'Souza, Hayley Prendiville, Bronwyn Waugh.
2 February 2026	The Local Government Inspector and Community Scorecard Results Presentations	Mayor Greg Milner and Councillors André Brender-A-Brandis, Tim Houweling, Kathy Lees, Jacqueline Raison, Blake D'Souza, Bronwyn Waugh.
3 February 2026	Challenger Reserve Project: Parameters Workshop	Mayor Greg Milner and Councillors André Brender-A-Brandis, Tim Houweling, Kathy Lees, Jacqueline Raison, Blake D'Souza, Hayley Prendiville, Bronwyn Waugh.
3 February 2026	Structure Plan and Planning Delegations Discussion	Mayor Greg Milner and Councillors André Brender-A-Brandis, Tim Houweling, Kathy Lees, Jacqueline Raison, Blake D'Souza, Hayley Prendiville, Bronwyn Waugh.

10 February 2026	Council Plan – Overview	Mayor Greg Milner and Councillors André Brender-A-Brandis, Tim Houweling, Kathy Lees, Jacqueline Raison, Blake D’Souza, Hayley Prendiville, Bronwyn Waugh.
12 February 2026	Record Keeping Requirements	Mayor Greg Milner and Councillors André Brender-A-Brandis, Tim Houweling, Kathy Lees, Blake D’Souza, Hayley Prendiville, Bronwyn Waugh.
16 February 2026	Council Plan Workshop 1	Mayor Greg Milner and Councillors André Brender-A-Brandis, Tim Houweling, Kathy Lees, Jacqueline Raison, Blake D’Souza, Hayley Prendiville, Bronwyn Waugh.

7.2.2 Council Agenda Briefing - 17 February 2026

Officers of the City presented background information and answered questions on Items to be considered at the February Ordinary Council Meeting at the Council Agenda Briefing held 17 February 2026.

Attachments

7.2.2 (a): Briefing Notes

Officer Recommendation

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

- 7.2.1 Concept Briefings and Workshops
- 7.2.2 Council Agenda Briefing - 17 February 2026

8. PRESENTATIONS

8.1 PETITIONS

Nil.

8.2 GIFTS / AWARDS PRESENTED TO COUNCIL

Nil.

8.3 DEPUTATIONS

Deputations were heard at the Council Agenda Briefing held 17 February 2026.

9. METHOD OF DEALING WITH AGENDA BUSINESS

10. REPORTS

10.1 STRATEGIC DIRECTION 1: COMMUNITY

10.1.1 Lease for Old Mill Theatre

File Ref: D-26-4150

Reporting Officer(s): Bree Websdale, Director Corporate Services

Summary

This report recommends that Council provide a long-term lease to Old Mill Theatre Inc. (ABN 19 250 378 001) for Part Lot 429 Mends Street, South Perth.

Officer Recommendation

That Council:

1. Recognises the contribution of Old Mill Theatre Inc.
2. Authorises the Chief Executive Officer to execute a lease agreement with Old Mill Theatre Inc. (ABN 19 250 378 001) for Part Lot 429 on Deposited Plan 100191, Mends Street South Perth on the terms contained herein.

Background

Old Mill Theatre Inc. (OMT) is a Not-For-Profit organisation incorporated in 1959. They are seeking a long-term lease over Old Mill Theatre which is located on a portion of Part Lot 429 Mends Street, South Perth and has been owned (freehold) by the City since 1913.

Historical records indicate the building has been used as a venue for amateur theatre since circa 1948. The building is listed in the City's Local Heritage Survey and the State Register of Heritage Places for the following reasons:

- The place and its landscaped grounds form part of a distinct and significant streetscape along Mends Street and can be read as an integral component of the South Perth Historic Village Precinct (now known as the Mends Street Precinct).
- The place is a modest but pleasing example of the Federation Free Classical style, designed by the architect Henry James Prockter.
- The place is representative of the development of Mechanics' Institutes in Western Australia from the mid-nineteenth century and is a rare as it was designed to accommodate the secondary function of Road Board Office.
- The place is highly valued by the local community for its use as an amateur theatre.
- The place is valued by the local community for its historic, educational and cultural associations, and contributes to the community's sense of place through its prominent location in the administrative, commercial, entertainment and cultural centre of South Perth from 1899 to the present; and

10.1.1 Lease for Old Mill Theatre

- The place is associated with people significant in the history of South Perth (and Western Australia) including May Gibbs, internationally renowned illustrator and author; Henry Prockter, architect; Thelma Jean ‘Jill’ Hargrave, educationalist; and Constance Ord, theatre director.

The land is reserved for civic and cultural purposes under the Metropolitan Region Scheme (MRS) to provide for the preservation and protection of civic precincts and buildings.

Comment

The Administration is recommending Council support a long-term lease on the following terms to the Old Mill Theatre Inc:

	<i>Current Lease - Summary (Attachment (a))</i>	<i>Proposed Lease – Summary</i>
Term	21 years (1 June 2004- 31 May 2025) Currently on a monthly holding over arrangement.	21-year term (approx. 1 March 2026 to 1 March 2047)
Rent	\$1.00 per annum	No change proposed
Rent Review	NA	No change proposed
Outgoings	OMT are responsible for: <ul style="list-style-type: none"> Utilities (paid directly to the provider other than water); Waste collection (approx. \$860 per annum); Monitored security costs (reimbursement to the City); and Building contents and public liability insurance. OMT indemnifies the City. No rates or land taxes are applicable to this property.	No change proposed
Maintenance Requirements	OMT are responsible for maintenance of the premises internally and externally (including garden) at their cost. The City is responsible for Structural maintenance/repairs.	No change proposed

Permitted Use	For the purposes of the “ <i>Old Mill Theatre Inc. only.</i> ” OMT have permission to hire to other groups.	No change proposed
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Old Mill Theatre Inc are model tenants who have kept the building and external grounds in excellent condition.

Over the past two years, Old Mill Theatre Inc. has experienced significant growth in both the number of productions they stage and overall attendance. They have hosted over 40 performances for the Fringe World Festival in January and February 2026.

Over 12,150 people attending the Old Mill Theatre in 2025, an increase from 8,500 the prior year.

The Old Mill Theatre calendar for 2026 is shown in **Attachment (d)**.

The Old Mill Theatre Strategic Directions 2025-2026 documentation is shown in **Attachment (e)**.

Old Mill Theatre are supported by 267 volunteers including:

- 9 x Board members (including office bearers).
- 35 x Front of House (active).
- 10 x Technical crew (Lighting and audio).
- 5 x Stage crew (stage Manager, set build, etc).
- 15 x Bar (RSA and Managers licence required).

Production crews (not limited to OMT productions):

- 18 x Directors.
- 18 x Producers.
- 151 x Actors/performers/musicians.
- 6 x Costume making/arrangement.

The Old Theatre Mill plays a vital role in the local economy and community life. The benefits of Old Mill Theatre Inc, remaining a tenant of the Old Mill Theatre are significant for the City and the community and include:

- The venue is historically significant (as set out under Background above).
- The continued operation of a 118-seat community theatre.
- Ongoing support for performing arts. The theatre provides an avenue for the arts/drama that would otherwise be unmet throughout the City.
- Providing a stepping stone for those interested in the performing arts.
- They provide a training ground for students in the arts.
- Provide an inclusive space for those with an interest to the arts to participate.
- They attract audiences from a wide geographical area (**Attachment (c)**). and a broad demographic, many of whom spend money at nearby restaurants, cafés bringing increased visitation and revenue to local businesses.

10.1.1 Lease for Old Mill Theatre

- The operations of the group also extend beyond performing arts by assisting other community groups and charitable projects, such as South Perth Historical Society (Wattle Day event), City of South Perth Evolve (live performance venue partnership), Soroptimists, Heart & Lung Foundation, and local rotary clubs.

Additionally, Old Mill Theatre Inc have secured a grant from WA State Government for \$75,000 which will enable a significant refurbishment of the venue later this year. The Old Mill Theatre are contributing a further \$103,256 towards the refurbishment. The total renovation costs are \$178,256 comprising:

Replacement seating	\$75,316
Full carpet replacement (including accessibility requirements)	\$54,445
Replacement of full stage lighting (to LED where possible)	\$39,995
Painting (quote only at this stage)	\$8,500

Once the renovations are completed, the benefits include:

- More comfortable (and numbered) seating which also retracts when empty allowing easier access.
- The entire front row is movable allowing flexibility for:
 - Easier access and additional space for more mobility devices such as wheelchairs, (although still restricted by width of wheelchairs through the auditorium door).
 - Create space if stairs are required to the stage during a performance (while still maintaining safe access in case of emergency evacuation).
 - Allowing for musician placement front of stage, or
 - Front row table seating is required.
- The new lighting includes many new LED lights (where possible and available) which are:
 - more energy efficient,
 - cooler for the environment and for the actors on stage,
 - more flexibility in lighting colours, options, directions from the light board,
 - safer for the tech group as these new lights reduces the need for ladders and scaffolding each time a new production is developed and designed, as they can be controlled from the lighting desk.

Consultation

There has been no consultation outside of discussions with Old Mill Theatre Inc representative from their Board of Management.

Policy and Legislative Implications

The proposed lease requires Council approval as the proposed term is beyond that contemplated in Policy P609 Management and Sale of City Policy and Delegation DC609.

10.1.1 Lease for Old Mill Theatre

The policy and delegation authorise the CEO to enter into agreements to lease property (that the City owns or that it controls under a management order) subject to:

1. *“Leases being for a maximum term of five years with a five year option for: Not for Profit Sporting Organisations, Not for Profit Organisations, Community Associations, Government Bodies, Committees and Associations, and educational institutions”*
2. *Meeting the requirements of section 3.58 of the Local Government Act 1995.*

Section 3.58 of the *Local Government Act 1995* provides requirements for the disposal of property. A disposal of property by the City includes a lease. However, section 3.58 is not applicable in relation to this lease to a not for profit organisation, as set out in Regulation 30 of the Local Government (Functions and General) Regulations 1996.

As such, disposal (lease) of Part Lot 429 Mends Street, South Perth is not required to be advertised.

Financial Implications

Old Mill Theatre Inc are required to pay the legal costs associated with preparation of a new lease.

Following a review of their latest financial statements at **Attachment (b)**, Old Mill Theatre Inc. is deemed financially sustainable and has sufficient operational capacity to pay outgoings.

Key Risks and Considerations

Risk Event Outcome	Reputational Damage Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
Risk rating	Medium
Mitigation and actions	The City may suffer reputational damage if it does not continue leasing arrangements with Old Mill Theatre Inc noting it is highly valued by the community and aligns with Council’s Strategic Community Plan.

Strategic Implications

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

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

Attachments

10.1.1 (a):	Current Lease Agreement - Old Mill Theatre Inc. (<i>Confidential</i>)
10.1.1 (b):	OMT Inc 2024 Financial Summary (<i>Confidential</i>)
10.1.1 (c):	OMT Inc Catchment Map
10.1.1 (d):	OMT Inc 2026 Calendar
10.1.1 (e):	OMT Inc Strategic Directions 2025-2028

10.1.2 RFT 7/2025 - Provision of New Changeroom Building for Collier Reserve

File Reference: D-26-4153

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

Summary

This report recommends Council accept a tender submitted by Hoskins Investments Pty Ltd / ATF M R Hoskins Family Trust (trading as AE Hoskins Building Services) for the Provision of New Changeroom Building for Collier Reserve.

Officer Recommendation

That Council:

1. Accepts the tender submitted by Hoskins Investments Pty Ltd / ATF M R Hoskins Family Trust (trading as AE Hoskins Building Services) for the Provision of a New Changeroom Building for Collier Reserve in Como as shown in **Confidential Attachment (a)**; and
2. Authorises the Chief Executive Officer to execute a contract with Hoskins Investments Pty Ltd / ATF M R Hoskins Family Trust (trading as AE Hoskins Building Services) for the Provision of New Changeroom Building for Collier Reserve in Como.

Background

In November 2025, the City of South Perth invited submissions for a lump sum tender for the construction and installation of the new Collier Reserve change room building.

The overall scope of work comprises the following:

- Construction of a new change room building comprising 2 x sets of changerooms with bench seating (home and away teams); 2 x storerooms; 6 x toilet cubicles (including 2 x ambulant toilets); 6 x enclosed showers; 6 x hand basins; umpire room with 2 sets of ensuites with showers, toilets and basins; Universal Access Toilet; and cleaner's storeroom.
- The provision of access and inclusion building components to encourage all-genders participation, such as enclosed/private toilet cubicles instead of urinals; mirror/vanity/shelving for personal items; power points for accessories adjacent to wash basins; and fold away baby change table.
- Service upgrades & connections to the surrounding curtilage of the new building.
- Associated external siteworks.

The proposed new changeroom building is planned to be located adjacent the existing pavilion. See Site Plan below:

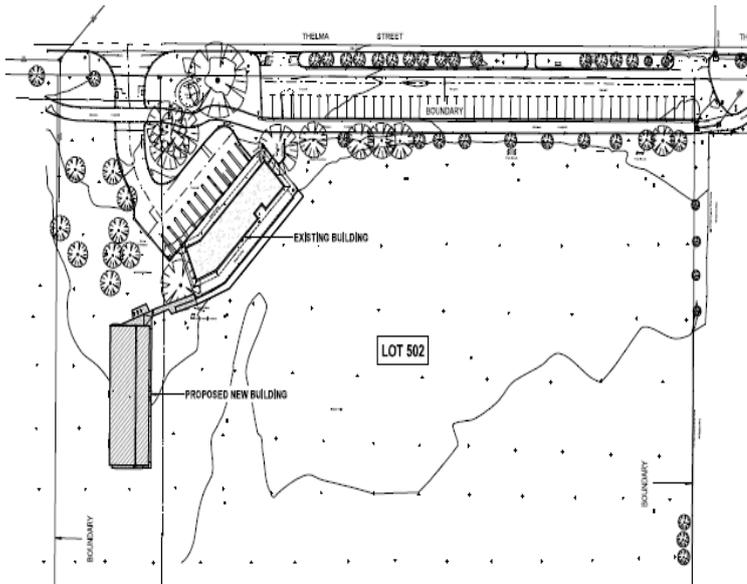


Figure 1: Site Plan of Collier Reserve indicating location of proposed new changeroom building in relation to existing changeroom building.

Comment

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

TABLE A – Tender Submissions

Tender Submissions	
1.	Geared Construction Pty Ltd
2.	Hoskins Investments Pty Ltd / ATF M R Hoskins Family Trust (trading as AE Hoskins Building Services)
3.	LKS Constructions (WA) Pty Ltd
4.	Schlager Group Pty Ltd
5.	Solution 4 Building Pty Ltd
6.	Topend Living Pty Ltd (trading as Buildon Construction)

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

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Specified Personnel for Project Team	20%
2. Demonstrated Experience and Capabilities	25%
3. Work Methodology	30%
4. Delivery Timeframe	25%
Total	100%

Based on the assessment of all submissions received, it is recommended that the tender submission from Hoskins Investments Pty Ltd / ATF M R Hoskins Family Trust (trading as AE Hoskins Building Services) (**AE Hoskins**) be accepted by Council.

AE Hoskins achieved the highest qualitative score. AE Hoskins was established in 1911 and is a multi-generational, family-owned building company with a long-standing reputation within Western Australia's construction industry.

AE Hoskins specialises in refurbishments, fit-outs, new builds, design-and-construct projects, and structural upgrades. The company delivers projects valued between \$100,000 and \$2m for both government and private sector clients.

AE Hoskins' experience includes schools, financial institutions, community facilities and commercial offices, demonstrating proven capability in delivering projects within complex operational environments. AE Hoskins demonstrated strong and relevant experience across multiple projects of similar scope and value, including extensive local government experience with (but not limited to) the City of Perth, City of Melville, City of Kalamunda, City of Canning, and the Shire of Mundaring.

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*.

A Request for Tender (RFT) 7/2025 for the Provision of New Change Room Building, Collier Reserve Como was advertised in The West Australian on Wednesday 12 November 2025 and closed at 5.00pm (AWST) on Monday 8 December 2025.

A mandatory site briefing was held at 10.00 am (AWST) on Tuesday, 18 November 2025. Attendance at this briefing was a prerequisite for submitting a proposal.

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

These works are fully funded by the Recreation Aquatic Facility Funding. In July 2024, the City of South Perth entered a deed of variation with the Australian Government's Department of Health and Aged Care to redirect the former Recreation Aquatic Facility (RAF) funding towards the provision of new or upgraded all-genders change rooms and sports lighting at local sporting reserves around the City.

The fixed contact price is within the Pre-Tender Estimate obtained from the City's Quantity Surveyor in October 2025.

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 contract is required to be awarded promptly to ensure the City meets grant funding milestones.

Strategic Implications

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

Strategic Direction:	Community
Aspiration:	Our diverse community is inclusive, safe, connected and engaged
Outcome:	1.2 Community infrastructure
Strategy:	1.2.3 Plan for and promote the development of recreation facilities to service City of South Perth needs

Attachments

10.1.2 (a):	Recommendation Report (<i>Confidential</i>)
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10.1.3 RFT 8/2025 - Provision of New Public Toilets & Changing Places Building at Neil McDougall Park

File Reference: D-26-4154

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

Summary

This report recommends Council accept a tender submitted by LKS Constructions (WA) Pty for the Provision of New Public Toilets & Changing Places Building at Neil McDougall Park.

Officer Recommendation

That Council:

1. Accepts the tender submitted by LKS Constructions (WA) Pty Ltd for the Provision of New Public Toilets & Changing Places Building at Neil McDougall Park, as shown in **Confidential Attachment (a)**;
2. Authorises the Chief Executive Officer to execute the contract with LKS Constructions (WA) Pty Ltd for the Provision of New Public Toilets & Changing Places Building at Neil McDougall Park.

Background

The City of South Perth invited submissions for a lump sum tender for the demolition of an existing toilet building and construction of a new toilet and Changing Places building, located at Neil McDougall Park on Ley Street, Como. The existing facility has reached end-of-life condition and no longer meets current accessibility or Changing Places requirements, necessitating its full replacement.

The overall scope of work broadly includes:

- Demolition of existing toilet facilities.
- Construction of a new toilet facility building and external drinking water fountain.
- Service upgrades & connections to the surrounding curtilage of the new building; and
- Associated external siteworks.

Comment

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

TABLE A – Tender Submissions

Tender Submissions	
1.	Brusch Construction Group Pty Ltd
2.	Castledine Pty Ltd
3.	Classic Contractors Pty Ltd
4.	Kilmore Group Pty Ltd
5.	LKS Constructions (WA) Pty Ltd
6.	Rebus Restrooms Pty Ltd ATF Rebus Restrooms Unit Trust
7.	Schlager Group Pty Ltd

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

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Specified Personnel for Project Team	20%
2. Demonstrated Experience and Capabilities	25%
3. Work Methodology	30%
4. Delivery Timeframe	25%
Total	100%

Based on the assessment of all submissions received it is recommended that the tender submission from LKS Constructions (WA) Pty Ltd (**LKS**) be accepted by Council. This recommendation is made on the following grounds:

- LKS achieved the highest overall weighted score against the qualitative selection criteria and submitted the lowest priced compliant tender, representing the most advantageous offer.
- LKS demonstrated strong relevant experience across multiple projects of similar scope and value, including extensive experience with Local Government clients.

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*.

A Request for Tender (RFT) 8/2025 for the Provision of Public Toilets & Changing Places Building at Neil McDougall Park was advertised in The West Australian on Saturday 22 November 2025 and closed at 2:00pm (AWST), Wednesday 17 December 2025.

A mandatory site briefing was held at 10.00am (AWST) on Thursday 27 November 2025. Attendance at this briefing was a prerequisite for submitting a proposal.

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

An independent Pre-Tender Estimate (PTE) was prepared by the City's Quantity Surveyor, RW Quantity Surveyors, in November 2025 and adjusted in January 2026.

Although, the four lowest tenders received are between 13.5% and 16% above the adjusted PTE (approximately 5% to 10% higher than anticipated) the Quantity Surveyor has advised that all tenders represent value for money when assessed against current market conditions. This is supported by the variance between the lowest and fourth-lowest tender submissions was 1.0%.

Key Risks and Considerations

Risk Event Outcome	<p>Business Interruption</p> <p>Incorporates the impact of events which impinge upon the City's capacity to deliver expected services to the community. These interruptions can range from minor inconvenience requiring an alternative method of service delivery being employed through to forced loss of ability to provide multiple services to all or some of the community. Knowledge loss, technological failure and property damage will also contribute to this outcome.</p>
Risk rating	Low
Mitigation and actions	<p>To maintain uninterrupted service to the community, temporary public toilet facilities will be installed on site for the duration of the works, ensuring continued access to amenities during the period in which permanent, accessible toilets are not available.</p> <p>The contract is required to be awarded promptly to ensure the City meets grant funding milestones.</p>

Strategic Implications

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

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

Attachments

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

10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

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

File Ref: D-26-4155

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

Summary

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

Officer Recommendation

That Council:

1. Resolves, pursuant to Section 75 of the Planning and *Development Act 2005*, to amend Local Planning Scheme No. 7 by zoning Lot 1 Labouchere Road, South Perth 'Private Community Purposes'.
2. Considers the Scheme Amendment is standard under the provisions of Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:
 1. The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
 2. The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
 3. The amendment is not considered a complex or basic amendment.
3. In accordance with Regulations 35A of the Planning and Development (Local Planning Schemes) Regulations 2015, the approval of the South Perth Activity Centre Plan and Canning Bridge Activity Centre Plan are not affected by the standard amendment.

Background

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 intended to facilitate the investigation of potential redevelopment opportunities compatible with the site's current use and any subsequent planning and development.

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

The MRS amendment was advertised for 42 days, from 20 May 2024 to 1 July 2024. A total of 19 submissions were received on the amendment. They were:

- six submissions of objection,
- eleven submissions of general comments, non-objection or no comment, and
- two supporting submissions.

Matters raised in the submissions included:

- Use and development of the site beyond recreational uses is not appropriate.
- Inconsistency with the recently gazetted local planning framework.
- Insufficient infrastructure to support the redevelopment of the site.

The City's administration provided a submission and deputation on the MRS amendment, which recommended that should the MRS amendment progress, the site should be concurrently zoned to 'Private Community Purposes' under Local Planning Scheme No.7 (LPS 7).

The City's administration advised that it does not support a 'Centre' zone under LPS 7 as this does not align with the future designation of the land in the City's Local Planning Strategy or the WAPC Central Sub-regional Planning Framework. There is currently no structure plan or local development plan applicable to the site, and LPS 7 otherwise defers land use permissibility in the Centre zone to the provisions of a structure plan or local development plan.

Planning consultants acting on behalf of the RPGC also provided a submission on the MRS amendment (**Attachment (a)**) which advised that at that point in time, the RPGC did not have an agreed redevelopment vision in place yet, and whilst the RPGC would have preferred an immediate 'Centre' or 'Special Use' zone that would have better aligned with the intent to pursue other opportunities, respected the City's position that an interim zone of 'Private Community Purposes' zone suits the current use whilst RPGC progresses a new vision for greater use of the land.

The WAPC did not support the City's request to concurrently zone the site under LPS 7, as where it automatically amends a local planning scheme under section 126(3) of the *Planning and Development Act 2005*, (the Act) the relevant area will usually be zoned 'Urban Development' or equivalent ('Centre' zone for the purposes of LPS 7), for planning and development to proceed in accordance with a structure plan prepared under the local planning scheme. The site currently has no zoning/ reservation under LPS 7 as the land was previously reserved under the MRS.

In response to these matters, the WAPC advised that the proposed Urban zoning aligns with the existing use and development of the site and is consistent with urban development. No changes were made to the MRS amendment in response to submissions.

The Minister for Planning and Lands approved Amendment No.1423, which came into effect from the date of publication in the WA Government Gazette on 12 December 2025.

Comment

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

In accordance with Part 9, section 124 of the Act, the local government is now required to resolve to prepare an amendment to LPS 7 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 (12 March 2026).

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 or 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
- 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.

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

The RPGC have not submitted a proposed Scheme Amendment, nor engaged with the City on proposed redevelopment of the site that would otherwise warrant a different zoning being considered.

Centre Sub-regional Planning Framework

The State Government's Central Sub-regional Planning Framework (the Framework) aims to establish a long-term integrated planning framework for land use and infrastructure, with a focus on guiding future infill growth in the Central sub-region, including the City of South Perth. Labouchere Road is identified as an 'Urban Corridor' under the Framework map.

The Framework notes that the map is a conceptual representation of broad planning intentions within the sub-region and that further planning processes and decision-making under relevant legislation will need to be undertaken. Further detailed planning has occurred for the subject area, through the preparation of the City's Local Planning Strategy (the Strategy) which was approved by the WAPC in March 2021.

Local Planning Context - City of South Perth Local Planning Strategy

The City of South Perth Local Planning Strategy (the Strategy) was adopted in 2021 following endorsement by the WAPC and sets the strategic direction for planning and development in the City over the next 10 to 15 years. The Strategy provides the strategic basis for the preparation, implementation and amendments to LPS 7.

The Strategy notes that a number of urban corridors identified in the Framework do not form part of the ‘managed growth strategy’ to accommodate future infill development. Labouchere Road is an urban corridor which has not been included. The reasons for excluding the corridor as noted in the Strategy are as follows:

- The areas identified in the managed growth strategy address the dwelling growth expectations of Perth and Peel @3.5million (WAPC land use planning and infrastructure frameworks aim to accommodate 3.5 million people by 2050). The WAPC has previously supported the City's position on not including Labouchere Road as an Urban Corridor or Growth area, notwithstanding how it is designated under Perth and Peel @3.5million.
- This corridor is served by public transport, but not to the same extent as more prominent corridors such as Canning Highway and Manning Road; and
- The corridor is not identified as ‘high-priority’ routes in the Perth and Peel Transport Plan. This indicates a presumption against significant investment in upgrading transport infrastructure/services along the corridors in, at least, the short-medium term.

The Strategy does not identify Labouchere Road as an ‘Urban Corridor,’ nor does it identify the site within a ‘Growth area’. The site therefore does not have a role in delivering the City’s forecast dwelling growth and was not planned to have a significant increase in intensity of development. The intensification of use at the site beyond private recreation purposes (or other uses complementary to the adjoining golf course) would reflect a departure to the adopted strategic planning framework.

Whilst the site has proximity to the South Perth activity centre area, the site is separated to the activity centre area by Richardson Park, a 6ha Parks and Recreation Reserve and Perth Zoo, and is not subject to the requirements of the South Perth Activity Centre Structure Plan.

Local Planning Scheme No.7

LPS 7 provides the following zones, and land use permissibility for each zone is contained in **Attachment (c)**. Whilst all zones are compatible with the Urban zoning under the MRS, the ‘Private Community Purposes’ zone is recommended, with comments on each zone provided below.

LPS 7 Zoning	Comment
Residential	The RPGC is a membership-based club with fees, which meets the land use definition of Recreation – private, which is an ‘X’ (i.e. not permitted) use in the Residential zone. Non-conforming use provisions would become applicable should the club seek to alter/ extent the non-confirming use or change the use of the land.
Private Community Purposes	As proposed. The objective of the Private Community Purposes zone, as detailed below is consistent with the current use as the RPGC clubhouse whilst providing for future uses.

Mixed Use	The mixed use zone provides for uses that are not considered compatible with the surrounding locality and would reflect a departure from the adopted strategic planning framework.
Local Centre	The site is not a designated local centre in the local planning strategy and would reflect a departure from the adopted strategic planning framework.
Neighbourhood Centre	The site is not a designated neighbourhood centre in the local planning strategy and would reflect a departure from the adopted strategic planning framework.
Centre	In the absence of an adopted structure plan or local development plan, the Centre zone does not identify any permissible uses for land. It is also noted that a request to include this land in the Centre zone for the nearby South Perth Activity Centre Plan (2021) was previously not supported by the Western Australian Planning Commission.

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'*

Conclusion

The proposed Scheme Amendment is required to ensure consistency with the MRS. The City therefore recommends that Council resolves to seek approval to advertise the proposed Scheme Amendment, without modification.

Consultation

In response to the MRS amendment as contained as **Attachment (a)**, the planning consultant on behalf of RPGC advised the following with respect to the Private Community Purposes zone under LPS 7:

“Under the ‘Private Community Purposes’ zone, a local development plan can be prepared. Pursuant to clause 32 and Table 7 of the LPS 7, the preparation of a Local Development Plan may provide for alternative height and setback provisions from those that apply by default. Based on recent conversations with the City of South Perth, it is understood that the intent of clause 32 of the LPS 7 is to facilitate the preparation of a Local Development Plan which would prevail over the default provisions contained in Table 7. The opportunity to prepare a LDP provides opportunities to investigate bespoke and unique design and development provisions for the site. The RPGC takes some comfort that, guided by the preparation of a Local Development Plan, diversification of the site would be possible to be investigated further.”

If the Scheme Amendment is initiated by Council as a 'Standard Amendment', it is required to be advertised in accordance with the Regulations for a minimum period of 42 days from the date of publication.

Policy and Legislative Implications

Planning and Development Act 2005

Part 9, section 124 of the Act sets out the following in relation to the status of the site under LPS 7:

“(3) If a region planning scheme is amended and is inconsistent with a local planning scheme, the local government of the district in which the land directly affected is situated is to, not later than 90 days after the day on which the amendment to the region planning scheme has effect, resolve to prepare in relation to the land –

- (a) a local planning scheme which is consistent with the region planning scheme; or*
- (b) an amendment to the local planning scheme which renders the local planning scheme consistent with the region planning scheme, and which does not contain or removes, as the case requires, any provision which would be likely to impede the implementation of the region planning scheme.”*

The procedures for dealing with proposals to amend LPS 7, are in accordance with the Act 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.

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	Initiate the Scheme Amendment in accordance with the <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): Taylor Burrell Barnett Submission - MRS Amendment of Lot 1 Labouchere Road, South Perth
- 10.3.1 (b): Scheme Amendment No. 3 to Local Planning Scheme No.7 - Lot 1 Labouchere Road, South Perth - Scheme Amendment Report
- 10.3.1 (c): Local Planning Scheme No.7 Zoning Table

10.3.2 Response to Council Resolution 1225/250 including Proposed Closure of South Perth Esplanade Car Park No.11

File Ref: D-26-4157
Reporting Officer(s): Anita Amprimo, Director Infrastructure Services
Bree Websdale, Director Corporate Services
Liz Ledger, Chief Executive Officer

Summary

This report:

- Provides an update on Resolution 1225/60, made by Council at the 16 December 2025 Ordinary Council Meeting, and
- Proposes the closure of the South Perth Esplanade Car Park (SPE11) to address anti-social behaviour.

Officer Recommendation

That Council:

1. Notes the progress made on the Council Resolution 1225/60 (Ordinary Council Meeting held on 16 December 2025).
2. Authorises the closure of the South Perth Esplanade Car Park (SPE11) as follows:
 - (a) closure between 11.45pm and 5am, Monday to Saturday during Summer Services.
 - (b) closure between 10pm and 5am on Sundays during Summer Services.
 - (c) closure between 10pm and 5am, Monday to Sunday during Winter Services.

Background

A Notice of Motion was presented by Councillor Tim Houweling at the 16 December 2025 meeting which asked Council to recognise the negative impact this issue (hooning and Nitrous Oxide use) is having on residents living near the land on/ adjacent Sir James Mitchell Park on South Perth Esplanade and the South Perth Peninsula.

At its meeting held 16 December 2025 Council resolved as follows:

Resolution 1225/250

“That Council, recognises the negative impact this issue is having on residents living near the land on/ adjacent Sir James Mitchell Park on South Perth Esplanade and the South Perth Peninsula, and

1. *Endorses the CEO to identify up to \$60,000 unspent funds (prior to the Mid-Year Budget Review) in the 2025/26 Budget and reallocate to:*

10.3.2 Response to Council Resolution 1225/250 including Proposed Closure of South Perth Esplanade Car Park No.11

- i. Support employee costs for Ranger and Environmental Health Services to provide monitoring and patrols, to be undertaken as soon as possible.*
 - ii. Install bollards or similar infrastructure around the perimeter of the green islands on the west end of the Peninsula to prevent parking.*
 - iii. Install “no stopping road or verge” signs on the western side of South Perth Esplanade between Queens Street and Mill Point Close.*
- 2. Requests the Chief Executive Officer to review and present as part of the 2026/27 budget process, opportunities and costs associated with the following:*
 - iv. Modification to the local road network in respect to traffic calming and management.*
 - v. Additional rubbish bins and waste collection along the South Perth foreshore from the Narrows Bridge to Ellam Street.*
 - vi. Landscaping and beautification of the verge on the western side of South Perth Esplanade from Queen Street to Mill Point Close; and*
 - vii. Having monitored the impact of 1(iii) above, recommendations on any further restrictions.*
 - viii. Additional CCTV cameras and the fibre cabling required.*
- 3. Requests the Chief Executive Officer to write to the Hon. Reece Whitby MLA, Minister for Police, requesting police assistance and enforcement for anti-social behaviour, nitrous oxide misuse, hooning and modified vehicles.*
- 4. Notes the City of South Perth is procuring an additional mobile CCTV camera, anticipated to be deployed in early mid-2026, with images, data and footage provided to the WA Police for investigation and enforcement.*

The comments section below addresses progress to date on the resolution and any further action required.

Comment

In relation to (*Resolution 1225/250*) the City has progressed as follows:

- A trial night patrol service will commence in March and will operate Thursday to Sundays from 8pm-12pm. The service will utilise existing vehicles and equipment and will focus on the South Perth Esplanade and the South Perth Peninsula. The patrolling officers will be qualified rangers who are familiar with the City.
- Bollards or similar infrastructure are planned to be installed late March around the perimeter of the green islands on the west end of the Peninsula to prevent parking.
- The “no stopping road or verge” signs on the western side of South Perth Esplanade between Queens Street and Mill Point Close were installed in December 2025.

Regarding options for modifications to the road network, these are complex and require extensive consultation with multiple stakeholders including the local community and Main Roads Western Australia (MRWA). A full analysis of any options would be required to ensure there are no unintended consequences however comment on options is provided below.

Intersection of South Perth Esplanade and Mends Street

The intersection of Mends Street and South Perth Esplanade was comprehensively upgraded as part of the Mindeerup Plaza project completed in 2019. As part of those works, the entire intersection was constructed as a raised platform, delivering traffic calming and clearly establishing pedestrian friendly environment at this key junction serving ferry users, residents, visitors, and foreshore users. This location as one of the highest pedestrian movement environments within South Perth.

Accordingly, the intersection already functions as a raised treatment, delivering the primary road safety outcome typically sought through a raised pedestrian crossing. As such, additional raised treatments at the immediate intersection would be largely redundant.

Notwithstanding, the City has identified an opportunity to further enhance pedestrian safety and access and will investigate the provision of a zebra crossing with lighting on South Perth Esplanade, east of Mends Street (aligned with the ferry terminal).

Reduction in Speed Limits

The streets identified for possible reduced speed limits are Mends Street, Harper Terrace, Frasers Lane, Ferry Court, and South Perth Esplanade between Frasers Lane and the South Perth Esplanade Car Park 11. Except for Ferry Court, which is a short cul de sac, all these streets currently provide dedicated footpaths, and there is no demonstrated benefit in pedestrians sharing the carriageway.

These streets were incorporated into an area wide 40 km/h speed zone in October 2024, reflecting their local street function and pedestrian oriented environment. Any further reduction in speed limits would require a submission to MRWA outlining the justification and seeking approval would need to be made.

Traffic Calming Devices

A range of traffic calming devices and engineering measures have been implemented along Mill Point Road, Mill Point Close, Mends Street and South Perth Esplanade over recent years. These measures were introduced to reduce vehicle speeds, discourage hooning behaviour and improve overall safety and amenity within the area.

While additional traffic calming measures requires collection of data, responsive design process, liaising with relevant agencies and resourcing, this is being progressed internally.

Modifications to the Road Network Flow of Traffic

Similarly to traffic calming infrastructure, modifications to road network flow or traffic involve significant design, operational, and approval considerations. It would represent a material change to the function of Mill Point Close and its role within the broader Peninsula street network.

A defined and evidence-based implementation process would be required to progress this option further. The most feasible options are currently being scoped and evaluated and will be included for consideration by Council in the 2026/27 Budget workshops.

Additional Rubbish Bins

An assessment by the City identified that the area has an existing high level of service for rubbish bin and the issue is more related to public use, or lack thereof, of the available facilities. The City patrols the park daily to pick up any items disposed of incorrectly. Notwithstanding, costs for additional bins will be included in budget workshops for Council consideration.

10.3.2 Response to Council Resolution 1225/250 including Proposed Closure of South Perth Esplanade Car Park No.11

Budget estimates are available for beautification of the verge. Options and the extend of works will be discussed with Council during the budget setting workshops.

Mobile CCTV trailer

A contract for the City’s second CCTV trailer including ANPR technology has been awarded to Fortis Security Pty Ltd. The trailer takes approximately 8 – 10 weeks to build and the City will take delivery late March/early April. This will further enhance the City’s CCTV coverage and also assist the WA Police as they will have direct access to the footage.

In the interim, the City has hired two Mobile CCTV towers which are located at Mill Point Close and towards the rear of SPE11.

Fixed CCTV

The City has received funding for 4 fixed CCTV cameras from the State Government. The program is to support the strategic expansion of CCTV across the State, to deter antisocial behaviour and further assist the WA Police Force to protect the community.

City Officers have worked closely with the Officer in Charge at Kensington Police Station (OIC) as per the funding guidelines to identify the location for each camera as follows:

- Location 1 - Mill Point Close, South Perth
- Location 2 – South Perth Esplanade Carpark SPE11
- Location 3 – Cnr Douglas Avenue and Moresby Street, Kensington
- Location 4 – in the public access way at the rear of 27 Wandarra Close, Karawara

All cameras will be fixed to the either the City’s or Western Power’s Infrastructure.

Other Options Considered- closure of the South Perth Esplanade Car Park 11 (SPE11)

The City has reviewed other options including requests from the community impacted, and as a result, is recommending implementing nightly closure of South Perth Esplanade Car Park (SPE11) for a trial period of 12 months.

The administration has undertaken an assessment to implement nightly closures of the South Perth Esplanade Car Park 11 (SPE11) and notes the following.

Location Map: South Perth Esplanade Car Park 11



The following factors and circumstances supporting this proposal include:

- SPE 11 is currently a location for anti-social behaviour at night, like what was occurring at Millers Pool Car Park 11.
- The closure of Millers Pool Car Park 11 has seen a reduction in anti-social behaviour at night at and around this location.
- There is merit in trialling the same arrangements at SPE 11.
- Residents living near the land on/ adjacent Sir James Mitchell Park on South Perth Esplanade and the South Perth Peninsula have requested this closure.

It is recommended that the closures time consider the impact on users of the ferry service from Elizabeth Quay to Mends Street who may require access to car park SPE 11.

The last services which arrive at Mends Street Jetty at approximately:

Last Ferry - Mends Street	Monday –Saturday	Sunday
Summer Services 14 September to 18 July 2026	Arrives - 11.30pm Departs - 11.45pm	Arrives - 9.39pm Departs - 9.45pm
Winter Service 19 July 2026 to 12 September 2027	Arrives - 9.08pm Departs - 9.15pm	Arrives - 9.08pm Departs - 9.15pm

Consultation

The City has also received feedback from members of the community regarding the South Perth Esplanade that supports this car park being closed at night. Local Police have been informed of this trial proposal, and the Office in Charge has been proactive in assisting in this regard.

Car Park users will be notified with signage and lighting.

Financial Implications

The cost implications for implementing the Officer Recommendation are provided below.

Implementation of daily car park closures would require both capital investment and ongoing operational expenditure.

The estimated cost for the nighttime closure of the South Perth Esplanade Car Park 11 is shown below:

Item	Cost (estimated)
Installation of gates, lighting, signage and bollards.	\$30,000
Daily opening and closing of gates by a third party. *These costs could potentially be absorbed by an employee closing the car park at night once a night patrol service is operational.	\$10,000 per annum *\$2,500 for this FY
	\$32,500

These items are not part of the 2025/2026 budget; however they can be absorbed in the current budget.

Key Risks and Considerations

Risk Event Outcome	Reputational Damage Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
Risk rating	Low
Mitigation and actions	The City may suffer reputation damage if it does not respond to community request.

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.

10.3.3 Proposed Tree Damaging Activity to a Regulated Tree - Lot 29 (No.14) Hurlingham Road, South Perth

Location:	Lot 29 No. 14 Hurlingham Road, South Perth
Ward:	Mill Point Ward
Applicant:	Lorraine Harford
Owner:	Lorraine Harford
File Reference:	D-26-4160
DA Lodgement Date:	12 January 2026
Reporting Officer(s):	Donna Shaw, 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 for Council to consider a development application for proposed Tree Damaging Activity to a Regulated Tree at Lot 29 (No.14) Hurlingham Road, South Perth.

For the reasons outlined in this report, it is recommended that the application be refused.

Officer Recommendation

That pursuant to the provisions of the City of South Perth Local Planning Scheme No.7, and the Metropolitan Region Scheme, the application for development approval for Tree Damaging Activity to a Regulated Tree on Lot 29 (No.14) Hurlingham Road, South Perth, **be refused** for the following reasons:

1. The proposed development does not satisfy Clause 67(2)(a) of the Planning and Development (Local Planning Schemes) Regulations 2015 as the proposal is inconsistent with the aim of Local Planning Scheme No.7 to protect and enhance the natural environment by maintaining biodiversity, protecting and increasing tree canopy, and reducing urban heat island effects.
2. The proposed development does not satisfy Clause 67(2)(g) of the Planning and Development (Local Planning Schemes) Regulations 2015 as the proposal is inconsistent with Local Planning Policy 3.2 – Tree Retention as:
 - (i) The removal of the tree is inconsistent with the objectives of the Policy to:
 - (a) Prioritise the retention, protection, and the provisions of trees on private land.
 - (b) Preserve and enhance neighbourhood amenity, character and sense of place and mitigate the urban heat island effect, reduce air pollution, improve groundwater quality and contribute to biodiversity and other environmental benefits; and

- (c) Mitigate the urban heat island effect, reduce air pollution, improve groundwater quality and contribute to biodiversity and other environmental benefits.
- (ii) The removal of the tree is inconsistent with the general requirements of the Policy as the tree:
 - (a) is in good health; and
 - (b) positively contributes to the streetscape by virtue of its position, maturity and size.
- 3. The proposed development does not satisfy Clause 67(2)(n) of the Planning and Development (Local Planning Schemes) Regulations 2015 as removal of the tree would result in an undue impact to the amenity and character of the locality given the tree is visible within the streetscape and contributes to the character of the locality.
- 4. The proposed development does not satisfy Clause 67(2)(o) of the Planning and Development (Local Planning Schemes) Regulations 2015 as removal of the tree would have an adverse impact on the natural environment.
- 5. The proposed development does not satisfy Clause 67(2)(p) of the Planning and Development (Local Planning Schemes) Regulations 2015 as the tree is in good health and should be preserved.
- 6. The proposed development does not satisfy Clause 67(2)(x) of the Planning and Development (Local Planning Schemes) Regulations 2015 as removal of the tree would adversely impact the community as a whole given its visual prominence in the locality.

1.0 Details

Metropolitan Region Scheme - Zone/Reserve	Urban
Local Planning Scheme - Zone/Reserve	Residential
Activity Centre Plan	N/A
Activity Centre Land Use Designation	N/A
Use Class and Permissibility	N/A
Lot Size	764m ²
Existing Land Use	Single House
Heritage	N/A
Bushfire Prone Area	No

2.0 Proposal

The applicant seeks approval to undertake Tree Damaging Activity to a Regulated Tree, specifically, removal of a Jacaranda tree (*Jacaranda mimosifolia*). Details are as follows:

- The tree has a height of 14.0m, average canopy diameter of 11.5m and a trunk circumference of 1.4m measured 1.4m above the ground:
- The tree is not included on a State of local weed register; and
- the tree is located at the north-eastern portion of the site.

Photographs of the tree are contained as **Attachment (a)**, and the site plan showing the location of the tree is contained as **Attachment (b)**.

The applicant's justification for the removal of the tree is contained as **Attachment (c)** and is summarised as follows:

- The tree roots are lifting pavers surrounding the tree which have become a trip hazard.
- The tree roots have cracked a water feature; and
- There is extensive root occupation beneath the paving.

The applicant has submitted an Arborist Report in support of the application as contained as **Attachment (d)**. The City engaged an Arborist to peer review the proposal, the advice of which is contained as **Attachment (e)**.

3.0 Background

Planning Context

A decision from the State Administrative Tribunal (SAT) has confirmed development approval can be sought for tree removal on the basis that such removal is 'works' for the purposes of the *Planning and Development Act 2005* (the Act), however, the SAT found that the question of whether the felling of a tree constitutes 'works', and is thus 'development', is always context dependent, and that in a residential context, *de minimis* arises for consideration as to whether an application for development approval should be sought (i.e. the proposal is too small to be meaningful or taken into consideration).

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

At its Ordinary Meeting held 26 August 2025, Council adopted Local Planning Policy 3.2 – Tree Retention, which is generally consistent with the Western Australian Local Government Associations 'Tree Retention Model Local Planning Policy.' The basis of the Policy is that 'Tree Damaging Activity' as defined in the Policy constitutes works under the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) and development under the Act for which development approval is required.

The Policy clarifies the circumstances in which a development application and approval is required for any Tree Damaging Activity and guides the assessment of these applications and other planning proposals.

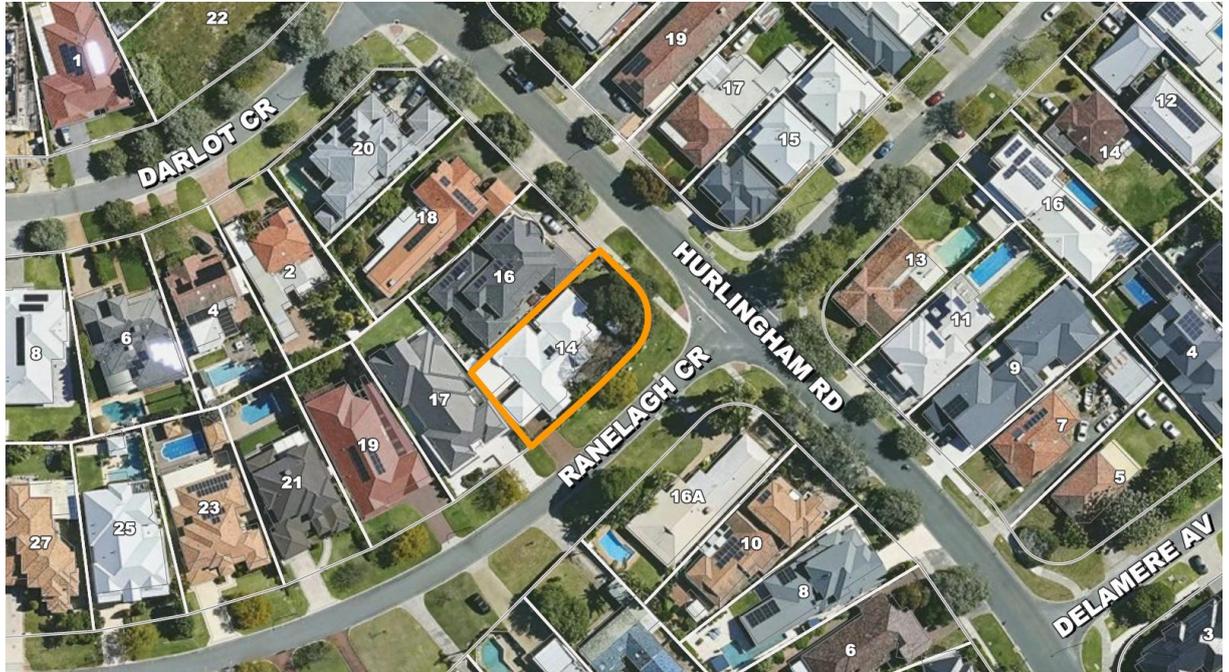
As the tree the subject of the application meets the definition of a Regulated Tree as prescribed in the Policy, development approval is required for tree damaging activity.

Site Context

The subject site is zoned 'Residential' under Local Planning Scheme No.7 with a site area of 764m².

The site is on the corner of Hurlingham Road and Ranelagh Crescent. The immediate locality is characterised by single houses and mature street trees, particularly in the vicinity of the intersection of Hurlingham Road and Ranelagh Crescent.

An aerial image depicting the site within its context is provided below.



4.0 Legislation and Policy

Legislation

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Local Planning Scheme No.7 (LPS 7)

Local Planning Policies

Local Planning Policy 3.2 – Tree Retention

Local Planning Policy 6.1 – Advertising of Planning Proposals

5.0 Consultation and Referrals

Local Planning Policy 6.1 – Advertising of Planning Proposals requires standard development applications to be advertised for 14 days to properties in the vicinity that may be affected unless discretion is exercised by the City to increase or reduce the consultation radius.

Public consultation has not been undertaken for this application as the site is located on a corner, and the tree is located adjacent the road reserve. The tree does not overhang or encroach on adjacent private property.

6.0 Assessment

Planning and Development (Local Planning Schemes) Regulations 2015

In considering an application for development approval, the local government is to have due regard to the matters listed in Clause 67(2) of the Deemed Provisions to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application. The matters relevant to this proposal and the City's response to each consideration are outlined in the table below:

Requirement	Assessment
(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 inconsistent with the aim of LPS 7 to protect and enhance the natural environment by maintaining biodiversity, protecting and increasing tree canopy, and reducing urban heat island effects.
(g) Any local planning policy for the Scheme area.	The proposal is inconsistent with provisions of LPP 3.2 as detailed in this report.
(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 removal of the tree would result in an adverse impact to the amenity and character of the locality given the tree is visible within the streetscape and positively contributes to the character and amenity of the locality.
(o) The likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource.	The removal of the tree would have an adverse impact on the environment.
(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.	The applicant's Arborist Report estimates the age of the tree as 50 years (with a typical life expectancy of 50-70 years in an urban setting), and that the tree displays good overall vigour. There were no signs of pathogenic infection or decline, and no signs of compromise to the structural integrity of the tree and as such, the City considers the tree should be preserved.

(x) The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals.	The City considers that removal of the tree would adversely impact the community as a whole given its visual prominence in the locality. The applicant's Arborist Report states that the tree has a moderate- high environmental/ amenity value.
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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:

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

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

Requirement	Assessment
<p>Objectives</p> <p>4.2 Prioritise the retention, protection, and the provisions of trees on private land and adjacent reserves in the planning process.</p>	<p>The removal of the tree does not prioritise the retention, protection and the provisions of trees on private land.</p>
<p>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.</p>	<p>With the exception of paving uplift and a cracked water feature, the tree removal is not associated with impacts to the built form of the dwelling, proposed new development or other land use outcomes.</p>
<p>4.4 Preserve and enhance neighbourhood amenity, character and sense of place.</p>	<p>The tree is visible within the streetscape and its removal will not preserve or enhance neighbourhood amenity, character or sense of place.</p>

Requirement	Assessment
<p>4.5 Mitigate the urban heat island effect, reduce air pollution, improve groundwater quality and contribute to biodiversity and other environmental benefits.</p>	<p>The removal of the tree 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.</p>
<p>Development applications</p> <p>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:</p> <ul style="list-style-type: none"> (a) The regulated tree is unhealthy, based on the recommendations of an Arborist Report; (b) The regulated tree causes safety risks to people, infrastructure or buildings based on recommendations on an Arborist Report and/or Structural Engineering Report; (c) In the opinion of the City, the redesign of the development to accommodate the regulated tree is unfeasible. 	<p>The applicant's Arborist Report states that the tree is healthy and that it displays good overall vigour with no signs of decline.</p> <p>The applicant's Arborist Report states that the tree is not at risk of limb drop and is not a safety risk.</p> <p>No new development is proposed.</p> <p>The Arborist engaged by the City advised that there is no demonstrated need to remove the tree as the paver distortion issues may be ameliorated by a number of various measures outlined in Attachment (e).</p>

7.0 Conclusion

The proposal is inconsistent with the aim of LPS 7 to protect tree canopy, and the objectives and provisions of LPP 3.2. The City considers that the tree positively contributes to the streetscape and the amenity of the locality. The applicant's Arborist Report confirms the tree is in good health and accordingly, it is recommended that the application to remove the tree is refused.

Financial Implications

The cost of the independent Arborist review was \$450 + GST.

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	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.
Risk rating	Low
Mitigation and actions	Approval of the tree damaging activity to a regulated tree would result in environmental damage.

Strategic Implications

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

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

Attachments

10.3.3 (a):	Site Photos
10.3.3 (b):	Site Plan
10.3.3 (c):	Applicant's Justification
10.3.3 (d):	Applicant's Arborist Report
10.3.3 (e):	Independent Arborist Review

10.3.4 Proposed Additions to Tavern (The Station) - Lot 688 (No.1) Mends Street, South Perth

Location:	Lot 688 (No.1) Mends Street, South Perth
Ward:	Mill Point Ward
Applicant:	The Station (Wa) Pty Ltd
Owner:	2022 Onward Pty Ltd Atf Venue Three Unit Trust
File Reference:	D-26-4161
DA Lodgement Date:	9 December 2025
Reporting Officer(s):	Donna Shaw, Director Development and Community Services
Previous Reference:	Nil.
Delegation:	Delegation DC690 – Local Planning Scheme No.7
Council Role:	Quasi-Judicial

Summary

The purpose of this report is to consider an application for development approval for proposed Additions to Tavern (The Station) on Lot 688 (No.1) Mends Street, South Perth.

The item is referred to Council as it involves the exercise of a discretion for an application to a Heritage Listed property.

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

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 proposed Additions to Tavern (The Station) on Lot 688 (No.1) Mends Street, South Perth **be approved** subject to the following conditions:

1. The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
2. All works to be carried out under this development approval, including footings, are required to be contained within the boundaries of the subject lot.
3. 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.
4. A tree protection zone in accordance with Australian Standard AS4970-2009 shall be implemented during construction for the trees notated on the approved plans for retention within the lot, to the satisfaction of the City of South Perth.

5. Prior to or in conjunction with the submission of a Building Permit application, 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:
- (i) Public safety and amenity;
 - (ii) Site plan and security;
 - (iii) Contact details of essential site personnel, construction period and operating hours;
 - (iv) Complaints management details;
 - (v) Noise management;
 - (vii) Traffic, access and parking management;
 - (viii) Waste management; and
 - (xi) Street tree management and protection.

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

6. External lighting shall comply with the requirements of *Australian Standard 4282 – Control of Obtrusive Effects of Outdoor Lighting* to the satisfaction of the City of South Perth.
7. All stormwater discharge from the development shall be contained and disposed of on-site unless otherwise approved by the City of South Perth.
8. Prior to or in conjunction with the submission of a Building Permit application, an amended acoustic report prepared by a suitably qualified acoustic consultant shall be submitted to and approved in writing by the City of South Perth which addresses the following:
- (i) The address of the closest sensitive noise receiver (Lot 215, 108/3 Mends Street, South Perth) is to be listed in the report and measurements are to be recalculated accordingly in a worst-case assessment scenario;
 - (ii) The impact of noise from the speakers and the use of those speakers for amplified music and quiz nights that are located in the southern and northern alfresco areas are to be addressed as if both areas are fully occupied as a worst-case assessment scenario and measurements are to be recalculated accordingly;
 - (iii) The noise impacts resulting from the enclosure of the northern alfresco area are to be assessed and measurements are to be recalculated accordingly in a worst-case assessment scenario; and
 - (iv) The temporary opening of the door in the northern alfresco area is required to be assessed against L10 metrics as part of a worst-case scenario assessment scenario and measurements are to be recalculated accordingly.

The approved acoustic report, including any specifications, requirements and recommendations cited in the report shall be implemented and maintained for the lifetime of the development to the satisfaction of the City of South Perth, including being incorporated into the building permit application documentation.

9. Prior to or in conjunction with the submission of a Building Permit application, a Noise Management Plan prepared by a suitably qualified acoustic consultant shall be submitted to and approved in writing by the City of South Perth. The approved noise management plan, including any specifications, requirements and recommendations cited in the report shall be implemented and maintained for the lifetime of the development to the satisfaction of the City of South Perth, including being incorporated into the Building Permit application documentation.

1.0 Details

Metropolitan Region Scheme - Zone/Reserve	Urban
Local Planning Scheme - Zone/Reserve	Centre
Activity Centre Plan	South Perth Activity Centre Plan
Activity Centre Land Use Designation	Centre – in accordance with Structure Plan
Use Class and Permissibility	Tavern – ‘D’ use
Lot Size	8,208m ²
Existing Land Use	Tavern
Heritage	Local and State - The subject site is a Category 1 place on the City of South Perth Heritage List and contained on the State Register of Heritage Places (South Perth Police Station and Quarters (fmr)).
Bushfire Prone Area	No

2.0 Proposal

On 9 December 2025, the City received an application for Additions to Tavern (The Station) on Lot 688 (No.1) Mends Street, South Perth. Specifically, the application proposes:

- A freestanding awning (142m² and maximum height of 3.5m) constructed of bronze powder coated steel columns and polycarbonate grey roof sheeting.
- Amending the landscaping on the site by removing one tree (*Erythrina variegata*), which is not a ‘Regulated Tree’ for the purposes of Local Planning Policy 3.2 – Tree Retention.
- Acoustic glazing to the north side of the building.

Following a request for further information, the information was submitted on the 18 December 2025, and the application was accepted on 19 December 2025.

The Development Plans and Acoustic Report are contained as **Attachment (a)** and **Attachment (b)** respectively.

3.0 Background

Site Context

Between 2021 and 2024 the Finbar Group Ltd constructed the 'Civic Heart' mixed use development which retained various buildings identified for their heritage value. Development approval was granted on 4 October 2022 to adapt the South Perth Police Station (fmr) on the site for food and beverage services (**Tavern**) and has been trading as 'The Station' since December 2023.

The portion of the site containing 'The Station' site has two street frontages, Mends Street to the southeast and Labouchere Road to the southwest and is located approximately 320m from the Mill Point Road/Kwinana Freeway on ramp.

The subject site is zoned 'Centre' and is subject to the ACR1 – Civic Site – Lot 688 (No. 1) Mends Street, South Perth controls of the City of South Perth Local Planning Scheme No. 7 (LPS 7) and the South Perth Activity Centre Plan (SPACP). An aerial image and zoning map depicting the site within its context can found at **Attachment (c)**.

4.0 Legislation and Policy

Legislation

Planning and Development Act 2005

Heritage Act 2018

Planning and Development (Local Planning Schemes) Regulations 2015

Heritage Regulations 2019

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

State Government Policies

State Planning Policy 3.5 – Historic Heritage Conservation

State Planning Policy 7.0 – Design of the Built Environment

Structure Plans/Activity Centre Plans

South Perth Activity Centre Plan

Local Planning Policies

Local Planning Policy 6.1 – Advertising of Planning Proposals

Local Planning Policy 6.2 – Design Review Policy

Local Planning Policy 8.1 – Heritage Conservation and Development

5.0 Consultation and Referrals

Public Consultation

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

A total of 44 letters were sent to adjoining landowners and occupiers. At the close of the consultation period, one objection was received.

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

Matter	Comment
Noise	<p>It is noted that the scope of the acoustic report is limited to the development proposed as part of this application. An acoustic report was provided prior to occupancy in 2023.</p> <p>The applicant submitted an acoustic report with the development application to address the potential noise impact of the proposed development. The City sought clarification in relation to the assessment contained within the acoustic report and further clarification was provided by the applicant. However, the City considers additional information is required and is recommending this be addressed via Conditions including the need for a Noise Management Plan for the alfresco areas subject to this application.</p>
Visual Amenity in relation to air conditioning.	The proposed development does not propose any new air conditioning infrastructure.
Parking	The proposed development does not require any additional car parking bays.
Servicing	The proposed development does not propose to modify existing servicing arrangements.

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

Referrals/consultation with Government/Service Agencies

As the South Perth Police Station is contained on the State Register of Heritage Places, the proposal was referred to the Heritage Council for comment in accordance with section 73 of the *Heritage Act 2018*. The Heritage Council supported the proposal, as detailed in the advice contained in **Attachment (e)**.

In accordance with Regulation 42(3) of the Heritage Regulations 2019, the City is required to provide the Heritage Council with a copy of the Council resolution on the matter within 10 days after making a decision.

Design Review Panel Advice

The proposal was referred to the Design Review Panel Chair (sole review) on 22 January 2026 who advised of support for the proposed development.

A copy of the advice is contained as **Attachment (f)**.

6.0 Assessment

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 67(2) of 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:

Matter	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.	<p>The relevant aims of LPS 7 are as follows:</p> <p>(a) To provide for safe, functional, and connected activity centres that offer a diverse range of goods, services and activities as well as places to live and stay.</p> <p>(b) To support sustainable urban neighbourhoods that accommodate a growing population, whilst protecting and enhancing heritage areas and other areas of identified or notable character, or which contribute strongly to a sense of place.</p> <p>(e) To protect and enhance the natural environment by maintaining biodiversity, protecting and increasing tree canopy, and reducing urban heat island effects.</p> <p>The proposed awning is considered to contribute to the functionality of the space and is not considered to compromise the heritage values of the place.</p>
(c) Any approved State planning policy.	The proposal has been assessed against the requirements of State Planning Policy 3.5 - Historic Heritage Conservation and is considered consistent with this Policy, as further detailed in this report.
(g) Any local planning policy for the Scheme area.	Details of requirements of applicable local planning policies are contained within the LPS 7 section of this report.
(h) Any structure plan or local development plan that relates to the development.	Details of requirements of the South Perth Activity Centre Plan are contained within the LPS 7 section of this report.

<p>(k) The built heritage conservation of any place that is of cultural Significance.</p>	<p>South Perth Police Station (fmr), is a single storey brick building with a Marseilles pattern tile roof, constructed in the Federation Free Style with stylistic elements of Federation Gothic.</p> <p>The place contributes to the community's sense of place by its long standing presence, the service it provided to the community, its distinctive architectural styling and prominent location.</p>
<p>(l) The effect of the proposal on the cultural heritage significance of the area in which the development is located.</p>	<p>Whilst the proposal has been designed to minimise the visual impact, the proposed awning is considered to have a minor impact on the landmark values of South Perth Police Station. Notwithstanding, the Heritage Council has supported the proposal.</p>
<p>(m) The compatibility of the development with its setting, including –</p> <ul style="list-style-type: none"> (i) the compatibility of the development with the desired 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. 	<p>The proposed patio structure has been designed to be independent of the heritage building to minimise impacts and to ensure it is able to be removed in the future if required.</p> <p>Bulk and scale impacts have been mitigated by the lightweight and slender design of the patio structure along with the use of clear glazing.</p> <p>The proposed colours and materials are considered to complement the existing heritage place.</p>
<p>(n) The amenity of the locality including the following –</p> <ul style="list-style-type: none"> (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development; 	<p>The applicant has submitted an acoustic report to address the potential noise impacts of the proposed patio. A revised acoustic report is recommended along with a Noise Management Plan as a condition of approval.</p> <p>The proposed patio is considered to be compatible with the character of the locality given it has been designed to complement the existing heritage building and maintains an active street interface.</p>

(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.	The requirements of ACR1 – Civic Site – Lot 688 (No. 1) Mends Street, South Perth of LPS 7 contain a specific provision related to weather protection as detailed in the LPS 7 section of this report.
(w) The history of the site where the development is to be located.	<p>The South Perth Police Station (fmr) was built in 1908, under the direction of the Public Works Department Chief Architect, Hillson Beasley. The WA Police vacated the station in late 2002 and the place remains a representative example of a police station incorporating neighbourhood policing in the first half of the twentieth century and is representative of the ongoing policing of law and order in the South Perth area.</p> <p>In 2022, the premises was approved for adaption as a food and beverage venue. This involved development of a basement which is in use as a restaurant, and further internal and external modifications to accommodate a restaurant and alfresco garden areas. This has included a glazed enclosure on the western elevation which provides a curved canopy structure over the alfresco area along the Labouchere Road edge of the building.</p>
(y) Any submissions received on the application.	Details of the submission received are contained within the consultation section of this report.
(za) The comments or submissions received from any authority consulted under clause 66.	The proposal was referred to the Heritage Council who support the proposal.

State Planning Policy 3.5 - Historic Heritage Conservation

This policy sets out the principles of sound and responsible planning for the conservation and protection of Western Australia's historic heritage. The objectives of this policy are:

- To conserve places and areas of historic heritage significance.
- To ensure that development does not adversely affect the significance of heritage places and areas.
- To ensure that heritage significance at both the State and local levels is given due weight in planning decision-making.
- To provide improved certainty to landowners and the community about the planning processes for heritage identification, conservation and protection.

In respect to development assessment, SPP 3.5 requires consideration of whether the proposed development will adversely affect the significance of any heritage place or area, including any adverse effect resulting from the location, bulk, form or appearance of the proposed development.

With respect to alterations/extensions, development should conserve and protect the cultural significance of a heritage place based on respect for the existing building or structure and should involve the least possible change to the significant fabric. Alterations and additions to a heritage place should not detract from its significance and should be compatible with the siting, scale, architectural style and form, materials and external finishes of the place.

Local Planning Scheme No. 7 (LPS 7)

The proposal has been assessed against all relevant legislative requirements of the LPS 7, SPACP, and State and Local Planning Policies as detailed below.

ACR1 – Civic Site – Lot 688 (No. 1) Mends Street, South Perth (ACR1)

For the purposes of assessment against ACR1, the proposal has not been considered a ‘new development’ to which matters contained in ACR1 such as sustainability and design quality are applicable. The proposal is considered to otherwise comply with the requirements of ACR1 with the exception of the following:

Requirement	Comment
<p>Built Form Setbacks</p> <p>2.3 All development shall maintain a minimum setback of 4.5 metres from a heritage place and an average setback of 6.0 metres, with the exception of awnings which may project 2.0 metres into the minimum setback area.</p>	<p>The proposed patio has a nil setback to a heritage place. The proposed nil setback is supported as it has been designed to minimise the visual impact and is an independent structure to the building that is capable of being removed.</p> <p>The Heritage Council has supported the patio based on a nil setback to the heritage place.</p>
<p>Weather protection</p> <p>5.1 Weather protection shall be provided to shade and protect the pedestrian environment through the provision of a colonnade, all-weather visually permeable temporary enclosure or awning to the perimeter of the new buildings of at least 2m width. Only light-weight cantilevered awnings may project into the 4.5 metre setback from any heritage place.</p>	<p>The proposed patio is not cantilevered due to the 142m² roof size which requires posts to support it structurally. The patio will improve the provision of shade and weather protection for patrons.</p> <p>The setbacks of the patio from the heritage place are addressed above.</p>

<p>Heritage</p> <p>7.1 Applications for development affecting or adjoining a heritage place shall be accompanied by a heritage impact statement prepared by a suitably qualified heritage expert justifying the appropriateness of the built form of the comprehensive new development, including specific reference to the impact of the proposed podium height and building height, and proposed materials on the heritage place.</p>	<p>The applicant has not submitted a heritage impact statement. It is considered that a heritage impact statement is not required for the scale of the development proposed. A heritage impact statement was not requested by the Heritage Council.</p>
<p>7.2 The Design Review Panel shall consider the appropriateness of the development to the adjacent heritage places.</p>	<p>The Design Review Panel chair review was supportive of the proposed development.</p>
<p>7.3 Development shall ensure a visual connection between the heritage places/buildings on the site is maintained.</p>	<p>Whilst the proposal will have a minor impact on the values of the heritage place, the proposed awning is a freestanding structure which will assist in ensuring the visual connection to the heritage building is maintained.</p>
<p>7.4 In the case of a development which includes additions or alterations to a heritage place the proposed additions or alterations shall retain, re-use and maintain the heritage values of the existing heritage place.</p>	<p>The proposed awning is constructed of bronze powder coated steel columns and polycarbonate grey roof sheeting, which is inconsistent with the materiality of the heritage building, being a steeply pitched roof and striated style of detailing contrasting red brick with white stucco bands.</p> <p>Notwithstanding, the proposed use of materials that are considered visually compatible but distinguishable from the original building is supported.</p>
<p>Design Quality</p> <p>8.1 The architectural design of any proposed development must be exemplary, sensitive and sophisticated and must contribute to the high quality of the inner urban environment being promoted in the locality, as defined by any policy or guidelines of the Commission relating to architectural design quality.</p>	<p>The proposal was considered against the relevant design principles contained within State Planning Policy 7.0 – Design of the Built Environment (SPP 7.0).</p> <p>In respect to the proposed awning, the scale and height of the development is appropriate to its setting and has responded to the heritage value of the place.</p>

	In respect to the proposed landscaping, SPP 7.0 encourages outdoor spaces that are designed with people in mind, which should be attractive and comfortable, offering opportunities for people to meet and socialise, bringing vitality and identity to a place.
<p>Landscape Area</p> <p>10.1 Landscaping of not less than 40% of the site area shall be provided as part of new development. Landscaping shall include in-ground landscaping comprising shade trees and living plants at ground level, planting on walls, landscaping on the roof of the podium and rooftop terraces or gardens as shall be assessed in accordance with the R-Codes.</p>	<p>This requirement relates to the entire Civic Heart site which provided landscaping as part of its development.</p> <p>The proposal involves the removal of one tree which is not a 'Regulated Tree' in accordance with Local Planning Policy 3.2 – Tree Retention.</p> <p>Given the site constraints it is not feasible to plant an equivalent replacement tree on site, however the landscaping area will be retained beneath the patio awning as a feature of the alfresco area.</p>

ACR2 – Land subject to the South Perth Activity Centre Plan

For the purposes of assessment against ACR2, the proposed patio is considered to be an addition that is outside of the approved building envelope and ACR2 applies. However, many of the ACR2 requirements are not applicable as they are covered in ACR1 as outlined above. In considering the proposal against ACR2 requirements it is noted the development complies with the following:

- The increase in 34m² of net lettable area (NLA) associated with the enclosure of the northern alfresco does not require any additional car parking or bicycle bays.
- The proposal provides clear transparent glazing to the northern alfresco and the proposed patio maintains passive surveillance and an active street frontage.

It is considered that the proposal aligns with the objectives for the Mends character area of the South Perth Activity Centre Plan and the proposal is considered to comply with the requirements of ACR2.

Local Planning Policy 8.1 - Heritage Conservation and Development (LPP 8.1)

The purpose of this policy is to provide guidance on the assessment of proposals for development affecting heritage-protected places.

LPP 8.1 provides assessment criteria with respect to alterations and additions to existing buildings, relating to ensuring the additions respect and do not adversely impact the predominant scale of the heritage-protected place, use materials that are visually compatible but distinguishable from the original building and do not result in removal of significant or original fabric from the heritage-protected place. The proposal is considered to comply with the requirements of LPP 8.1.

7.0 Conclusion

The development proposal is consistent with the local planning framework as discussed in the body of the report. The development is of a scale and design which is also consistent with the existing and desired future development within the locality and is not considered to compromise the values of the heritage-protected place.

Accordingly, subject to the inclusion of appropriate conditions, the application is recommended for conditional approval.

Financial Implications

To the extent that if the applicant were to make an application for review of the decision, the City may need to seek representation at the State Administrative Tribunal.

Key Risks and Considerations

Risk Event Outcome	<p>Legislative Breach</p> <p>Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation.</p>
Risk rating	Low
Mitigation and actions	The application has been assessed in accordance with the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015 and the local planning framework.

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):	Acoustic Report
10.3.4 (c):	Aerial and Location Plan
10.3.4 (d):	Schedule of Submission
10.3.4 (e):	Heritage Council Comments
10.3.4 (f):	Design Review Panel Chair Review

10.3.5 Tree Damaging Activity to a Regulated Tree - Lot 42 (No.20) Karoo Street, South Perth

Location: Lot 42 (No. 20) Karoo Street, South Perth
 Ward: Mill Point Ward
 Applicant: Katherine and Simon Woods
 Owner: Katherine and Simon Woods
 File Reference: D-26-4162
 DA Lodgement Date: 27 January 2026
 Reporting Officer(s): Donna Shaw, Director Development and Community Services
 Liz Ledger, Chief Executive Officer
 Previous Reference: Nil.
 Delegation: DC690 – Local Planning Scheme No.7
 Council Role: Quasi-Judicial

Summary

The purpose of this report is for Council to consider a development application for proposed Tree Damaging Activity to a Regulated Tree at Lot 42 (No.20) Karoo Street, South Perth.

For the reasons outlined in this report, it is recommended that the application be conditionally approved.

Officer Recommendation

That pursuant to the provisions of the City of South Perth Local Planning Scheme No.7, and the Metropolitan Region Scheme, the application for development approval for Tree Damaging Activity to a Regulated Tree on Lot 42 (No.20) Karoo Street, South Perth, **be approved** subject to the following condition:

1. One tree must be planted on site. The tree must be a minimum of 2.0m high and 100-litre pot size at the time of planting and both the tree, and the tree growth zone, must be retained and maintained to the satisfaction of the City of South Perth.

1.0 Details

Metropolitan Region Scheme - Zone/Reserve	Urban
Local Planning Scheme - Zone/Reserve	Residential
Activity Centre Plan	N/A
Activity Centre Land Use Designation	N/A
Use Class and Permissibility	N/A

Lot Size	860m ²
Existing Land Use	Single House
Heritage	N/A
Bushfire Prone Area	No

2.0 Proposal

Tree Damaging Activity to the tree has been undertaken, which is further discussed in the Background section of this report. The landowner was requested to submit a development application on 23 January 2026, which was subsequently submitted on 27 January 2026 and accepted by the City on 2 February 2026, following receipt of required information.

The applicant seeks approval to undertake further Tree Damaging Activity to a Regulated Tree, specifically, removal of the remainder of the Lemon-scented gum (*Eucalyptus citriodora*). Details are as follows:

- The tree had a height of approximately 25.0m and a circumference of approximately 382cm, measured 1.4m above the ground. Previous aerial imagery indicates a canopy diameter of approximately 15.0m.
- The City does not consider the tree is included on a State or local area weed register; and
- The tree is located at the rear northern portion of the site, adjacent a right-of-way.

Photographs of the tree are contained as **Attachment (a)**. The applicant has submitted an Arborist Report in support of the application as contained as **Attachment (b)**, which was based on the premise of imminent and severe risk to public safety, buildings, infrastructure, and the surrounding environment, as well as supporting information contained as **Attachment (c)**.

The City engaged an arborist to peer review the report, the advice of which is contained as **Attachment (d)**.

3.0 Background

Planning Context

A decision from the State Administrative Tribunal (SAT) has confirmed development approval can be sought for tree removal on the basis that such removal is 'works' for the purposes of the *Planning and Development Act 2005* (the Act), however, the SAT found that the question of whether the felling of a tree constitutes 'works', and is thus 'development', is always context dependent, and that in a residential context, *de minimis* arises for consideration as to whether an application for development approval should be sought.

Council's adopted Local Planning Policy 3.2 – Tree Retention clarifies the circumstances in which a development application and approval is required for any Tree Damaging Activity and guides the assessment of these applications and other planning proposals.

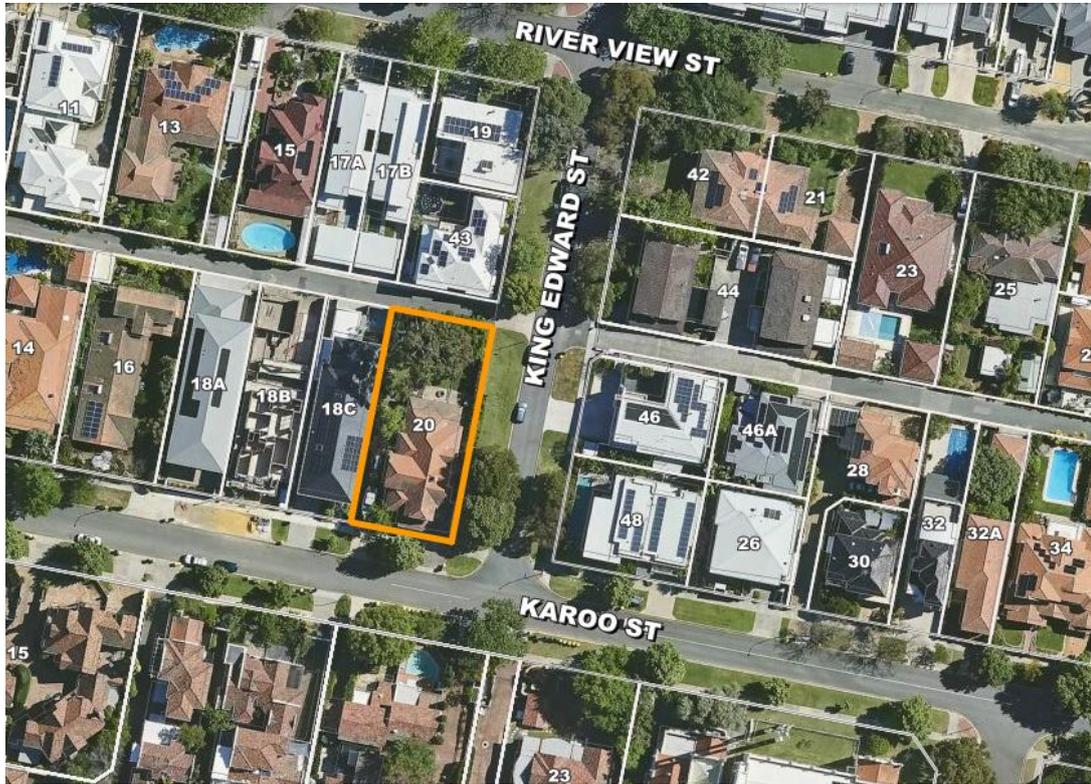
Whilst the applicant is of the opinion that the tree meets the exemption criteria contained within the Policy, the City considers the tree the subject of the application meets the definition of a Regulated Tree.

Site Context

The subject site is zoned 'Residential R25' under Local Planning Scheme No.7 with a site area of 860m².

The site is on the corner of Karoo Street and King Edward Street. The immediate locality is characterised by single houses and mature street trees.

An aerial image depicting the site within its context is provided below:



Planning Compliance

The property was recently sold, and notification of the requirements of Local Planning Policy 3.2 – Tree Retention (LPP 3.2) was included on the property enquiry dated 20 November 2025 provided by the City as part of settlement.

On 13 January 2026, the City received notification from a member of the public that a tree on the site was being removed.

The City attended the site shortly thereafter and advised the contractor to cease all removal and pruning works as the tree was considered to be a Regulated Tree in accordance with LPP 3.2. At this point, only the trunk of the tree remained, and all canopy has been removed.

The remainder of the tree is still considered to be a Regulated Tree for the purposes of LPP 3.2 and as such, development approval is required prior to any further Tree Damaging Activity (removal) occurring. The landowner subsequently lodged an application for development approval which forms the basis of this report.

It should be noted that a subsequent grant of 'retrospective' development approval does not negate or preclude a prosecution which relates to development being carried out prior to the grant of development approval as detailed below:

- Sections 164(1) of the Act provides that a responsible authority may grant its approval under a planning scheme for development already commenced or carried out.

10.3.5 Tree Damaging Activity to a Regulated Tree - Lot 42 (No.20) Karoo Street, South Perth

- Section 164(3) of the Act provides that this provision does not affect the operation of the provisions of Part 13 of the Act (which comprises the relevant enforcement and penalty provisions) in respect of development commenced or carried out before approval has been granted.
- Whilst section 164(4) provides that “*development which was unlawfully commenced or carried out is not rendered lawful by the occurrence of any subsequent event except the approval by the relevant responsible authority of that development*”, the matter of whether unlawful development is rendered lawful but subsequent approval has been granted, has previously been considered by the Magistrates Court, which found that ‘retrospective’ approval did not negate prosecution proceedings.

As such, the City could commence enforcement for the Tree Damaging Activity that has occurred to date. No decision of Council is required in this respect.

4.0 Legislation and Policy

Legislation

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Local Planning Scheme No.7 (LPS 7)

Local Planning Policies

Local Planning Policy 3.2 – Tree Retention

Local Planning Policy 6.1 – Advertising of Planning Proposals

5.0 Consultation and Referrals

Public Consultation

Local Planning Policy 6.1 – Advertising of Planning Proposals requires standard development applications to be advertised for 14 days to properties in the vicinity that may be affected unless discretion is exercised by the City to increase or reduce the consultation radius.

Public consultation has not been undertaken as the Tree Damaging Activity had occurred prior to the application being lodged. The site is located on a corner, and the tree does not overhang or encroach on adjacent private property.

Department of Primary Industries and Regional Development

The applicant considers the tree is a weed species and meets the exemptions prescribed in LPP 3.2 on the basis of being contained on a State or local weed register.

The City sought advice from the Department of Primary Industries and Regional Development (DPIRD) as to whether the species *Corymbia citriodora* is a weed on a *weed register*, and the status of the document ‘CRC for Australian Weed Management – the Introduced flora of Australia and its weed status’ (CRC).

DPIRD advised that the legal status of *Corymbia citriodora*, as assessed under the *Biosecurity and Agricultural Management Act 2007* and as listed in the Western Australian Organism List (WAOL), is permitted, and that WAOL is a legal database.

The City sought further clarification as to the above and DPIRD advised that whilst the species is a weed, it is permitted and is not on a weed register. Further, DPIRD advised that the CRC is a compendium of introduced and native plants and a botanical description of weed potential. It is not a legal database. A copy of the advice from DPIRD is contained as **Attachment (e)**.

6.0 Assessment

Planning and Development (Local Planning Schemes) Regulations 2015

In considering an application for development approval, the local government is to have due regard to the matters listed in Clause 67(2) of the Deemed Provisions to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application. The matters relevant to this proposal and the City's response to each consideration are outlined in the table below:

Requirement	Assessment
(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 inconsistent with the aim of LPS 7 to protect and enhance the natural environment by maintaining biodiversity, protecting and increasing tree canopy, and reducing urban heat island effects.
(g) Any local planning policy for the Scheme area.	The proposal is inconsistent with provisions of LPP 3.2 as detailed in this report.
(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 Tree Damaging Activity undertaken to date has had an adverse impact on the amenity and character of the locality given the tree was visible and positively contributed to the streetscape and amenity of the locality. The remaining tree trunk is not considered to positively contribute to the amenity of the locality, however, could still provide environmental benefit.
(o) The likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource.	The removal of the tree would have an adverse impact on the environment.
(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.	Should Council approve the proposal, a condition of development approval is recommended requiring the planting of a replacement tree on the site to provide additional landscaping on the site.

(x) The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals.	The City considers that the Tree Damaging Activity that has already occurred to the tree has adversely impacted the community given the tree's visual prominence in the locality.
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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 proposes of the Policy:

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

The proposal is compliant with LPP 3.2 except for the following:

Requirement	Assessment
<p>Objectives</p> <p>4.2 Prioritise the retention, protection, and the provisions of trees on private land and adjacent reserves in the planning process.</p>	<p>The removal of the tree does not prioritise the retention, protection and the provisions of trees on private land.</p>
<p>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.</p>	<p>No development application or building permit applications have been submitted for other development/ works on the site.</p>

<p>4.4 Preserve and enhance neighbourhood amenity, character and sense of place.</p>	<p>The City considers that the Tree Damaging Activity that has already occurred to the tree has adversely impacted the neighbourhood amenity, character and sense of place given the tree's visual prominence in the locality.</p>
<p>4.5 Mitigate the urban heat island effect, reduce air pollution, improve groundwater quality and contribute to biodiversity and other environmental benefits.</p>	<p>The removal of the tree 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.</p>
<p>Development applications</p> <p>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:</p> <ul style="list-style-type: none"> (a) The regulated tree is unhealthy, based on the recommendations of an Arborist Report; (b) The regulated tree causes safety risks to people, infrastructure or buildings based on recommendations on an Arborist Report and/or Structural Engineering Report; (c) In the opinion of the City, the redesign of the development to accommodate the regulated tree is unfeasible. 	<p>In respect to whether the tree should be preserved, the applicant's Arborist Report provides that in respect to the structure and form of the street, the tree was severely compromised due to past pruning and trunk failure. Further, the tree had been previously lopped/pruned unprofessionally, with an estimated loss of up to 50% or more of total canopy mass.</p> <p>The City engaged an arborist to peer review the report and review the proposal, which concluded that <i>"while the subject tree displayed several features which may have affected structural integrity, potentially to a detrimental level, it is unlikely that the tree posed a serious or imminent threat to the surrounding environment prior to removal."</i></p> <p>The City sought further advice as to whether the remainder of the tree would pose a safety concern and whether it could regrow. The advice was that the tree likely does not currently pose a safety concern and could be retained and has a good likelihood of surviving. The lifespan and amenity of the tree would, however, be severely reduced and new branches would require significant ongoing management to maintain good structure and safety. From a best arboriculture practice standpoint, the arborist advised they would usually recommend removal and replacement.</p>

7.0 Conclusion

The application is inconsistent with the aim of LPS 7 to protect tree canopy, and the objectives and provisions of LPP 3.2.

Notwithstanding, given the extent of Tree Damaging Activity that has occurred, the City considers that the tree no longer positively contributes to the streetscape and the amenity of the locality. Whilst the tree has a good likelihood of surviving, as advised by the independent arborist, the lifespan and amenity value of the tree will be reduced severely, and the tree will require significant ongoing management to maintain good structure and safety.

Consistent with the independent arborist advice, the City is therefore recommending that approval be granted to remove the remainder of the tree and recommends a condition requiring a replacement tree.

Financial Implications

The cost of the independent arborist review was \$900 + GST.

To the extent that if the applicant were to make an application for review of the decision, the City may need to seek representation at the State Administrative Tribunal.

Key Risks and Considerations

Risk Event Outcome	<p>Financial Loss</p> <p>An adverse monetary impact on the City as a consequence of a risk event occurring. A grading is assigned to different levels of potential loss relative to the significance of the impact on the City's ongoing operations and its ability to deliver expected services.</p>
Risk rating	Low
Mitigation and actions	<p>As outlined in the Financial Implications.</p> <p>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.</p>

Strategic Implications

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

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

Attachments

10.3.5 (a):	Tree Photographs
10.3.5 (b):	Applicant's Arborist Report
10.3.5 (c):	Applicant's Supporting Information
10.3.5 (d):	Independent Arborist Review
10.3.5 (e):	Advice from DPIRD

10.3.6 Rivers Regional Subsidiary - Waste to Energy Contract Amendment

File Ref: D-26-4163
Reporting Officer(s): Anita Amprimo, Director Infrastructure Services

Summary

To present to Council for endorsement a revised Waste to Energy Waste Supply Agreement (**WSA**) which has been endorsed by Rivers Regional Subsidiary.

Officer Recommendation

That Council authorises the execution by the Mayor and Chief Executive Officer, (including application of Common Seal) of the Deed of Variation No 3 Kwinana Waste to Energy Waste Supply Agreement, as contained at **Confidential Attachment (a)**.

Background

The City was originally a member of the Rivers Regional Council (**RRC**) which was created under the *Local Government Act 1995*. Its members were the Cities of South Perth, Armadale, Gosnells, Mandurah, and the Shires of Murray and Serpentine-Jarrahdale. The RRC made decisions relating to strategic waste management issues. It had the responsibility for planning long-term waste management strategy, identifying issues associated with waste management and lobbying on behalf of the six member Councils in the general field of waste management.

As detailed in the report to Council on 28 February 2023, Council resolved at its meeting held 28 May 2019 to approve the wind up of the RRC and support its transition to the Rivers Regional Subsidiary.

The Rivers Regional Subsidiary (**RRS**) comprises of the former members of the Rivers Regional Council. The City of Canning continues as a Participant to the Agreements however is not a member of the Rivers Regional Subsidiary.

As a member of the RRS the City is party to the following two agreements:

- Waste Agreement for the Waste to Energy Plant; and
- Participants Agreement.

In January 2024, the Waste to Energy plant transferred ownership from Avertas to Acciona and shortly after the facility was renamed - Kwinana Energy Recovery (**KER**) in alignment with the State Government Waste Strategy.

In November 2024 a transformer explosion triggered a request by Acciona to extend Practical Completion of the KER facility to 16 July 2025. This presented an opportunity for the parties to renegotiate elements of the WSA and review the operational effectiveness and workability of the current contract.

The amendments to the WSA will be affected by a deed of variation which amends and restates the WSA, amends the PA and amends the Direct Deed in a single document.

Comment

Following those negotiations, the RSS is endorsing to its members attachment (a), *Waste to Energy Waste Supply Agreement – Amendment No 3*. This revised agreement is a significant reduction, from the prior agreement of committed tonnes of Waste that the City (and other RRS members) had to contractually deliver to the KER over the course of the agreement:

The total committed tonnes for all RSS members are reduced to:

- 186,000t p/a for 2025/2026 for a period of four years until 2028/2029;
- 192,850t p/a in 2029/2030;
- then annually escalate at 1.5% for 16 years; and
- then 0% for the final five years.

This provides a reduction of 820,676 tonnes over the life of the WSA as shown below:

- City of Armadale - 169,557 tonnes.
- City of Gosnells - 157,290 tonnes.
- City of Mandurah - 237,681 tonnes.
- Shire of Murray - 35,015 tonnes.
- Shire of Serpentine Jarrahdale - 39,152 tonnes.
- City of South Perth - 32,285 tonnes.
- City of Canning - 149,087 tonnes.

The risk of waste shortfall is reduced with the reduction of committed tonnes for each participant. The changes represent a concession totalling approximately \$127,000,000 (based on 2025/2026 rates) for the WSA participants over the life of the 25-year WSA.

Other amendments to the WSA are as follows:

- Revised Committed Tonnage Profile at a group level only under the WSA with the exclusivity obligation remaining and the individual participant commitments managed via the Participants Agreement (PA).
- The Services Commencement Date is 1 July 2025, with the PC date extended by agreement to 30 June 2025. The term of 25 years will commence on and from the Services Commencement Date.
- Strengthening of the position to place an onus on RRS to work towards retaining control of Food Organics and Garden Organics (FOGO) residuals and deliver the residues/rejects/contaminated material from (Yellow Lid) Dry Mixed Recycling (via a Material Recovery Facility) or (Green Lid) Organics Bin, to KER, if it is economically viable.
- FOGO or Garden Organic (GO) transitions would be staggered between the local governments and forecasts would be provided to KER to avoid any significant and unplanned changes in waste volumes being supplied.
- If FOGO or GO initiatives are unsuccessful, then KER will ensure capacity to re-introduce this within the residual stream to avoid organic material going to landfill.

10.3.6 Rivers Regional Subsidiary - Waste to Energy Contract Amendment

- KER and RRS would jointly develop positive external communications regarding the contractual evolution to meet the continuing needs of local governments while providing long term support and commitment to the success of Energy Recovery in WA.
- Removal of all discount mechanisms previously negotiated, except Delay Costs.
- An agreed “hold action” letter was executed in June 2025- to allow the contract amendment process to proceed beyond the Services Agreement Commencement Date.
- The commissioning regime and related concepts (e.g. Commissioning Fee, Commissioning Shortfall Fee etc.) has been stripped out of the agreement as they are no longer required.
- The concept of Optional Waste has been deleted and replaced with Waste Arising and consequential changes made. Wastes Arising are all wastes collected and owned by or on behalf of the Participants that exceed the Committed Wastes.
- The Principal is required to provide a Wastes Arising Forecast, being an estimate of the Wastes Arising that may be delivered over a period of five years, which is to be incorporated into the Waste Delivery Plan.
- In the event the parties cannot agree on the Waste Delivery Plan for the upcoming Financial Year, the Waste Delivery Plan will include an amount up to maximum quantity of 150% of the relevant Committed Waste.

Consultation

Waste to Energy Contract Amendment No 3 was considered and endorsed by the RRS Board with a simple majority.

Legal advice was obtained by the RRS to assist with obtaining a mutually agreeable contracted outcome with Acciona.

Policy and Legislative Implications

Nil.

Financial Implications

The amended WSA provides an overall reduction of 820,676 committed tonnes over the 25-year term of the contract. This represents a 13.2% reduction and consequently a significant reduction in financial risk for the participants.

The committed tonnes for the City have reduced from 318,360 tonnes to 286,075 tonnes. This will realise a saving of \$5,000,000 (2025/2026 rates, unindexed) over the term of the WSA contract based on forecast penalties that could have applied if the City did not deliver the contracted waste tonnages.

There is no change to the gate fee escalation clause, that is, the cost per tonne of waste will not change from the previous amendment.

Key Risks and Considerations

Risk Event Outcome	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	The Endorsement of the Deed of Variation No 3 Kwinana Waste to Energy Waste Supply Agreement will reduce financial risk to the City by reducing the tonnage commitments.

Strategic Implications

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

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable, liveable, diverse and welcoming neighbourhoods that respect and value the natural and built environment
Outcome:	3.4 Resource management and climate change
Strategy:	3.4.1 Manage and promote sustainable water, waste, land and energy practices

Attachments

10.3.6 (a):	Deed of Variation No 3 Kwinana Waste to Energy Waste Supply Agreement (<i>Confidential</i>)
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10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 Royal Perth Golf Club Inc. Stage 3 Works

File Ref: D-26-4164

Reporting Officer(s): Liz Ledger, Chief Executive Officer

Summary

For Council to consider the Royal Perth Golf Club Inc request for approval of Stage Three Works on Crown Reserve 10250.

Officer Recommendation

That Council approves the Royal Perth Golf Club Inc's application dated 27 January 2026 (as shown in **Attachment (d)**) for the Stage 3 Works on Crown Reserve 10250, pursuant to clause 6.3 of the Lease with the City of South Perth. The approval is subject to:

1. The Royal Perth Golf Club Inc's carrying out the agreed revegetation activities in accordance with the Vegetation Management Plan as a condition of consent under clause 6.3 of the Lease. This includes the planting of a further 8,000 trees and shrubs in 2028-2029 in the Melville Parade Corridor.
2. The Royal Perth Golf Club Inc to keep records of the agreed revegetation activities and to provide a written report to the City of South Perth upon reasonable request and at the end of each financial year.

Background

The City is the relevant management body of Reserve 10250, a class C Crown Reserve comprising Lot 1162 on Deposited Plan 220915 in Certificate of Crown Land Title Volume LR3116 Folio 857 and more commonly known as Royal Perth Golf Club.

The management order (J106947) gives the City the power to lease the Reserve for 50 years, subject to the prior written consent of the Minister for Lands under section 18 of the *Land Administration Act 1997*.

The current purpose of the Reserve is public recreation, and it has historically been leased to the Royal Perth Golf Club Inc. (RPGC) for use as an 18-hole golf course.

RPGC's adjoining clubhouse is situated on a parcel of land adjoining the Reserve (Lot 1 on Diagram 73690 in Certificate of Title Volume 1838 Folio 606) which is owned in freehold by RPGC.

On 29 April 2004, the City in its capacity as lessor and the RPGC entered into a lease of the whole of the Reserve for a term of 50 years commencing on 1 July 2004 and expiring on 30 June 2054 (**Lease**).

The City had prior to this leased the Reserve to the RPGC for the purposes of *Golf Club* by a deed dated 24 July 1987 for a period ending on 31 December 2010. The 1987 lease was surrendered upon commencement of the 2004 lease.

On 24 December 2024, the City provided its consent to RPGC for the Stage 1 and Stage 2 works on the Reserve, as shown on **Attachment (a)**.

10.4.1 Royal Perth Golf Club Inc. Stage 3 Works

Stage 1 was undertaken in 2024 and involved renovation works to the 1st, 2nd, 3rd, 4th and 16th greens.

Stage 2 was undertaken in 2025 and involved renovation works to the 7th, 8th, 13th, 14th, 18th and 19th greens and the Short Game Practice Green.

On 11 February 2025, the Department of Lands and Heritage advised the RPGC:

“As we discussed and previously advised, the golf course land is Crown land reserved Parks and Recreation - restricted public access under the Metropolitan Region Scheme (MRS) and any development would typically require approval by the Western Australian Planning Commission (WAPC) under Clause 16 of the MRS. Some minor works may not meet the threshold for “development” as defined in the Planning and Development Act 2005 and, therefore, do not require approval under the MRS. There is an element of degree before works or land use reach the stage of being “development”. We consider matters such as scale, consistency with the MRS reserve and any relevant policies, the location of the land and adjacent uses and potential impacts on local amenity.

The proposed upgrades and alterations are part of the golf course on-going land use and, I understand, are approved by the City of South Perth as management body of the Crown reserve. After considering all factors, I can advise that the proposed works (as attached) are unlikely to have regional implications that would concern the WAPC in the context of the MRS. Therefore, on this basis a development application is not required under the principles of ‘de minimis’ (minor requiring no regional oversight). The WAPC has taken this approach on similar matters, however, it remains up to the club as to whether it is also comfortable with this approach.”

On 20 October 2025, RPGC requested the City's written consent under the Lease at **Attachment (b)**, to proceed with the Stage 3 works on the Reserve which comprised of:

- (a) replacement, removal and repositioning of various greens and tees;
- (b) the relocation of the maintenance driveway to a new position approximately 100m south, opposite the Glyde Street Labouchere Road intersection; and
- (c) the removal of 76 mature trees.

On 27 November 2025, the RPGC wrote to the City regarding the Stage 3 works, at **Attachment (c)**.

On 27 January 2026, the RPGC provided a letter to the City with an amended proposal for the Stage 3 works at **Attachment (d)**, which amongst other changes, reduced the number of trees proposed to be removed from 76 to 39.

Comment

The RPGC accepting the advice of the Department of Lands and Heritage, has not lodged a development application.

The RPGC is seeking the consent for the Stage 3 works pursuant to their Lease with the City. Consent is sought pursuant to clause 6.3 and 1.2.3 of the Lease. Consent is not required pursuant to clause 4.5 of the Lease.

Clause 6.3 of the Lease provides:

*“6.3 Alterations and Improvements
The Golf Club must obtain the written consent of the City before:
6.3.1 making any major alterations or improvements to the Reserve
6.3.2 installing any major fixtures or equipment in or on the Reserve.”*

Clause 1.2.3 of the Lease provides the City cannot unreasonably withhold its consent to the request:

“Unless expressly stated otherwise in this Agreement, where the Golf Club is required to do something to the satisfaction of the City, or requires the consent of the City before doing something, the City will exercise its discretion on the requirement in a manner that is reasonable in all circumstances. ”

The law requires that each party (to a lease) to do all that is reasonably necessary to secure performance of the lease (*Masters Home Improvement Aust Pty Ltd v Aventus Cranbourne Thompsons Road Pty Ltd* [2019] VSC 428).

When considering whether to approve the Stage 3 Works, the following are considered relevant considerations for Council’s consideration:

1. The golf course land is Crown land reserved Parks and Recreation.
2. The Stage 1 and 2 Works were approved by the City and have been undertaken by RPGC. The Stage 3 Works form a necessary component of and represent the culmination of the wider comprehensive course renewal program developed by RPGC under its masterplan for the Reserve.
3. The Stage 3 Works are consistent with the permitted use under the Lease and the current reserve purpose of Public Recreation.
4. RPGC have advised that the Stage 3 Works will provide for improved safety and movement of the golf course. A copy of the safety and design improvements are contained in appendix on in **Attachment (b)**, pages 7 to 10.

“Phase 3 represents a critical step in improving on-site safety. Given the property's 33-hectare area with restricted dimensions and boundary constraints, enhanced mitigation of internal and external safety risks is essential to prevent property damage and serious personal injury resulting from errant golf shots. Detailed safety analysis is provided in Appendix One”.

“A primary objective of this project is to mitigate internal and external safety risks. To achieve improved safety outcomes in 2026, it is necessary to redirect play and traffic patterns to alternative areas. To implement these safety improvements, Royal Perth Golf Club seeks the City's written consent to remove specific endemic and non-endemic trees, in conjunction with an extensive replanting program as detailed in our Vegetation Management Plan”.

5. The loss of tree canopy.

The original application was to remove 76 trees/ 5% of the total number of trees on the site. The revised application is to remove 39 trees including 4 clumps of Casuarinas (see page 11 of **Attachment (d)**).

Attachment (b) on pages 11-12, shows the changes between the original and revised application, and shows which trees are now proposed to be retained.

10.4.1 Royal Perth Golf Club Inc. Stage 3 Works

The following are relevant considerations for Council:

- The RPGC does not require the City’s consent under the Lease for the removal of any mature trees that have not been entered on the City’s Register of Tree Preservation Orders.
- The trees in question are not “significant trees”.
- The majority of the trees that are proposed to be removed are exotic varieties rather than species endemic to Western Australia.
- LPP3.2 and the City’s Urban Greening Strategy are not matters or issues that arise under the Lease and therefore do not require consideration.
- The Club has identified approximately 29,000m² of irrigated mown turf that is surplus to golfing requirements. These areas will be turned into naturalised “*native vegetation, comprising ground flora and understorey species that reinstate a native Banksia vegetation community and associated habitat*”.
- The Vegetation Management Plan includes a Revegetation and Enhancement Program as summarised below:

Current Activities 2024–2025	Committed Program by 2028	Committed program in 2028/2029
68 trees planted	308 Trees	Revegetation of Melville Parade corridor including 8,000 additional trees and shrub plantings
500 native shrubs planted <i>(sourced from the City of South Perth Nursery)</i>	8,150 shrubs	
2,100 native wallaby grasses and groundcover plantings established	10,590 native grasses and monocots = 18,982 plantings	

Conditional Approval

The lease does not expressly allow the City to impose conditions when providing its consent under the lease. However, section 50(2)(b) of the *Interpretation Act 1984* (which applies to the lease pursuant to clause 1.2.4) provides where there is a power to grant approval, such power includes the power to impose *reasonable conditions* subject to which the approval may be granted.

The City can impose an obligation on RPGC to carry out the agreed revegetation activities in accordance with the Vegetation Management Plan as a condition of its consent under clause 6.3 of the Lease.

If RPGC fails to carry out the revegetation activities of the type, number and timeframes specified in the Vegetation Management Plan (as required by the condition), the City’s consent to the Stage 3 Works becomes invalid and the resulting works carried out under the Stage 3 Works will not be in accordance with clause 6.3 of the Lease.

10.4.1 Royal Perth Golf Club Inc. Stage 3 Works

It would then be open to the City issue a default notice to RPGC for contravention of clause 6.3 (which could lead to the City electing to terminate the Lease in the event that RPGC had not complied with the condition on or before the expiry of that default notice).

Consultation

Elected Members were advised of the proposed Stage Three works in the Councillor Bulletin dated 31 October 2025.

RPGC presented revised plans for the Stage 3 works at an Elected Member Briefing on 29 January 2026.

Elected Members were offered a tour of the golf course by the RPGC to explain the proposed stages on site. Councillors Lee and Raison attended this tour on Tuesday 10 February 2026.

Policy and Legislative Implications

Interpretation Act 1984

Financial Implications

If the RPGC believes that the City has acted unreasonably in withholding its consent, RPGC could seek relief against the City, which could include a declaration that the City has breached clause 1.2.3 in withholding its consent.

Key Risks and Considerations

Risk Event Outcome	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	If the officer recommendation is followed, then the risk of Litigation is removed.

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

10.4.1 Royal Perth Golf Club Inc. Stage 3 Works

Attachments

- 10.4.1 (a): Consent for Stage 1 and 2 Works dated 24 December 2024
- 10.4.1 (b): Request to undertake Stage 3 Works dated 20 October 2025
- 10.4.1 (c): Letter from RPGC dated 27 November 2025
- 10.4.1 (d): Amended Request to undertake Stage 3 works dated 27 January 2026
- 10.4.1 (e): Letter of Advice (*Confidential*)

10.4.2 Delegation DC690 Local Planning Scheme No.7

File Ref: D-26-4166

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

Summary

This report presents amendments to Council Delegation DC690 Local Planning Scheme No.7 which are intended to ensure functions in the Planning and Development (Local Planning Schemes) Regulations 2015 are prescribed in delegation for Council oversight.

Officer Recommendation

That Council adopt amended Council Delegation DC690 Local Planning Scheme No.7 as contained in **Attachment (b)**.

Background

The *Local Government Act 1995* (the Act) recognises the importance of the demarcation between the administration and the Council, with Council deciding what should be done for the community as a whole, and the administration implementing those decisions.

Essential to good governance is a set of clearly defined, understood and accepted rules for governing the local government. If the rules are properly understood and adhered to, the scope for ignoring or breaching them is reduced.

Separation of the administration and Council is critical, ensuring that good governance is applied to the functioning of both the Council and the administration. Delegations play an integral role in this separation of functions, as it clearly delineates responsibility for determining applications.

Delegated authority refers to the giving or assigning authority to someone to carry out specific activities. Section 5.42 of the Act provides for Council to delegate to the Chief Executive Officer (CEO) the exercise of any of its powers or the discharge of any of its duties under the Act, other than a small number of functions which may not be delegated.

There are several related Acts which authorise the CEO and designated officers to perform specific enforcement functions including those under the *Planning and Development Act 2005* (PD Act). As it relates to planning, the activities typically permitted under delegated authority enable the administration to carry out day to day statutory planning functions, such as determining development applications.

Whilst Council has a strategic oversight role, where there is ineffective delegation, this may result in:

- Additional costs associated with administrative resources (e.g. preparing reports to Council).
- Slower decision making and associated holding costs for applicants.
- Risk of not meeting statutory timeframes for determinations prescribed in the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations).

10.4.2 Delegation DC690 Local Planning Scheme No.7

- Agendas predominantly comprising of individual development applications, as opposed to items related to the strategic vision and aspirations of the local government; and
- Risk that decisions made by Council may not adhere to the requirements of quasi-judicial decision making, which is a requirement in planning decision making.

Notwithstanding, a balance of delegation is required to ensure that Council fulfills its oversight role under Act and therefore it is recommended that Council retains decision making powers for specific types of planning proposals which are deemed to be of significance to the community.

Delegations related to planning functions pertaining to the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) are currently contained under Delegation DC690 - Local Planning Scheme 7 (LPS 7) (DC690) contained as **Attachment (a)**, which were amended by Council at its meeting held 26 March 2024 and further reviewed as part of the Annual Review of Council Delegations at its meeting held 25 March 2025.

The administration is seeking to further amend DC690 as contained in **Attachment (b)**, as discussed in this report.

Comment

Delegation DC690 - Local Planning Scheme 7

DC690 currently provides for the exercise of any of the administration’s powers or the discharge of any of the administration’s duties under the Regulations, ‘other than this power of delegation’. The conditions of delegation only relate to matters pertaining to development applications, and the administration seeks to expand the delegations to explicitly prescribe other functions under the Regulations to ensure Council has oversight as to functions being exercised. The administration also seeks to update existing conditions of delegation for clarity and to ensure consistency in application.

The following table outlines the proposed new delegations within DC690 related to other functions in the Regulations:

Matter	Function
Development Applications	The authority to undertake all functions and processes outlined in Schedule 2, Part 7, Part 8 and Part 9 of the Deemed Provisions. These matters relate to functions such as providing written planning advice as to whether a proposal complies with the ‘deemed-to-comply’ requirements of the Residential Design Codes, accepting an application for development approval, requesting further information from an applicant, advertising a proposal, including consultation with other authorities and consideration and determination of an application by the local government.

Discretion to Modify Development Standards	The authority to modify development standards under clause 34 of LPS 7 unless in the opinion of the Delegated Officer, an application generates significant concern and may negatively impact on the amenity of the locality, the application will be referred to the Council for determination. This clause in LPS 7 requires consideration of planning matters within the Regulations and orderly and proper planning.
Structure Plans	<p>The determination under Clause 17(1) of the Deemed Provisions as to whether a structure plan complies with the requirements of Clause 16(1), or if further information is required before the structure plan can be accepted for assessment and advertising.</p> <p>The advertising of a structure plan under Clause 18(2) of the Deemed Provisions.</p> <p>The provision of advice and assistance to the Western Australian Planning Commission under Clause 23 of the Deemed Provisions.</p> <p>The approval of further details of a structure plan under clause 24(1A) of the Deemed Provisions.</p> <p>The determination that advertising of an amendment to a structure plan is not required, where it is minor in nature, under Clause 29(3) of the Deemed Provisions.</p> <p>The preparation of a report and recommendation on an amendment to a structure plan, under Clause 20 of the Deemed Provisions, where it is determined that the amendment is minor in nature and advertising is not required.</p>
Local Development Plans	<p>The determination not to advertise a Local Development Plan under Clause 50(3) of the Deemed Provisions.</p> <p>The determination to require modifications to a Local Development Plan under Clause 52(1)(b) of the Deemed Provisions.</p> <p>The determination to amend an approved Local Development Plan under Clause 59(1) of the Deemed Provisions.</p> <p>The determination to require further details of any development included in the Local Development Plan under Clause 53(1) and Clause 53(2) of the Deemed Provisions.</p> <p>The determination to extend the period of approval of a Local Development Plan, if there are no changes to the terms/content of the plan or the conditions attached to the approval.</p>
Local Planning Policies	The determination to amend a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment under Clause 5(2) of the Deemed Provisions.

Heritage	The determination under Clause 11 of the Deemed Provisions to require a Heritage Assessment to be carried out prior to the approval of any development proposed in a heritage area or a place on a heritage list.
	The determination under Clause 12 (1-3) of the Deemed Provisions to vary site or development requirements, subject to undertaking public consultation to preserve the heritage values of a heritage area or a place on a heritage list or on the Register of Heritage Places.
	The determination under Clause 13 (1-6) of the Deemed Provisions to issue a heritage conservation notice for a place on a heritage list that is not being properly maintained and to give a person who is the owner or occupier of the heritage place a written notice requiring specified repairs to the heritage place, or extend or revoke a notice.

Conditions on Delegation DC690 - Local Planning Scheme 7

Council has the ability to impose conditions of delegation, which otherwise limit the exercise of delegation. For example, whilst the administration may be delegated the power to determine development applications, certain types of land uses could only be determined by Council rather than the administration under delegated authority. This again ensures Council can fulfill its oversight role under the Act and ensure certain applications which may be contentious or of interest of the community can be determined by Council. The administration is recommending two conditions of delegation related to land use and application type, and advertising as detailed below:

Land Use and Application Type

The granting of Development Approval does not extend to the following land uses and application types:

- (a) Child Care Premises.
- (b) Fast Food Outlet.
- (c) Hotel.
- (d) New Residential Aged Care Facilities.
- (e) Nightclub.
- (f) Place of Worship.
- (g) Residential Building.
- (h) Tavern.
- (i) Telecommunications Infrastructure that is not classified as a low-impact facility under the *Telecommunications Act 1997*.
- (j) Non-residential 'A' uses within the Residential zone, where objections are received during advertising.
- (k) Use not listed.
- (l) Change to a Non-Conforming Use.
- (m) Residential development comprising five (5) or more dwellings.

10.4.2 Delegation DC690 Local Planning Scheme No.7

- (n) Applications which require an assessment of significant obstruction of views in accordance with Local Planning Policy 5.1 – Salter Point Escarpment or Local Planning Policy 7.2 – Significant Views.
- (o) Applications which involve tree damaging activity to a regulated tree in accordance with Local Planning Policy 3.2 – Tree Retention.
- (p) Applications for Heritage Listed properties or within a Heritage Area except where, in the opinion of the delegated officer, the proposal is minor in nature and will not detract from the heritage significance of the place.
- (q) Applications on or involving City owned or managed land by a private entity which propose significant works or a change of land use.
- (r) Applications for illuminated and/ or digital content signage opposite (directly or diagonally) to or adjoining a residential zone.
- (s) Applications previously considered by Council, unless, in the opinion of the Delegated Officer, the application is of a minor nature and in the opinion of the Delegated Officer, the proposal is consistent with the objectives and intent of Local Planning Scheme No.7 and any Local Planning Policy, as well as the principles of orderly and proper planning.
- (t) Development where the requirements of the Local Planning Scheme, State Planning Policies and/or Local Planning Policies have not been complied with except where, in the opinion of the delegated officer:
 - (i) the proposal is consistent with the objectives of the Local Planning Scheme and relevant Policy;
 - (ii) the proposal would not have a detrimental impact on the streetscape or any other property; or
 - (iii) the variation is minor in nature; or
 - (iv) the variation can be overcome by imposing a condition(s) on any development approval granted.

Advertising

Where advertising of the application is required, the granting of Development Approval may only occur where:

- (a) Consent, no objection or no response is received from those consulted; or
- (b) Any objection received can be overcome by imposing a condition(s) on any a development approval granted, or modifying the design of the development; or
- (c) The objection does not relate to valid planning and development considerations associated with the proposal.

Consultation

An Elected Member workshop was held on 3 February 2026 to present and discuss draft delegations.

Policy and Legislative Implications

Local Government Act 1995

Section 5.42 of the Act provides for Council to delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under the Act, other than a small number of functions which may not be delegated.

Planning and Development (Local Planning Schemes) Regulations 2015

In accordance with Schedule 2, Part 10, cl.82. of the Regulations, the local government may, by resolution, delegate to a committee or to the local government CEO the exercise of any of the local government’s powers or the discharge of any of the local government’s duties under this Scheme other than this power of delegation.

A resolution must be by absolute majority of the Council of the local government.

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	<p>Business Interruption</p> <p>Incorporates the impact of events which impinge upon the Administration 's capacity to deliver expected services to the community. These interruptions can range from minor inconvenience requiring an alternative method of service delivery being employed through to forced loss of ability to provide multiple services to all or some of the community. Knowledge loss, technological failure and property damage will also contribute to this outcome.</p> <p>Legislative Breach</p> <p>Refers to failure to comply with statutory obligations in the manner in which the Administration, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation.</p>
Risk rating	Low
Mitigation and actions	<p>The administration seeks to ensure planning applications are assessed within statutory timeframes prescribed by the Regulations, including presenting reports to Council where no delegation on the matter is provided.</p> <p>Review of delegations occurs annually.</p>

Strategic Implications

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

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

Attachments

10.4.2 (a):	Current Council Delegation DC690 - Local Planning Scheme No.7
10.4.2 (b):	Draft Delegation DC690 - Local Planning Scheme No.7

10.4.3 Council Member, Committee Member and Candidate Code of Conduct

File Ref: D-26-4167
Reporting Officer(s): Bree Websdale, Director Corporate Services
Liz Ledger, Chief Executive Officer

Summary

Local governments are required to adopt by 1 April 2026 an updated Model Code of Conduct following amendments to the *Local Government (Model Code of Conduct) Regulations 2021*.

This report presents an amended Councillor Code of Conduct for adoption by Council.

Officer Recommendation

That Council:

1. Adopts the Council Member, Committee Member and Candidate Code of Conduct as contained in **Attachment (a)**.

Absolute Majority Required

Background

On 27 April 2021, Council adopted the Councillor Code of Conduct as required by section 5.104 the *Local Government Act 1995 (Act)* and prescribed by the *Local Government (Model Code of Conduct) Regulations 2021 (Regulations)*. The Code as introduced to guide decisions, actions and behaviours of Council members, committee members and candidates in local government elections.

The Code comprises the following divisions:

1. Preliminary Provisions;
2. General Principles to guide behaviour of Council Members, Committee Members and Candidates;
3. Standards of behaviour which reflect the principles; and
4. Rules of conduct that relate to the principles and behaviours.

On 1 January 2026, the Regulations were amended by the *Local Government Regulations Amendment (Local Government Amendment Act 2024) Regulations 2025 (Amendment Regulations)* to provide for the commencement of the Local Government Inspector.

As a result, local governments are required to adopt an updated Model Code of Conduct consistent with the amended Model Code by 1 April 2026. The following are required changes to the Model Code:

- New subclauses 11(4)-(6) requiring the referral of a complaint to the Inspector if the person subject of the complaint has been found on at least 2 previous occasions to have committed a behavioural breach.

10.4.3 Council Member, Committee Member and Candidate Code of Conduct

- New clause 14A which enables the Inspector to appoint a monitor to assist a local government to deal with matters raised by a complaint.
- New clause 14B which provides that findings on behavioural complaints can be determined by either:
 - The Council; or
 - A Committee comprising of Council Members only authorised for that purpose; or
 - An independent person authorised by absolute majority of Council who is not:
 - A Council Member at any local government;
 - A member of any regional subsidiary;
 - An employee of any local government or regional subsidiary;
 - An employee of WALGA or LG Professionals; or
 - A member of any local government advocacy body.

The new provisions do not apply to complaints made before 1 January 2026.

Comment

Amendments cannot be made to Divisions 2 or 4 of the Code.

Amendments can be made to Division 3 of the Code. This is provided any additions are consistent with the Model Code (s. 5.104(3) of the Act). The administration has reviewed the Code and is suggesting the following insertions to Division 3 to ensure the City aligns with best practice in Work Health and Safety.

The amendments will demonstrate Council’s commitment to Work Health and Safety and to a safe place of work for Council members, committee members and local government employees in connection with the performance of their official duties. The amendments will enhance and promote integrity, transparency and accountability at the City.

Addition	Officer’s Comments
Retitling the document from “Councillor Code of Conduct” To “Code of Conduct for Council Members, <u>Committee Members and Candidates</u> ”	This is the title given to the Code by the Regulations, emphasising its application to committee members and candidates as well as Council members.
The addition of paragraph 8(2)(c): A council member or committee member — <i>(c) must ensure they are as informed as reasonably possible about matters relating to their role.</i>	To promote informed and responsible decision-making.

<p>Additions at paragraph 9 (as shown in underline):</p> <p>A council member, committee member or candidate —</p> <p>(a) must not <u>intimidate, threaten</u> bully or harass another person in any way; and</p> <p>(b) <u>must not cause a psychosocial hazard or psychological harm to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and</u></p> <p>(c) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and</p> <p>(d) must not use offensive or derogatory language when referring to another person; and</p> <p>(e) must not disparage, <u>belittle and/or denigrate</u> the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and</p> <p>(f) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.</p>	<p>To address conduct that may not amount to bullying or harassment but is unacceptable behaviour.</p> <p>WorkSafe Australia defines psychosocial hazard is anything that could cause psychological harm (e.g. harm someone's mental health).</p> <p>The City is required to eliminate psychosocial risks, or if that is not reasonably practicable, minimise them so far as is reasonably practicable.</p>
<p>Extending Clause 10 to include agenda briefing, concept forum or workshop. It currently only refers to Council or committee meetings.</p>	<p>It is important that the requirements of proper and respectful behaviour apply in all Council business including respect of agenda briefing, concept forum or workshops.</p>

<p>Additions at paragraph 10(a) (as shown in underline):</p> <p>When attending a council or committee meeting, a council member, committee member or candidate —</p> <p>(a) must not act in an <u>intimidating, abusive or threatening</u> manner towards another person; and</p>	<p>To address conduct that may not amount to bullying or harassment but is unacceptable behaviour.</p> <p>This insertion mirrors the insertion at clause 9(a).</p>
<p>Additions at clause 10(d) (as shown in underline).</p> <p>(d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings, <u>or any other procedures adopted by council in relation to such meetings</u></p>	<p>To make a connection between the Code and other procedures adopted by Council relating to such meetings i.e. Council Policies and Committee Terms of Reference.</p>
<p>Additions at clause 10(g) (as shown in underline):</p> <p>When attending a council or committee meeting, a council member, committee member or candidate —</p> <p><i>(g) must base decisions on relevant and factually correct information.</i></p>	<p>To promote good governance and responsible decision-making.</p>
<p>Amending clause 10A(2) to require a new council member or committee member to disclose their membership or employment of a political party within 14 days of their election or appointment.</p>	<p>On 24 May 2022, Council amended the Code to insert clause 10A requiring Elected Members and Committee Members to disclose:</p> <ul style="list-style-type: none"> • Membership of a political party; and • Employment of a political party. <p>This addition is to clarify that new council members and committee members are to disclose their association with a political party within 14 days of their election.</p>

The revised Code, with the proposed changes shown in tracking, is provided at **Attachment (a)** for Council's consideration.

Consultation

Nil.

Policy and Legislative Implications

Local Government Act 1995

Local Government (Model Code of Conduct) Regulations 2021

P630 - Workplace Health and Safety

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	Legislative Breach This refers to a failure to comply with statutory obligations in the manner in which the City, its officers or Elected Members conduct its business or make decisions and determinations. This embraces a broad spectrum of legal, ethical, and social obligations and responsibilities across all service areas and decision making bodies representing the collective organisation.
Risk rating	Low
Mitigation and actions	Council is required to incorporate the changes from the Amendment Regulations into its Code by 1 April 2026.

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):** City of South Perth Code of Conduct for Council Members, Committee Members and Candidates

10.4.4 Meeting Attendance Fees for Independent Committee Members

File Ref: D-26-4169
Reporting Officer(s): Liz Ledger, Chief Executive Officer

Summary

For Council to review the meeting attendance fee payable to independent members of the Audit, Risk and Improvement Committee following a variation to the Local Government Chief Executive Officers and Elected Members Determination No. 1 of 2025.

Officer Recommendation

That Council approves a meeting fee of \$450 for independent committee members of the Audit, Risk and Improvement Committee in accordance with section 5.100 of the *Local Government Act 1995*.

Background

The Audit, Risk and Improvement Committee (ARIC) is comprised of an independent presiding member and independent deputy presiding member. This structure is in accordance with the proclamation of sections 86 to 90 of the *Local Government Amendment Act 2024* on 1 January 2026.

In 2024, the *Local Government Act 1995* (Act) was amended to provide for independent committee members to receive meeting attendance fees. The Salaries and Allowances Tribunal (Tribunal) annually determines a range of fees and local governments are to set a fee within the range (section 5.100 of the Act).

On 19 March 2024, Council approved a meeting fee of \$305 for independent ARIC members. At the time, this was the maximum payable to independent committee members of a band 2 local government.

Comment

On 19 December 2025, the Tribunal issued a variation to the amount payable to independent ARIC members under the Local Government Chief Executive Officers and Elected Council Members Determination No 1 of 2025 (Determination). The timing of this variation aligns with recent reforms to the Act requiring ARICs to have an independent presiding member and independent deputy presiding member.

Independent ARIC per meeting fees		
Bands	Independent ARIC Member	
	Min	Max
1 – 4	\$105	\$1,215

Prior to the variation, the range set by the Tribunal was \$0 - \$450.

10.4.4 Meeting Attendance Fees for Independent Committee Members

In recognition of the role and contribution of the independent presiding member and deputy presiding member, the City is recommending that Council resolves to increase the meeting attendance fee from \$305 to \$450 per meeting.

Consultation

Nil.

Policy and Legislative Implications

Local Government Act 1995

Salaries and Allowances Tribunal Local Government Chief Executive Officers and Elected Members Determination No. 1 of 2025

Financial Implications

There are sufficient funds within the 2025/26 Governance budget to accommodate the proposed increase to meeting attendance fees.

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 receives email notification from the Salaries and Allowances Tribunal when there is a new Determination or Variation issued.

Strategic Implications

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

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

Attachments

Nil.

10.4.5 Metro Inner Development Assessment Panel

File Ref: D-26-4170

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

Summary

This report seeks the appointment of an Elected Member to the Metro Inner Development Assessment Panel as an alternate member for the period 27 January 2026 to 26 January 2028.

Officer Recommendation

That Council:

1. Nominates Councillor _____ as alternate member of the Metro Inner Development Assessment Panel for the period 27 January 2026 to 26 January 2028.
2. Requests the Chief Executive Office advise the Minister for Planning and Lands of the nomination of the City of South Perth's Development Assessment Panel alternate member for the period 27 January 2026 to 26 January 2028.

Background

Development Assessment Panels were introduced into the Western Australian planning system in July 2011 and are decision-making panels that are intended to enhance the planning expertise in decision-making by improving the balance between technical advice and local knowledge.

The City of South Perth is part of the Metro Inner Development Assessment Panel (DAP). DAP members will be required when a DAP meeting is held and will sit on the DAP with three specialist members, with one of the specialist members being the presiding member.

The City of South Perth is required to nominate four members for appointment by the Minister for Planning and Lands, being two members and two alternative members. At its meeting held 28 October 2025, Council resolved as follows:

- “1. That Council nominates Councillor Bronwyn Waugh as a member of the Metro Inner Development Assessment Panel for the period 27 January 2026 to 26 January 2028.
2. That Council nominates Councillor Kathy Lees as a member of the Metro Inner Development Assessment Panel for the period 27 January 2026 to 26 January 2028.
3. That Council nominates Councillor Tim Houweling as the alternate member of the Metro Inner Development Assessment Panel for the period 27 January 2026 to 26 January 2028.
4. That the Minister for Planning and Lands be advised of the nomination of the City of South Perth's Development Assessment Panel members and alternate member for the period 27 January 2026 to 26 January 2028.”

As such, this report seeks a nomination and appointment for a second alternate member.

Comment

The role as a local government DAP Member is independent of the role of a Local Government Elected Member and is covered by different legislation. Members are not bound by any previous decision or resolution of the local government. All DAP Members are required to exercise independent judgment in relation to any DAP application before them and consider the application on its planning merits.

Before an Elected Member can sit on a DAP meeting, the Elected Member must complete the DAP member training run by the DAP Secretariat, or if the training has previously been completed, the DAP Executive Director will consider time since it was completed and/or since the Elected Member last participated on a DAP meeting to determine whether refresher training is required before participating on another DAP meeting.

As of January 2026, the DAP Secretariat will be holding regular training sessions that will be extended to those who have not received training and are expected to be required on an upcoming DAP meeting. Once the Minister for Planning and Lands registers the local government DAP members, the DAP Secretariat will contact those who are within a local government district where there is a current DAP application that will require a DAP meeting within the next 3-4 months.

The sitting fees are as per schedule 2 of the Planning and Development (Development Assessment Panels) Regulations 2011. For a local government DAP Member, they are currently as follows:

- Per meeting to determine DAP applications (Form 1) - \$425
- Per meeting to determine DAP applications to amend or cancel determination (Form 2) - \$100
- Attendance at a State Administrative Tribunal proceeding - \$425
- DAP Member training - \$400
- DAP member re-training - \$200

Consultation

Nil.

Policy and Legislative Implications

Pursuant to Regulation 25 of the Planning and Development (Development Assessment Panels) Regulations 2011, nominations for four Elected Members to sit as DAP members for the City of South Perth. The nominations must include two members who will be the primary local government DAP Members for the district and two alternate members whom the DAP Secretariat can invite if either of the primary members are unavailable.

Financial Implications

Nil.

Key Risks and Considerations

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

Strategic Implications

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

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

Attachments

Nil.

10.4.6 Urban Greening Advisory Group

File Ref: D-26-4172
Reporting Officer(s): Liz Ledger, Chief Executive Officer

Summary

This report recommends the establishment of an Urban Greening Advisory Group.

Officer Recommendation

That Council:

1. Supports the establishment of an Urban Greening Advisory Group.
2. Endorses the Terms of Reference for the Urban Greening Advisory Group as provided at **Attachment (a)**.
3. Appoints the following Elected Members to the Urban Greening Advisory Group:
 - i. _____

Background

The City of South Perth's Urban Greening Strategy (Strategy) was adopted by Council at the 22 July 2025 Ordinary Council Meeting.

The Strategy provides long-term guidance for creating a resilient, healthy and diverse green liveable place for people, fauna and flora. The Strategy considers a wide range of greening initiatives, including green corridors, urban parks and foreshores, community education and incentive programs, policy and advocacy efforts, and sustainable funding mechanisms.

The Strategy is guided by four pillars. Each pillar includes goals and objectives to guide action to achieve the City's urban greening vision.

Council Policy P112 Community Advisory Groups provides for the establishment and operation of Community Advisory Groups. The purpose of a Community Advisory Group is to provide advice to Council and City staff in regard to particular areas of interest as determined by Council. Community Advisory Groups perform a purely advisory function and do not have any power to make decisions.

It is proposed to establish an Urban Greening Advisory Group to advise and make recommendations on the achievement of the goals and objectives of the Strategy.

Policy P112 provides:

- Council may resolve to establish a Community Advisory Group for a particular purpose as described in the resolution.
- The resolution must include terms of reference and may include details of representation but shall not nominate individual members, except where representatives from Council are required for membership of the group.

10.4.6 Urban Greening Advisory Group

- Upon a Council resolution to establish a Community Advisory Group, the Chief Executive Officer shall initiate a process of appointment and appoint the members in accordance with Management Practice M112.
- A report detailing the Terms of Reference, activities and achievements for each Community Advisory Group is to be included in the City's Annual Report.

Community Advisory Groups are not Committees established under section 5.8 of the *Local Government Act 1995*. An advisory group has no delegated powers or authority of Council.

Comment

Draft Terms of Reference for the Urban Greening Advisory Group are provided at **Attachment (a)**. The Terms of Reference propose:

- Objective: to advise and make recommendations on the achievement of the goals and objectives of the City of South Perth Urban Greening Strategy.
- Membership:
 - A minimum of one City of South Perth Elected Member
 - A minimum of one and maximum of five Community Members who are electors of the District
 - City Officers as determined by the Chief Executive Officer
- The term of membership is two years aligned with local government ordinary elections.
- The Advisory Group shall meet quarterly per calendar year.

In accordance with Management Practice M112, the CEO will seek community representative nominations. At the conclusion of the nomination period the CEO will review the nominations received and make the necessary appointments.

Council is asked to support the establishment of the group, endorse the terms of reference and appoint Elected Members to the Group.

Consultation

Community representative nominations will be sought through:

- the City's marketing channels, and where appropriate
- relevant community groups or associations will be approached requesting a nominee.

Policy and Legislative Implications

Council Policy P112 Community Advisory Groups
Urban Greening Strategy

Financial Implications

The creation of this Advisory Group will require staff time to attend and prepare for meetings.

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.
Risk rating	Low
Mitigation and actions	Urban Greening Strategy Establishment of Urban Greening Advisory Group

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: 4.1 Engaged community
- Strategy: 4.1.1 Engage, educate, inform, consult and listen to our community to understand and deliver on identified priorities

Attachments

- 10.4.6 (a): Terms of Reference - Urban Greening Advisory Group

10.4.7 Listing of Payments - December 2025 and January 2026

File Ref: D-26-4173

Reporting Officer(s): Bree Websdale, Director Corporate Services

Summary

This report presents to Council:

- the list of accounts paid under delegated authority between 1 December 2025 to 31 January 2026.
- purchase card transactions between 1 November 2025 to 31 December 2025.

Officer Recommendation

That Council receives the Listing of Payments for the month of December 2025 and January 2026 as detailed in **Attachments (a) and (b)** and notes all payments made by the Chief Executive Officer under Delegation DC602.

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 December 2025 is included in **Attachment (a)** and shows the following payments:

EFT Payments to Creditors	358	\$9,805,063.73
EFT Payments to Non-Creditors	35	\$39,770.43
Cheque payments to Non-Creditors	6	\$5,063.21
<i>Total EFT & Cheque Payments</i>	399	\$9,849,897.37
Credit Card Payments	68	\$17,483.34
Fleet Card Payments	28	\$2,540.21
Total Payments	495	\$9,869,920.92

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

EFT Payments to Creditors	441	\$6,268,371.43
Cheque payments to Creditors	1	\$228.20
EFT Payments to Non-Creditors	44	\$58,260.29
Cheque payments to Non-Creditors	15	\$12,863.31
<i>Total EFT & Cheque Payments</i>	501	\$6,339,723.23
Credit Card Payments	40	\$10,250.23
Fleet Card Payments	30	\$1,988.39
Total Payments	571	\$6,351,961.85

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

Due to the time lag between receiving the statements and the successful acquittal of transactions in the City’s system this listing will always be for the month preceding the month for which creditor and non-creditor payments are being reported.

The City’s officers 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

Policy P602 Authority to Make Payments from the Municipal and Trust Funds.

Financial Implications

The payment of authorised amounts is within existing budget provisions.

Key Risks and Considerations

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

- 10.4.7 (a): Listing of Payments December 2025
- 10.4.7 (b): Listing of Payments January 2026

10.4.8 Monthly Financial Statements December 2025

File Ref: D-26-4174

Reporting Officer(s): Bree Websdale, Director Corporate Services

Summary

To present to Council the Financial Statements for December 2025.

Officer Recommendation

That Council notes the Financial Statements and report for this financial year to 31 December 2025, as shown in **Attachments (a)–(i)**.

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 Ordinary Council Meeting of 24 June 2025, as part of adoption of the 2025/2026 budget, Council determined the material variance reporting threshold as \$10,000 or 10%.

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

- The Consumer Price Index (CPI) inflation was 3.8% for the 12 months to December 2025, compared to 3.4% in the 12 months to November 2025.
- Headline inflation remains higher than the target rate.
- At its 4 November 2025 and 9 December 2025 meetings the Board (RBA) decided to leave the cash rate on hold at 3.60%.
- The RBA Monetary Policy Board released the following statement on the 9 December 2025: *“While inflation has fallen substantially since its peak in 2022, it has picked up more recently. The Board’s judgement is that some of the recent increase in underlying inflation was due to temporary factors and there is uncertainty about how much signal to take from the monthly CPI data given it is a new data series. Nevertheless, the data do suggest some signs of a more broadly based pick-up in inflation, part of which may be persistent and will bear close monitoring.”*
- Banks have been offering improved average interest rates of 4.23% for investments under 12 months.

Comment

The Financial Statements represent the 2025/2026 operations to 31 December 2025 and compare year to date expenditure and revenue against the corresponding adopted budget of Council.

Category	Variance
Revenue from operating activities	Favourable variance of \$767,523 (\$77,214,364 in comparison to budget of \$76,446,841)
Expenditure from operating activities	Favourable variance of \$128,960 (\$40,215,772 in comparison to budget of \$40,344,732)
<i>Net Operating Position</i> (See Attachment (c))	Favourable variance of \$896,483 (\$36,998,592 is comparison to budget of \$36,102,109)
Capital Revenue	Unfavourable variance of \$303,818 (\$1,379,068, comparison to budget of \$1,682,886)
Capital Expenditure (See Attachment (e))	Favourable by \$4,656,587 (\$6,941,484 in comparison to the budget of \$11,598,071)

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	\$44,217,766 (44.04%)
Reserves	\$56,183,144 (55.96%)
	\$100,400,910.
Total invested (various institutions)	\$98,001,161
Interest earned (as at 31 December 2025)	\$1,937,714

As at 31 December 2025, the City held 33.54% of its investments in institutions that do not provide fossil fuel lending.

Policy and Legislative Implications

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*.

Relates to the City of South Perth 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

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

10.4.9 Monthly Financial Statements January 2026

File Ref: D-26-4175
Reporting Officer(s): Bree Websdale, Director Corporate Services

Summary

To present to Council the Financial Statements for January 2026.

Officer Recommendation

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

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 Ordinary Council Meeting of 24 June 2025, as part of adoption of the 2025/2026 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 Consumer Price Index (CPI) inflation was 3.8% for the 12 months to December 2025, compared to 3.4% in the 12 months to November 2025.
- Headline inflation remains higher than the target rate.
- At its 4 November 2025 and 9 December 2025 meetings the Board (RBA) decided to leave the cash rate on hold at 3.60%.
- The RBA Monetary Policy Board released the following statement on the 9 December 2025: *“While inflation has fallen substantially since its peak in 2022, it has picked up more recently. The Board’s judgement is that some of the recent increase in underlying inflation was due to temporary factors and there is uncertainty about how much signal to take from the monthly CPI data given it is a new data series. Nevertheless, the data do suggest some signs of a more broadly based pick-up in inflation, part of which may be persistent and will bear close monitoring.”*
- Banks have been offering improved average interest rates of 4.23% for investments under 12 months.

Financial Statements

The Financial Statements represent the 2025/2026 operations to 31 January 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 \$978,612. (\$78,823,740 in comparison to budget of \$77,845,128)
Expenditure from operating activities	Unfavourable variance of \$19,426 (\$46,430,667 in comparison to the budget of \$46,411,241)
<i>Net Operating Position</i> <i>(See Attachment (c))</i>	Favourable variance of \$959,186 (\$32,393,073 in comparison to budget of \$31,433,887)
Capital Revenue	Unfavourable variance of \$528,712 (\$1,722,561, in comparison to budget of \$2,251,273)
Capital Expenditure <i>(See Attachment (e))</i>	Favourable by \$6,556,871. (\$8,236, 802 in comparison to the budget \$14,793, 673)

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	\$42,115,577
Reserves	\$56,228, 437
	<i>\$98,344,014</i>
Total invested (various institutions)	\$96,576,916
Interest earned YTD (as at 31 January 2026)	\$2,399,931

As at 31 January 2026, the City held 29.35% 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

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

11. APPLICATIONS FOR LEAVE OF ABSENCE



12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 NOTICE OF MOTION - MAYORAL REPORTING

File Ref: D-26-4178
Reporting Officer(s): Bree Websdale, Director Corporate Services

Summary

Councillor Tim Houweling submitted a Notice of Motion prior to the Council Agenda Briefing held 9 December 2025.

At the Ordinary Council Meeting held on 16 December 2025, as per resolution 1024/2024, Council adjourned debate on this item until the February Ordinary Council Meeting.

Notice of Motion Recommendation (Suggested Officer Recommendation page 114)

That consistent with the Mayor's statutory duty under section 2.8 and related provisions of the *Local Government Act 1995* to foster good relations between Councillors, the Mayor provide a report to the next Ordinary Council Meeting identifying:

- (a) the actions undertaken to improve relations between Councillors during 2024 and 2025;
- (b) the tangible outcomes achieved; and
- (c) the plan and timeframe for continuing this work and how he has involved other Councillors in this;

and that such reporting occur quarterly thereafter.

Background

Councillor Tim Houweling's reasons for the Notice of Motion are as follows:

The statutory function of the Mayor to foster good relations between Councillors. This has been stated repeatedly in monthly reports particularly at the end of 2024, without any tangible detail and certainty without any reputable outcomes.

Given that this is an express responsibility of the Mayor under the Local Government Act, Council is entitled to receive structured reporting on what actions have been undertaken, what outcomes have been achieved, and what the plan is going forward, if it is sufficient to report as part of the regular reports it is also important to transparently report the actions fallen and outcomes achieved.

This is about governance, integrity and accountability.

If the matters are sufficient to have regularly been part of the Mayor's monthly reports then Council ought to understand and know how the Mayor is performing his role in this area.

This item was adjourned to the February Ordinary Council Meeting in line with resolution 1225/247.

12.1 Notice of Motion - Mayoral Reporting

Moved: Councillor Kathy Lees

Seconded: Councillor Hayley Prendiville

That Council, in accordance with Clause 11.6 of the City of South Perth Standing Orders Local Law 2007, adjourn debate on Item 12.3 Notice of Motion - Councillor Tim Houweling - Mayoral Reporting to the Ordinary Council Meeting to be held 24 February 2026.

Comment

Clause 5.2 of the City’s Standing Orders Local Law 2007 provide unless otherwise decided by the Council, the order of business at any Ordinary Council Meeting is to include Announcements from the Presiding Member at Item 3.

Since November 2024, the Mayor has included at Item 3 the following information, in accordance with Resolution 1024/200 from the Ordinary Council Meeting on 22 October 2024:

1. *At each Ordinary Council Meeting, the Mayor (or Deputy Mayor acting in the position of the Mayor) will present a report of the Mayoral engagements and meetings attended by the Mayor in his / her capacity as Mayor, since the last Council Meeting.*
2. *Such reports to include:*
 - a. *A summary of the events attended and persons met with by the Mayor in his/her capacity as Mayor, since the last Council Meeting, specifically noting interactions with members of the community relevant to matters that have been or are likely to come before Council.*
 - b. *An overview of the key issues, initiatives, and matters that the Mayor has been addressing in his/her capacity as Mayor since the last Council Meeting;*
3. *Such reports will be presented at Item 3 (Announcements from the Presiding Member) on the Ordinary Council Meeting agenda in accordance with the City of South Perth Standing Orders Local Law, Clause 5.2(1) Order of Business.*

The administration has reviewed mayoral and councillor reporting at other metropolitan local governments (not exclusive) and the following occurs:

Local Government	Requirement	Process
City of Armadale	Clause 3.6 of Standing Orders Local Law 2016 provides: At any meeting of the Council or a committee the person presiding may announce or raise any matter of interest or relevance to the business of the Council or committee, or propose a change to the order of business.	Summary of meetings and events attended by the Mayor as well as other announcements are included within the minutes at Item 8 – Announcements by the person presiding without discussion.
City of Gosnells	Clause 4.3 of Standing Orders Local Law 2016 provides: At any meeting of the Council the Presiding Member may announce or direct attention to any matter of relevance to the business of the Council, however no discussion on the matter shall take place.	Minutes include Item 4 – Announcements by the Presiding Member without discussion and Item 5 – Reports of Delegates (council members) without discussion.

City of Cockburn	The City's Standing Orders Local Law 2016 does not provide for Mayoral announcements at council meetings.	A list of events attended by the Mayor is published each month on the City's website.
City of Kwinana	Clause 3.9 of Standing Orders: At any meeting of the Council the presiding member may announce or direct attention to any matter of relevance to the business of the Council, however no discussion on the matter shall take place.	Included within the minutes at Item 24 - Mayoral Announcements. Announcements made by the Mayor are summarised including congratulations and report on events attended.
City of Kalamunda	Standing Orders do not expressly provide for announcements by the presiding person. The order of business for council meetings "must be determined by the Council from time to time".	The Order of Business presently includes Item 7 – Announcements by Presiding Member without discussion.
City of Mandurah	Clause 3.6 of Standing Orders Local Law 2016: At any meeting of Council or Committee the presiding member may announce or raise any matter of interest or relevance to the Council or the Committee as the case may be. The presiding member may allow in his or her absolute discretion a presentation or announcement to the Council or Committee by an Elected Member.	Included within minutes at Item 14 - Announcements by the Presiding Member without discussion. Includes a summary of events attended by the Mayor and Elected Members.
City of Vincent	As per Standing Orders, unless otherwise decided by Council, announcements from the presiding member will be considered at Item 7 of the Order of Business	Mayor's announcements are summarised in minutes and hyperlink to the livestream included to listen to the entire announcement.
City of Stirling	Meeting Procedures Local Law 2021 clause 4.4: Announcements by the Presiding Member or a person nominated by the Presiding Member must – be limited to informing the meeting of official duties performed, or functions attended, by a member or employee, or of other matters of importance to the meeting, of which it has not previously been informed; be as brief and concise as practicable; and unless the meeting resolves otherwise, be completed within 10 minutes.	Council members invited to make announcements in relation to matters relevant to Council. Only included in the Order of Business in the minutes if announcements are made.
City of Perth	Clause 4.6 of the Standing Orders Local Law provides: At any meeting of the Council the Lord Mayor may announce or raise any matter	Item 4 – Announcements by Lord Mayor.

	of interest or relevance to the business of the Council.	Minutes summarise announcements or provide 'Nil' if no announcements made.
City of Subiaco	Clause 2.8 of the City of Subiaco Meeting Procedures Local law 2013 provides announcements by the presiding member are— to inform the council of official duties performed or functions attended by the mayor or of other matters of importance to the council of which the council has not previously been informed; to be brief and concise; and to be completed within ten minutes.	Included in Item 9 of the minutes – Announcements by the Presiding Member
Shire of Mundaring	Clause 4.9 of the Meeting Procedures Local Law 2015 provides: At any meeting of the Council the presiding member may announce or raise any matter of interest or relevance to the local government and there is not to be any discussion on the matter, unless the Council resolves otherwise.	Included in Item 2 of the minutes – Announcements by Presiding Member without discussion
Town of Cambridge	Clause 3.9 of the Town of Cambridge Meeting Procedures Local Law 2019 provides: Subject to clause 3.9(2), at any meeting of the Council or a Committee the Presiding Member may, without discussion, announce or raise any matter of interest or relevance to the business of the Council or Committee. The Council or Committee may resolve, without debate, to discuss the matter so raised by the Presiding Member under clause 3.9(1).	Item 9 of the minutes includes Announcements by the Mayor without discussion.
Town of Victoria Park	Unless otherwise decided by Council, announcements from the presiding member will be considered at Item 2 of the Order of Business	Item 2 of the Order of Business. Minutes note meetings and events attended by the Mayor, announcements and congratulations.
Town of Claremont	Clause 5.2 of the Meeting Procedures Local Law 2018 provides Announcements by the Presiding Person will be Item 14 of the Order of Business.	At the Mayor's invitation, Elected Members provide update on events they have attended. Announcements are summarised in the minutes.

Consultation

Nil.

Policy and Legislative Implications

Local Government Act 1995

Section 2.8(1)(d) of the Act provides:

2.8. Role of mayor or president

(1) The mayor or president –

(a) provides leadership and guidance to the council and council members, including guidance as to the roles of the council and council members; and

(b) acts as the principal spokesperson for the local government, and carries out civic and ceremonial duties on behalf of the local government, at all times acting consistently with council decisions; and

(c) presides at meetings of the council, ensuring that meetings are orderly and held in accordance with this Act; and

(d) promotes, facilitates and supports positive and constructive working relationships among council members; and

(e) liaises with the CEO on the local government's affairs and the performance of its functions.

Section 2.10(1)(d) of the Act provides:

2.10. Role of councillors

(1) A councillor –

(a) represents the interests of the electors, ratepayers and residents of the district and takes account of the interests of other persons who work in, or visit, the district; and

(b) participates in the deliberation and decision-making of the local government at council and committee meetings; and

(c) facilitates communication with the community about council decisions; and

(d) facilitates and maintains good working relationships with other councillors, the mayor or president and the CEO; and

(e) acts consistently with section 2.7(3) to (5); and

(f) maintains and develops the requisite skills to effectively perform their role.

City of South Perth Standing Orders Local Law 2007

Councillor Code of Conduct. The Councillor Code of Conduct requires all Elected Members to foster positive working relationships.

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	NA
Risk rating	
Mitigation and actions	Additional reporting by the Mayoral does not present any known risks.

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

Suggested Officer Recommendation

That Council:

1. Endorses the Mayor (or Deputy Mayor acting in the position of the Mayor) providing a written report for attaching to the minutes, under Item 3, including:
 - a. The Mayoral engagements and meetings attended by the Mayor in his / her capacity as Mayor, since the last Council Meeting.
 - b. A summary of the events attended and persons met with by the Mayor in his/her capacity as Mayor, since the last Council Meeting, specifically noting interactions with members of the community relevant to matters that have been or are likely to come before Council.
 - c. An overview of the key issues, initiatives, and matters that the Mayor has been addressing in his/her capacity as Mayor since the last Council Meeting.
 - d. Action/s taken "to promote, facilitate and support positive and constructive working relationships among Council Members", since the last Council Meeting.

Reason for Alternative Recommendation

Whilst the Notice of Motion includes actions and outcomes from 2024 and 2025, it is not recommended that the Mayor be required to report retrospectively.

Attachments

Nil.

12.2 NOTICE OF MOTION - REVIEW OF THE CITY'S FORESHORE STRATEGY AND MANAGEMENT PLAN

File Ref: D-26-4179

Reporting Officer(s): Liz Ledger, Chief Executive Officer

Summary

Councillor Jacqueline Raison submitted the following Notice of Motion prior to the Council Agenda Briefing held 17 February 2026.

Notice of Motion Recommendation

That Council requests the CEO to commence a review of the City's Foreshore Strategy and Management Plan 2015 (**Plan**), which will result in a report to Council by the end of September 2026 that summarises:

1. How the Plan is tracking in terms of implementation.
2. Whether there have been any unintended outcomes and the financial and / or social impact of those outcomes.
3. Whether there have been any outcomes that have not been able to be achieved and why.

Background

Councillor Jacqueline Raison submitted a Notice of Motion regarding progress made on the implementation of the South Perth Foreshore Strategy and Management Plan and a review of relevance of the actions in the current context. The reasons for the Notice of Motion are as follows:

The current South Perth Foreshore Strategy and Management Plan was adopted in 2015 following extensive stakeholder engagement. While the document does not have an expiry date per se, over the past decade there have been significant changes in density and development which directly impact the foreshore, particularly on the South Perth peninsula. These changes have also had a knock-on effect for other areas in the City. In addition, there have also been:

- *Shifts in community and stakeholder needs and expectations.*
- *Legislative changes to the scope of matters that need to be considered in Council decision making and strategic planning.*
- *Significant community concerns about safety in and around the foreshore.*
- *Increased legislative and community focus on environmental issues including planning for extreme weather events.*

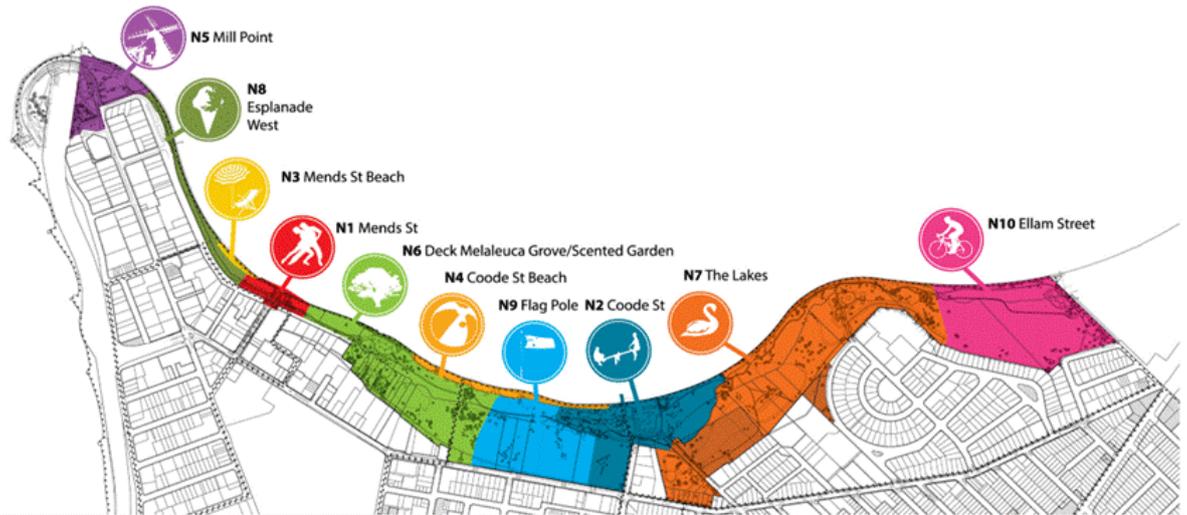
In light of these developments and in the interests of our growing community, it may be appropriate for Council to revisit this strategy as it is a key directional document for the management, preservation and enhancement of this precinct. It is also important to have transparency in relation to the outcomes of the Plan to date. Accordingly, a review and report to Council would be timely and appropriate.

Comment

The Plan was adopted in 2015 following extensive stakeholder engagement. It does not have an expiry date and was considered a framework for delivery over the long-term.

The Plan identifies ten nodes, each with distinctive characteristics, opportunities and management issues, and strategies for each. The Node Strategies have been listed in order of the priority ranking attributed to each node during the feedback period, from Node N1 Mends Street to Node 10, Ellam Street.

Image: The Ten Nodes – Foreshore Strategy and Management Plan



Since 2015, many of the strategies have been fully implemented or have commenced. Node 1 (Mends Street) has undergone a significant upgrade, the public toilets at Coode Street (Node 2) are nearing completion and the design for both the Coode Street foreshore restoration (from the beaches – Node 4 – to Djirda Miya in Node 7) are substantially progressed.

To provide full transparency for Council and the community, an internal report summarising the actions and progress of each can be developed and provided to Council.

This will include:

1. How the Plan is tracking in terms of implementation.
2. Whether there have been any unintended outcomes and the financial and / or social impact of those outcomes.
3. Whether there have been any outcomes that have not been able to be achieved and why.

It is envisaged that this review will be undertaken internally and can be completed within the timeframe of end of September 2026.

Consultation

The Plan was developed based on community consultation, and further engagement has undertaken for specific projects along the way.

Policy and Legislative Implications

Not applicable.

Financial Implications

If the proposed recommendation is endorsed by Council, existing internal resources would be used to action.

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	Should Council support the recommendation, it will be implemented taking account of all the risks.

Strategic Implications

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

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable, liveable, diverse and welcoming neighbourhoods that respect and value the natural and built environment
Outcome:	3.3 Enhanced environment and open spaces
Strategy:	3.3.3 Improve the amenity value and sustainable uses of our streetscapes, public open spaces and foreshores

Attachments

Nil.

12.3 NOTICE OF MOTION - FINANCIAL SUSTAINABILITY STRATEGY

File Ref: D-26-4180

Reporting Officer(s): Bree Websdale, Director Corporate Services

Summary

Councillor Jacqueline Raison submitted a Notice of Motion prior to the Agenda Briefing on 17 February 2026.

Notice of Motion Recommendation

That Council requests the CEO to develop and deliver a report to Council by 30 June 2026 that outlines options for strengthening the City's finances including:

- Identifying non ratepayer (alternative) sources of revenue.
- Strengthening the City's Long-Term Financial Plan.
- Strategies for optimising rate revenue.

Background

Councillor Jacqueline Raison's reasons for the Notice of Motion are as follows:

Like many local governments in Western Australia, the City is facing ongoing pressures that require prudent financial stewardship.

The combination of growing and diverse community needs, high service expectations, aging infrastructure and cost escalation in construction, requires strong oversight and strategic consideration. As the recent Challenger Reserve costings and the construction costs for the Coode Street toilets and change rooms have shown, the City needs to prioritise growing our revenue base to enable us to continue to meet the needs of our community and visitors.

Improving financial sustainability usually requires a mix of revenue reform, cost control, asset management, and governance improvements. It is due to this that the City needs to consider developing a financial sustainability strategy that includes options for growing non-ratepayer revenue. This is an important strategic issue which may have a significant impact on the scope of the services the City can provide and the rates which members of our community are asked to pay. Accordingly, a report to Council would be helpful and appropriate.

Comment

A report can be prepared and presented to Council by 30 June 2026 providing information on:

1. Current sources of revenue including rates, fees and charges, grants.
2. Identifying non ratepayer (alternative) sources of revenue.
3. Strategies for optimising revenue.

Consultation

Nil.

Budget workshops

Policy and Legislative Implications

Local Government Act 1995

P601 Long Term Financial Planning

P603 Investment of Surplus Funds

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	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	The City has a number of measures in place to ensure financial sustainability.

Strategic Implications

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

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

Attachments

Nil.

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

Responses to questions from members taken on notice at the December 2025 Ordinary Council Meeting can be found in the Appendix of this **Agenda**.

13.2 QUESTIONS FROM MEMBERS: 24 FEBRUARY 2026

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

15. MEETING CLOSED TO THE PUBLIC

The Chief Executive Officer advises that there is a matter for discussion on the Agenda for which the meeting may be closed to the public, in accordance with section 5.23(4) of the *Local Government Act 1995*.

15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Officer Recommendation

That the following Agenda Items be considered in closed session, in accordance with s5.23(4)(g) of the *Local Government Act 1995*:

15.1.1 Councillor Code of Conduct

15.1.1 Councillor Code of Conduct

*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-26-1119

Reporting Officer(s): Bree Websdale, Director Corporate Services
Liz Ledger, Chief Executive Officer

16. CLOSURE

APPENDIX

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE - OCM 16 December 2025

Councillor Tim Houweling	Responses provided by: Liz Ledger – Chief Executive Officer
<p>1. I ask that the administration looks at the Standing Orders and obtains advice on the clause (or the lack of a clause) and the legality of a Presiding Member doing so remotely before the next meeting so that we have clarity by way of legal advice?</p>	<p>Sections 5.6 and 5.34 of the <i>Local Government Act 1995</i> are provisions related to who presides at Council Meetings:</p> <p><u>Section 5.6</u></p> <p><i>(1) The mayor or president is to preside at all meetings of the council.</i></p> <p><i>(2) If the circumstances mentioned in section 5.34(a) or (b) apply the deputy mayor or deputy president may preside at a meeting of the council in accordance with that section.</i></p> <p><i>(3) If the circumstances mentioned in section 5.34(a) or (b) apply and –</i></p> <p><i>(a) the office of deputy mayor or deputy president is vacant; or</i></p> <p><i>(b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,</i></p> <p><i>then, the council is to choose one of the councillors present to preside at the meeting.</i></p> <p><u>Section 5.34</u></p> <p><i>When deputy mayors and deputy presidents can act</i></p> <p><i>If –</i></p> <p><i>(a) the office of mayor or president is vacant; or</i></p> <p><i>(b) the mayor or president is not available or is unable or unwilling to perform the functions of the mayor or president,</i></p>

then the deputy mayor may perform the functions of mayor and the deputy president may perform the functions of president, as the case requires.

Regulation 14(c) of Local Government (Administration) Regulations 1996 is a provision related to electronic ‘attendance’ at meetings. It does not refer specifically to ‘chairing of a meeting’ electronically.

14C. Attendance at meetings by electronic means may be authorised (Act s. 5.25(1)(ba))

(1) In this regulation –

meeting means –

(a) an ordinary meeting of the council; or

(b) a special meeting of the council; or

(c) a meeting of a committee of the council;

natural disaster includes fire, flood, lightning, movement of land and storm;

relevant period, in relation to the proposed meeting referred to in subregulation (3), means the period of 12 months ending on the day on which the proposed meeting is to be held.

(2) A member of a council or committee may attend a meeting by electronic means –

(a) if –

(i) a public health emergency or state of emergency exists or a natural disaster has occurred; and

(ii) because of the public health emergency, state of emergency or natural disaster, the member is unable, or considers it inappropriate, to be present in person at the meeting; and

(iii) the member is authorised to attend the meeting by electronic means by the mayor, president or council;

or

(b) if the member is otherwise authorised to attend the meeting by electronic means by the mayor, president or council.

(3) The mayor, president or council cannot authorise a member to attend a meeting (the proposed meeting) under subregulation (2)(b) if the member's attendance at the proposed meeting under that authorisation would result in the member attending more than half of the meetings (including the proposed meeting) of the council or committee, in the relevant period, under an authorisation under subregulation (2)(b).

(4) Subregulation (3) does not apply to a member who is a person with a disability as defined in the Disability Services Act 1993 section 3.

(5) In deciding whether to authorise a member to attend a meeting by electronic means under subregulation (2), the mayor, president or council must have regard to whether the location from which the member intends to attend the meeting, and the equipment that the member intends to use to attend the meeting, are suitable for the member to be able to effectively engage in deliberations and communications during the meeting.

Conclusion

The administration's view is that attendance and/or chairing by electronic means by a member is permissible with the consent of the Mayor (or Council if an objection is raised by a Council member) following an assessment of the circumstances including those set out in the regulations and Policy P671 which include:

1. whether the location from which the member intends to attend the meeting,
2. the equipment that the member intends to use to attend the meeting, are suitable for the member to be able to effectively engage in deliberations and communications during the meeting.

	<ol style="list-style-type: none"> 3. Confidentiality being maintained (for items behind closed doors). 4. Any other relevant and reasonable circumstances, such as technology available in chambers, IT requirements, administrative time required to enable electronic attendance.
<ol style="list-style-type: none"> 2. Is it possible to look to see all of the invoices in respect of the private use of the Mayoral Car over the years since it has been used? 	<p>On 8 December 2025 an invoice was issued to Mayor Greg Milner for the amount of \$1,601.86 for personal use of City vehicles for the period 5 July 2024- 30 June 2025. The invoice was paid on 9 December 2025.</p> <p>There has been no other invoices issued to the Mayor for use of a City vehicle.</p>