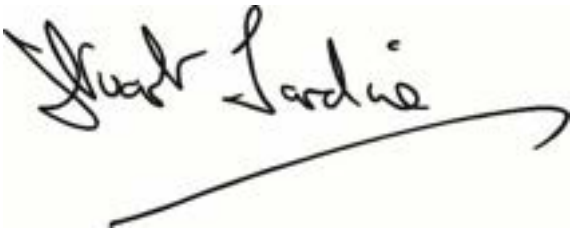
Ordinary Meeting of the 40th Council

15 November 2022

Minutes

To: The Mayor and Councillors

Here within the Minutes of the Ordinary Meeting of Council of the City of Stirling held Tuesday 15 November 2022 in the City of Stirling Council Chamber, 25 Cedric Street, Stirling.



Stuart Jardine PSM | Chief Executive Officer

Our Vision, Mission and Values

Vision

A sustainable City with a local focus.

Mission

To serve our community by delivering efficient, responsive and sustainable service.

Values

The City of Stirling's core values are:

- Approachable
- Responsive
- Transparent
- Innovative.

Disclaimer

Members of the public should note that in any discussion regarding any planning or other application that any statement or intimation of approval made by any member or officer of the City during the course of any meeting is not intended to be and is not to be taken as notice of approval from the City. No action should be taken on any item discussed at a Council meeting prior to written advice on the resolution of the Council being received.

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1. OFFICIAL OPENING

The Presiding Member declared the Ordinary Meeting of Council open at 6.30pm.

2. ATTENDANCE AND APOLOGIES

ATTENDANCE

Mayor	Mark Irwin
Deputy	Councillor Stephanie Proud JP
Councillors	Councillor Andrea Creado Councillor Felicity Farrelly Councillor Joe Ferrante Councillor Chris Hatton Councillor Tony Krsticevic Councillor David Lagan Councillor Suzanne Migdale Councillor Teresa Olow Councillor Karlo Perkov Councillor Bianca Sandri Councillor Lisa Thornton
Employees	Chief Executive Officer - Stuart Jardine PSM Director Community Development - Michael Quirk Director Corporate Services - Ingrid Hawkins Director Infrastructure - Andrew Murphy Director Planning and Development - Stevan Rodic Manager Development Services - Amanda Sheers Manager Governance - Jamie Blanchard Internal Auditor - Kerry Flynn Service Lead Council & Civic - Candice D'Castro Lead Governance Officer - Regan Clyde Senior Development Engagement Officer - Remo Formato Senior Governance Officer - Daniel Govus Senior Governance Officer - Jackson Mawby Communications and Content Officer - Scott Stirling
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APOLOGIES

Councillor Elizabeth Re

3. APPROVED LEAVE OF ABSENCE

Councillor Bianca Sandri (granted a leave of absence for the period 21 November to 25 November 2022 inclusive).

4. DISCLOSURES OF INTEREST

Where a member has disclosed a financial or proximity interest in an item, they must leave the Chamber for consideration of that item.

Where a member has disclosed an impartiality interest in an item, they may remain in the Chamber. The member is required to bring an independent mind to the item and decide impartially on behalf of the City of Stirling and its community.

Audit Committee - 7 November 2022

Nil.

Planning and Development Committee - 8 November 2022

Councillor David Lagan disclosed an Impartial Interest in Item 12.2/PRSE2 as local residents have spoken with him about options for the ROW.

Councillor Bianca Sandri disclosed a Proximity Interest in Item 12.2/PRSE2 as she was advertised to and is a landowner that generally abuts the laneway. Her family members also abut the laneway.

Council – 15 November 2022

Mayor Mark Irwin disclosed an Impartial Interest in Item 13.1 as he is a State Councillor.

Councillor David Lagan disclosed an Impartial Interest in Item 13.1 as he is the Chair of WALGA North-Metropolitan Zone.

5. PETITIONS

5.1 PETITION - CLOSE THE RIGHT OF WAY (ROW) BETWEEN NORMANBY AND DUNDAS ROADS

At the Council meeting held 22 March 2022, an ePetition was tabled by Councillor David Lagan regarding the above subject matter.

On 8 November 2022, the City received a secondary petition to this, containing an additional seven verified signatures, as follows:

> *"We, the undersigned, do respectfully request that the Council close the Right of Way (ROW) between Normanby and Dundas Roads.*
>
> *The laneway is a public danger with extensive history of problems, including crime, arson, pests, voyeurism and property destruction.*
>
> *The laneway is uncared for and vehicle movement damages fencing, causing fences to fall down and crack all the way along the ROW."*

Notice of the additional seven verified signatures has been forwarded to the Engineering Services Business Unit.

5.2 PETITION - BALGA AND NOLLAMARA AUTUMN CLUBS TRANSPORTATION ASSISTANCE

Councillor Andrea Creado tabled the following petition containing seven verified signatures:

> *"Many seniors who are members of the above clubs have reported difficulty attending community and club events due to the lack of available transport. Many members are no longer able to drive, are too unwell to drive or do not have any form of transport. The ability to not be an active part of the community is detrimental to many seniors and makes them feel isolated.*
>
> *We, the undersigned do respectfully request the Council addresses with the Balga Autumn Club (81 Camberwell Road, Balga WA 6061) and Nollamara Autumn Club (72 Sylvia Street, Nollamara WA 6061) to offer our club members free or low fee transport from their home to the Autumn Club and back."*

The petition has been forwarded to the Community Services Business Unit for consideration and the appropriate action.

5.3 PETITION - FIELDGATE SQUARE SHOPPING CENTRE AND SURROUNDS

Councillor Andrea Creado tabled the following petition containing 15 verified signatures:

> *"We, the undersigned, do respectfully request the Council addresses with the Centre owners and management the following issues surrounding the Fieldgate Square Shopping Centre and surrounds in 25 Culloton Crescent, Balga for the following reasons:*
>
> 1. *The site around the centre is very unkept with weeds, rubbish, food scraps, unbroken glass that doesn't look good for the local houses around the area who are maintaining their property.*
> 2. *Increase street commercial rubbish bins in front of stores."*

The petition has been forwarded to the Waste and Fleet Business Unit for consideration and the appropriate action.

Council Resolution

1122/001

Moved Councillor Migdale, seconded Councillor Proud

That Council RECEIVES the petitions tabled at the Council meeting held Tuesday, 15 November 2022 and the petitions be REFERRED to the Chief Executive Officer for the appropriate action.

The motion was put and declared CARRIED (13/0).

For: Councillors Creado, Farrelly, Ferrante, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Sandri, Thornton and Mayor Irwin.
Against: Nil.

All petitions will have an update available in due course on the Petition Status Update page of the City's website which can be accessed here.

6. RESPONSES TO PREVIOUS QUESTIONS FROM MEMBERS OF THE PUBLIC TAKEN ON NOTICE

The responses to questions that were answered during Public Question Time at the previous Council meeting were published in the minutes of that meeting.

Only the responses to questions that were taken on notice at the previous Council meeting appear in the minutes below.

7. PUBLIC QUESTION TIME

7.1 PUBLIC QUESTION TIME - W BLAKENEY

The following questions were submitted by W Blakeney, Trigg WA 6029, at the Council Meeting held Tuesday 15 November 2022.

Q1. "I am an owner of 8 Bennion Street Trigg, a property in the immediate vicinity, directly impacted by 331 West Coast Drive, Trigg – known as the Yelo site. I am also a member of the community group "Too Big for Trigg" that as I'm positive all Councillors are fully aware, that has been challenging the approval of the excessive development proposed for this site.

In February 2022, the Supreme Court of WA listed the challenge to be heard on May 19 and 20, 2022. The action was part heard on these dates, but was not completed, hence the hearing was then adjourned for three weeks. A further day of hearing was scheduled for June 9 and 10, 2022. Council did not oppose nor intervene before the initial Supreme Court action commenced to advise any changes to the recording of zoning for the Yelo site was in the process of being done, or was being contemplated.

After the *initial hearing in May, but before the planned June 9th continuation, an officer of the DPLH, advised our legal representative that he received an email from an officer at the City of Stirling dated 30 May 2022 'instructing' him to make changes to the City's map 5 and change zoning of the Yelo site from R20 to R80.*

Can the City explain how after 12+ years of this being a 'local Centre' zoning, this change would be requested mid-way through our Supreme Court action, thus undermining the community's argument and causing the action to be withdrawn and a cost of around $120,000 to the local residents? The timing of this raises some serious questions about the actions of the City."

A1. The Manager Development Services advised that in July 2020, the City submitted feedback to the PlanningWA Administrator (Department of Planning Lands and Heritage - DPLH) who are in control of that digital map. The City had identified some errors in relation to how the map was displaying. That map in relation to the site Mr Blakeney described, and others, depicted two zones, the Local Centre zone and an R20 coding. It is important to also note this digital map was inconsistent with the approved, signed Gazetted map that the City holds.

The DPLH at the time agreed this was an error and confirmed the site was indeed not dual zoned and that any particular development over that site was subject to R80 provisions under the City's Local Planning Scheme.

The contact Mr Blakeney was referring to in May 2022, some two years after the City initially requested the changes be made, was officers following up on that initial request.

Q2. "Can Council advise if between February 2022 and 10 June 2022, they received a request for the Zoning to be formally changed with DPLH? And if so, as affected owners, can the Council provide us with copies of any such submissions and other correspondence relating to this matter?"

A2. The Manager Development Services advised that no formal rezoning request was required to be made to correct the error on the digital map.

Q3. *"Can the City further explain why the zoning changes they requested to be made by DPLH on City Map 5, did not include re-zoning request for all local centres, only selectively? Why was the Yelo site, even though by far the smallest local centre in the City, randomly selected?"*

A3. The Manager Development Services advised that the City did not make a request to change the zoning of the land, it was a request to correct an error.

As mentioned, the City's officers were following up on a request from almost two years prior.

"Would that not have been applicable for all local centres on that map?"

The Manager Development Services advised that the City highlighted to the Department back in June/July 2020 that there were a number of errors and anomalies in the map, some were corrected and some were not.

"North Beach still sits at R20."

7.2 PUBLIC QUESTION TIME - V BOVENKERK

The following question was submitted by V Bovenkerk, Balga WA 6061, at the Council Meeting held Tuesday 15 November 2022.

Q1. "I have a big concern about the dog park that we have at Balga. I'm a dog owner but unfortunately there seems to be a large rise in dog attacks recently, so my question or suggestion is that there isn't any presence of Rangers in any way at all. There are a lot of inexperienced dog owners and I feel that if the Rangers could attend more then maybe they could educate people which would result in less dog attacks. We all go and enjoy the parks with our dogs but there is nowhere to find any advice and people do not know what they are doing wrong sometimes. After numerous attacks, my dog was involved in one of them, I have called the City and a Ranger has not attended. The Ranger has not made any investigations."

A1. The Director Community Development advised that in recent weeks, in response to this query, the City has increased patrols in the Balga area as well as Princess Wallington Reserve. The City is happy to have further conversations about what has been observed. From a statistical perspective, there has not been an increase in dog attacks in Balga, meaning they are either not being reported or observed by others. As always, the City asks residents to contact Rangers directly on the 9205 8555 number. Rangers will attend in a prompt manner, allowing the City to investigate.

7.3 PUBLIC QUESTION TIME - A CASSIAN

The following questions were submitted by A Cassian, Mount Lawley WA 6050, at the Council Meeting held Tuesday 15 November 2022.

Q1. *"I'm here to talk about the Mount Lawley Golf Club removal of 33 trees for their Greens Replacement Program. There are 33 trees on the Golf Course, some as tall as 24m that Mount Lawley Golf Club wants to remove to accommodate its Greens Replacement Program, as set out in the Course Master Plan which is part of the key objectives of the Mount Lawley Strategic Plan 2021-2024. These 33 trees are not recommended by the Arborist, nor highlighted in the ArborCarbon Tree Survey Report as requiring removal at all and are considered in fair to good health. Would Council consider it appropriate to remove trees for the purpose of:*

- *Relocating a green;*
- *Replacing trees for sand bunkers as in trees ID 320, 321, 322 (approximately 23 metres in height); or*
- *To sow or plant non endemic grass for linkways from greens to tees. What would be the average height of any replacement trees species, and would this provide the same amount of canopy cover as the existing trees if they were removed?"*

A1. The Mayor advised that Council would not. The officers of the City have committed to meeting with Mount Lawley Golf Course and inspecting each of those trees individually before a report is prepared and it comes back to Council for determination.

"Are we as members allowed to attend that meeting as well? The one at the Club tomorrow?"

The Director Infrastructure advised that there is a meeting [on Wednesday 16 November 2022] with the Mount Lawley Golf Club, and Elected Members have been invited to look at the trees. This is a proposal at this stage and no decision has been made about which trees will be removed, if any at all. The meeting is between the Club and Elected Members, so it is not open to the public

Q2. *"There appears to be a number of inaccuracies with the same tree being removed twice e.g. Tree ID 1375; and Tree ID 1814 is part of GRP which according to data provided has already been removed - it was removed in 2021. What are the five key factors that the City of Stirling will consider and use to determine if a tree needs removal from the Mount Lawley Golf Course? For example, is it the tree's location on the golf course, health, species, lifespan and / or recommendations from Arborist Report? Please outline in order of importance what criteria Council adopts and what method it uses to calculate a tree's value on the Mount Lawley Golf Course."*

A2. The Director Infrastructure advised that the question would be taken on notice and a written response provided. All these factors will be taken into account, and no decisions have been made regarding which trees can be removed at this stage.

The Mayor advised it is not the City saying trees need to be removed or a requesting it; it is the golf course and the Club will have to show officers why each tree needs to be removed.

Q3. *"According to Mount Lawley Golf Club's "Beyond the Fairway 2022" Sustainability Strategy document, in 2019-2020, 2,350 endemic trees were planted; in 2021 - 615 trees; and in 2022 - 194 trees. Totalling over a four-year period 3,159 endemic trees. Tree modelling projection indicates an increase of canopy change of +2.7% over a five-year period. Therefore, what key performance indicators are being used to assess survival rate of these 3,159 endemic trees planted that have no ID Asset number? What is the percentage of increased in tree canopy cover over the golf course during this four-year period from 2019-2022? How does this align with SpecTerra analysis of tree canopy cover for 2022? Why not keep our existing tall canopy trees now, as part of the Urban Forrest plan, and wait for the newly planted trees to reach maturity to provide the equivalent canopy cover before removing these healthy established trees?"*

A3. The Director Infrastructure advised the urban forest tree canopy cover analysis of the Mount Lawley Golf Course indicates that from 2017 to 2021, the total tree canopy cover increased by 2.95 Ha - from 26.7% canopy cover to 30.4%. During this timeline, mid canopy (trees 3-12m) cover increased by 5.3 Ha, while upper canopy trees (+12m) decreased by 2.35 Ha.

"We are talking about the tall canopy trees because those are the ones being removed."

The Mayor advised that tall canopy trees were the last statistic provided and this will be provided in writing.

Additional Information

A2. City tree officers will review the tree removal list submitted by the Club to ascertain the accuracy of information and to make an assessment.

A3. The above A3 response is accurate.

7.4 PUBLIC QUESTION TIME - J TANA

The following questions were submitted by J Tana, North Perth WA 6006, at the Council Meeting held Tuesday 15 November 2022.

Q1. *"The Mount Lawley Golf Club has recently put in a proposal to remove 65 trees, 33 of which are directly related to the Greens Replacement Programme. At an information evening the Director of Grounds said that if the City of Stirling does not approve the tree removals, the Greens Replacement Programme will still proceed. Has the Mount Lawley Golf Club communicated that to the City of Stirling and will it be communicated to Councillors, that cutting down these trees is not a necessity to accommodate the Greens Replacement Programme?*

A1. The Mayor advised that this had not been communicated to the City or Councillors.

Q2. *"The City of Stirling haa already approved the removal of 69, mostly healthy, large canopied trees from the A class reserve that is Mount Lawley Golf Club. These tree removals have had a big impact on the course. The Mount Lawley Golf Club would have no qualms in removing 554 healthy trees simply because they are not endemic to that site to achieve the sand belt course that course architects have sold to them. At the 5 July Council meeting, the Acting Director Infrastructure said there would be 'no blanket determination based on origin'. Does that mean there will be no more unnecessary removals of healthy trees simply because they are not endemic to the Mount Lawley Golf Course?"*

A2. They Mayor advised that City tree staff will be inspecting each tree proposed for removal by the Mount Lawley Golf Club when providing advice to Council for its determination.

Q3. *"Is the City aware that in the latest Murdoch University ecological linkages, they sight Mount Lawley Golf Club in the middle of an Ecological corridor. Both white and red tailed cockatoos are sighted on the course. Will that be a consideration and effect your evaluation on tree removals at the Mount Lawley Golf Club?"*

A3. The Director Infrastructure advised that the City is aware of the importance of the vegetation at the Mount Lawley Golf Course and this will be taken into account when a decision is made.

7.5 PUBLIC QUESTION TIME - L EAMES-SPRINGHAM

The following questions were submitted by L Eames-Springham, Joondanna WA 6060, at the Council Meeting held Tuesday 15 November 2022.

Q1. "In the Mount Lawley Golf Club Vegetation Management Plan, it says they want to cut down 65 trees, 33 related to the Greens Replacement Programme. The others are related to the ArborCarbon report. That report recommended 39 trees be removed and a further 53 trees were identified as potential removals. They say that maintenance costs may outweigh the benefits of retaining those trees. If Mount Lawley Golf Club did decide to spend their money in cutting them down and chose not to maintain them, that would be 92 trees in total that the ArborCarbon report suggested for removal. Given that Mount Lawley Golf Club has already removed 69 trees, that would leave a remaining 23 to be cut down and yet are requesting the removal of a further 65 trees. Will the City be recommending that Mount Lawley Golf Club limit any further removals from this A class reserve and spend their money on maintaining trees?"

A1. The Director Infrastructure advised that the request at this stage is the permission to remove 64 trees; it was 65 but one was lost recently due to natural causes. No decisions have been made. The City will be considering each tree on its merit before arriving at a decision. It is difficult to answer this question directly other than to say that the City will inspect each tree and make a decision based on each tree.

Q2. "The three species of Black Cockatoos in WA's southwest are all under threat; they could be extinct in just 20 years. There are only 4,000 Baudin's Cockatoos left. Habitat loss is a major cause. These Cockatoos have a 50-year lifespan. They are monogamous and pair for life. They have come to depend on Pine trees as a food source. The Mount Lawley Golf Club have cut down a number of Pine trees; we still have a number of them on the course. These Cockatoos use the Mount Lawley Golf Course. Will the City take that into consideration before it allows Mount Lawley Golf Club to cut down any more Pine trees?"

A2. The Mayor advised that the City definitely will.

Q3. "I understand that some Councillors, along with some Parks and Sustainability employees, will be visiting Mount Lawley [on 16 November 2022]. I often worry that by focusing on reports and numbers takes away from the overarching issue, that in this environment and in these times, the cutting down of trees unnecessarily is just not the right thing to do. The tree removals and changes to Mount Lawley will be for golfers at Mount Lawley. Certainly not all members are happy with the changes. The wider community and most of constituents, I would think, would be all for protecting and preserving those trees. So when you are shown the trees they want to cut down, try to imagine them gone and try to imagine the course with even more missing because this tranche is not the end of it; they want to take out 150. Will Council give some thought and merit to the wider community when making their assessments?"

A3. The Mayor advised that this will be taken into consideration and that Council takes this very seriously. The reason some Councillors are attending the Club, after almost all of Council visited previously, is to better understand and make sure Council has 'eyes on the ground' and understand what is happening, and is not just reading a report when it comes to Council. Ms Eames-Springham has the City's assurance that Council takes this very seriously.

7.6 PUBLIC QUESTION TIME - K HILL

The following question was submitted by K Hill, Menora WA 6050, at the Council Meeting held Tuesday 15 November 2022.

Q1. "I am member of the Mount Lawley Golf Club and many years ago was on the City of Stirling tree committee. I love trees. Why is the City of Stirling planting dozens of trees around the perimeter of the Mount Lawley Golf Course, whilst apparently allowing the removal of dozens of trees from the Mount Lawley Golf Course, on an A Class Reserve owned by the State Government and managed by the City of Stirling?"

A1. The Director Infrastructure advised that the City's Street Tree Program is independent from applications that the City received from a lessee seeking to remove trees within a leased premises which is essentially in relation to the lease. This is essentially two separate situations, but the point of the question is understood. At this stage, the removal of trees is just a proposal, there has been no decision made by Council to remove any trees on the Golf Course.

"A further note to that, several of the trees, in fact about 24 of them have now had tape put on them for removal which you will see when you visit. This is very alarming to the members who are worried about the tree canopy."

The Mayor advised that Council requested for the trees to be clearly marked, so this could be some of the reason for tape.

7.7 PUBLIC QUESTION TIME - D ION

The following questions were submitted by D Ion, Nollamara WA 6061, at the Council Meeting held Tuesday 15 November 2022.

Q1. *"Is there a program for the maintenance of verges during the summer period to prevent fire as I have seen a lot of long grass everywhere and I am concerned about this issue."*

A1. The Director Infrastructure advised that there is a program to do exactly this, and if there is continued concern about any particular location, then the City is happy to follow this up.

Q2. *"According to the International Agency for Research on Cancer, there is a link between glyphosate, a commonly used herbicide, and cancer. There is increasing research on the negative effects of glyphosate for not only humans but animals and plants too. It is banned in many countries including the European Union. Does the City of Stirling use this herbicide, and if so, will it review its use considering the dangers?"*

A2. The Mayor advised that the City does use glyphosate, but uses it very sparingly. Many reports have come to this Council to consider it, and there has been a significant reduction compared to previous years. There are selected portions of the City, particularly bushland, where the people who look after that bushland do need to use it. However, especially around parks where kids and dogs play and on footpaths you will see a lot more steam weeding.

Q3. *"Regarding the petitions, I want to know when we can have an answer regarding the Balga and Nollamara Autumn Club transportation assistance and Fieldgate shopping centre and surrounds."*

A3. The Mayor advised that the City will respond to these petitions once officers have had time to review them.

The Director Community Development advised that the City has been looking at services on offer for seniors and the community, and transport has been identified on a regular basis as a significant barrier. The City does have a large suite of buses that are primarily used for aged care services; Commonwealth Government funded services. The City is currently looking at how it can free up these services to better accommodate the needs of more seniors in the community. Whilst it is still a work in progress, it certainly responds to those needs from Nollamara and Balga Autumn Clubs.

7.8 PUBLIC QUESTION TIME - P GRANTOVSKIS

The following questions were submitted by P Grantovskis, Innaloo WA 6018, at the Council Meeting held Tuesday 15 November 2022.

Q1. *"In a previous question to Council, I raised the issue of accessibility to toilets at Yuluma Park, Innaloo, as I and many others feel that there is a need for publicly accessible toilets in this popular and busy park. In response, the City of Stirling informed me that the toilets in question are not public toilets. Apparently, the toilets are not for public use despite their location in a Council building in a Council Park. They are available exclusively for sport groups using that building and that appears to be mainly soccer groups. I have noted on soccer match days and training evenings the toilets are indeed open and used by the players and associates, however I have also noted that when cricket teams are playing, both youth and adult, the toilets remain closed.*

On many occasions I have witnessed males associated with the cricket run across the oval to the bushes to urinate. Males of the general public who use the park have also been seen to urinate in the bushes. Children playing in the park and play area in the park have to be taken to one side by their parents to use the toilet in the open. A resident opposite the park recently witnessed a tradie park his vehicle in the carpark and dash to the clubhouse to find a toilet, discovering there was no accessible toilet he returned to his vehicle which was parked behind the cricket nets, opened the door as a privacy screen and defecated. He then drove away. His actions are, of course, unacceptable but highlight a need.

So my question has two parts. Firstly, why are the toilets in this location provided for the exclusive use of soccer teams and their entourage, whilst the local residents, ratepayers who pay for the facility and visitors to the area are denied access to the facilities? Secondly, would the Council please give serious consideration to making the toilets at this location available for general public use during daylight hours? Other large and well-used parks have public toilets such as Jackadder Lake Reserve, where the toilets have recently been refurbished, and Birralee Reserve where the toilets are currently being refurbished, yet Yuluma Park has no publicly accessible toilets."

A1. The Director Community Development advised that there are still a number of public toilets that form part of a lease or a licensed area for a sporting club; that would explain the current situation. The City is happy to consider the demand for public toilets at Yuluma. It is generally informed by two things: the Public Open Space Strategy identifies what level of Reserves have publicly accessible toilets. What is overlayed on top of that is what sporting club has a lease or a license. If there is a community need, the City is happy to look into this further and liaise with you accordingly.

Q2. *"The erection of a fence along a 55m portion of the northern boundary of Yuluma Park, Innaloo is now complete. Many residents and park users have commented on it, welcoming its installation along what is generally considered a dangerous side of the park, being adjacent to busy and fast Birdwood Street. People are also asking if the Council is going to continue the fence for the entire length of the boundary. I have raised this issue in a previous question to Council when I pointed out the dangers presented along this side of the park. On behalf of fellow park users and ratepayers, I ask again, please will Council make funds available in the next financial year to continue the fence along the entire northern boundary of Yaluma Park for the safety of the general park users, sports teams and motorists."*

A2. The Director Infrastructure advised that this matter has already been looked at by officers, and a decision has been made on the extent of the existing or new fence. Bearing in mind these comments, the City is happy to review this decision and will get back to you.

Q3. "I previously raised the issue of lack of shade over play areas in the parks of my area of Innaloo, namely Yuluma Park, Penelope Stubberfield Reserve and Lilacdale Road. These areas have no shade sail cover, and depending on the time of day, tree shade is minimal or non-existent. In Yuluma Park, branches have either fallen or been cut, leaving the play area with no shade at all. Conversely at Jackadder Lake Reserve, there are 16 shade sails covering one play area, and the play area in Birralee Reserve is well covered by both trees and shade sails. Why do these Parks have shade sails yet those in our area have none? Has the Council given any consideration to my previous request for shading and should we expect any shading for the coming summer months?"

A3. The Mayor advised that this question has been asked before and Council has committed to look at the issue. It is doubtful shade will be in place for this summer. The City has committed that it will be looked at overall in terms of other reserves throughout the area. The City is certainly looking into it.

Additional Information

A2. The City agreed to install a fence adjacent to the playground to reduce the chance of children running onto the road, however parental supervision will still be needed while recreating in the park and playground. The gap in the fence was to allow for the installation of a gate. As the gate had to be fabricated it was installed a few days after the installation of the fence.

7.9 PUBLIC QUESTION TIME - J FRIEL

The following questions were submitted by J Friel, Innaloo WA 6018, at the Council Meeting held Tuesday 15 November 2022.

Q1. *"At the Council meeting of 11 October 2022, you were asked to provide dollar values to the level of rates raised by the City of Stirling for 1,510 homes in our particular area of Innaloo. Considering a further 402 homes have been built in that area over the past 15 years, what is the dollar value from the developers, what is the subsequent rates for the period? As no answer was received regarding this question, can you please highlight the areas? So if they are in a part of Innaloo that has benefited from the millions raised by the City of Stirling over the past 15 years from both developers and ratepayers. The soccer changing facilities at Yuluma Park are closed to the public including the toilets. The sportsmen bowling club looks like a heritage listed homage to the 1970s. How much does the City of Stirling get rent for these two buildings separately and what is the terms of the lease for the soccer club that gives them exclusive use to the facilities of the building?"*

A1. The Mayor advised that the question would be taken on notice and a written response provided.

Q2. *"Since I started to take an interest in our local area, I've looked more closely at the facilities and amenities as well as talking to long term residents of the area, one couple going back 55 years. I've been made aware of the deliberate and wilful neglect of the area which has resulted in high crime rates, drug dealing being carried out in the open, drug houses where users can drive in and collect their pre-ordered supply. At the last Council meeting, the Mayor offered to arrange increased security and ranger patrols in our area but this has not materialised. Instead can I ask, is $1.2 million to renovate two toilet blocks, or $150,000 proposed by Councillor Proud to plant four trees outside the courtyard of the Council offices, a new fleet of electric cars for the executives including one for the Mayor who has a salary of $155,000 plus and the CEO who has a salary of $350,000, $100,000s on murals - was this ever put out to tender and who chose the artist and agreed the fee? Is the Council aware that some kids are going to school hungry, many people are in mortgage stress, there is a cost-of-living crisis going on. Please justify your expenditure."*

A2. The Mayor advised that the question would be taken on notice and a written response provided.

Q3. *"What plans does the City of Stirling have to improve the infrastructure and local amenities in our local area, considering over the last 15 years it has increased the housing density by 402 homes but only added too many roundabouts and a chicane to minimal expense. We have a reserve park and sports field that cannot be used after dark as there is no lighting. Is the Council even aware that the sport field is not the only part of Yuluma Reserve as it does not offer any seating or a bin at the other end of Yuluma Reserve along Langley Crescent? It rarely cuts the grass and I doubt there is even any retic in this part of the reserve, but they have recently replaced the entire retic system at the soccer pitch. How is the City going to rectify our issues?"*

A3. The Mayor advised that the City has already responded to most of the question and added that this would be taken on notice and confirmed that the City has advised it is looking into Mr Friel's concerns.

Additional Information

A1. The City's property system includes only current properties, so a comparison of rates revenue for any area within the City over a 15 year period is not possible. For example, if a property were to be demolished and the land subdivided, the original property would not be included in any historical reporting. In regards to the dollar value from developers, the City does not collect developer contributions.

The Innaloo Sportsmen's Club (Bowling Facility) is leased with an annual rental of $1,000 + GST per annum, and the Stirling City Toscany (Panthers) Soccer Club Inc is licenced (Winter Season only) with an annual rent of $500 + GST per annum.

A2. With respect to the renovation of toilet blocks, as well as other buildings in general, the program of building capital works is developed as part of asset management planning primarily considering the functionality and condition of the facility. Designs and specifications are developed in compliance with commercial building standards and public building codes as required. These works are then tendered publicly, as legislated, to ensure value for money as well as transparency. The cost to refurbish and/or construct public buildings is considerably higher than the cost to construct domestic homes which, unfortunately, are often used as a cost comparison.

The proposal to proceed with the planting of trees in the Administration Forecourt is not proceeding at this stage although the cost estimate is reflective of the works requested in an effort to improve the amenity of the facility, and Urban Forest, particularly for visitors.

The City is in the process of transitioning its fleet to Electric Vehicles and some existing vehicles will be changed over from petrol/diesel to electric.

Assuming the question regarding murals relates to the Terry Tyzack Aquatic Centre public art, the fee for this work includes specialised surface preparation and treatment to withstand the rigours of the aquatic environment, engagement with local schools and a short film to document the project. The commission was publicly advertised for Expressions of Interest and shortlisted applicants were invited to submit an RFQ. The selection panel consisted of employees and Elected Members as per the City's Public Art Policy and was approved by the Director Infrastructure. The fee was set according to the former Public Art Policy which stipulates that 1% of major capital works projects are directed to public art. A previous policy was applicable at the time of the project development where the overall budget was capped at $150,000. The remainder of the budget is for design concept fees and contingency.

A3. Yuluma Reserve is an irrigated district reserve, with a large portion of the park occupied by a sports field, with associated sports floodlighting to assist with club training. In-ground irrigation systems need to be refurbished every 25 years. Adjacent to Yuluma is Langley Parsons Reserve that is a dry local park with a central fenced drainage compensation basin. In recent years, the City has eco-zoned the poor performing seasonal grass and planted native trees to increase tree canopy cover. Due to water licence allocation reductions announced recently by the State Department of Water and Environmental Regulation (10% reduction by 2027), the City is not planning to reticulate Langley Parsons Reserve. The City can confirm that there are no seats, bins or lighting on this reserve. Recreation use tends to be focused on Yuluma Reserve.

7.10 PUBLIC QUESTION TIME - M GREENE

The following questions were submitted by M Green, Innaloo WA 6018, at the Council Meeting held Tuesday 15 November 2022.

Q1. *"On Tuesday October 11, 2022, question 1 of mine was taken on notice. Since the City of Stirling does not have the facilities to determine the rates collected over the period in the outlined area, can the rates collection figure please be provided for the Ward of Doubleview and the suburb of Innaloo in the timeframe mentioned?"*

A1. The Mayor advised that the question would be taken on notice and a written response provided

Q2. *"Looking at Figure 9 on page 28 of the Public Open Space Strategy document, the Ward of Doubleview has the smallest amount of Public Open Space in the City of Stirling, with the amount of Public Open Space per person projected to decrease by 14% per person by 2031. What future plans are held to upgrade the current Public Open Space for the residents in Innaloo, and will these funds be distributed evenly between the only two district open spaces, that being Yuluma Park and Birralee Reserve? If not, why?"*

A2. The Mayor advised that the question would be taken on notice and a written response provided. Doubleview does not have the lowest amount of Public Open Space but further information will be provided in a written response.

Q3. *"Yuluma Park is described as 'District Open Space' in the Public Open Space Strategy document. According to a District Open Space, timing of this is described as throughout the day and into the late evening. Are there any future plans to include more discretionary facilities to the district open space such as CCTV, toilets, additional shade areas and other community facilities to improve the appeal and safety of this area? Please elaborate."*

A2. The Mayor advised that there are no current plans, but the City has previously committed to look into this area and as stated tonight the City will look at things such as public toilets and need for the facilities and where they would go.

Additional Information

A1. The City's property system includes only current properties, so a comparison of rates revenue for any area within the city over a 15 year period is not possible. For example, if a property were to be demolished and the land subdivided, the original property would not be included in any historical reporting. The Rates Revenue raised in the current financial year can be accurately reported and for the Doubleview Ward this was $36,934,943 and for the suburb of Innaloo this was $12,321,596.

A2. The City adopted the Public Open Space Strategy in 2022. Local Public Open Space plans are currently being developed that will identify gaps in Public Open Space provision across the City. A range of responses will be considered including improving current quality, access and provision of Public Open Space which will take into consideration any improvements required to Yuluma Park and Birralee Reserve.

7.11 PUBLIC QUESTION TIME - R HADLEY

The following questions were submitted by R Hadley, Innaloo WA 6018, at the Council Meeting held Tuesday 15 November 2022.

Q1. *"With the proposed changes to Jackadder Lake area, how much has been budgeted for this project? The Jackadder Lake area which is proposing changes of trees, birds nests and everything else apparently.*

A1. The Director Infrastructure advised that there is currently a concept for some changes that the City is consulting upon. No decision has been made. In terms of the budgeted amount, this will need to be taken on notice and a written response provided.

Q2. *"How much has been spent on consulting fees, so far, and will the City provide the total cost of consulting fees on the completion of this project?"*

A2. The Mayor advised that the question would be taken on notice and a written response provided.

Q3. *"Will the future maintenance of these proposed changes be undertaken by the City of Stirling workforce, or allocated to external contractors?"*

A3. The Director Infrastructure advised that there would be a mix depending on the nature of the work. A lot of maintenance would be completed inhouse by City officers but for specialist services such as tree work, this would be undertaken by contractors.

Q4. *"I requested details of legal fees expenditure, in separate categories, names of companies and amounts several weeks ago. Can the finance department please furnish details as early as possible, and include them in the minutes?"*

A4. The Manager Governance apologised for the delay in Mr Hadley receiving these details, noting that the City was in the middle of a by-election which was consuming on resources, adding that these would be provided shortly.

Q5. *"In the Audit Committee report of 7 November, Item 12.1/IA1 tonight, there's an expression Follow up of Deep Dive Service Review. Are the words 'Deep Dive' really necessary? Can it not be kept simple?"*

A5. The Mayor confirmed that the words were necessary.

Additional Information

A1. The proposed improvements works at Jackadder Reserve have been staged over three financial years as detailed below:

- 2022/2023 - $480,000 (current Federal grant funding)
- 2023/2024 - $550,000 (subject to Council approval)
- 2024/2025 - $280,000.(subject to Council approval)

A2. The development of the Jackadder Reserve landscape plan was undertaken in-house by the City's Senior Landscape Architect, so consultancy costs associated with this project have been minimal.

Some specialist external information as detailed below was required:

- Structural check of shade sails and steel posts - $1,545.
- Quantitative Tree Risk Assessment of the trees in the vicinity of the playground to determine safety - $3,248.

Total $4,793

A4. In a previous response to Mr Hadley at the Council meeting held 30 August 2022, Legal Expenses provided were as follows:

- 2021/2022 - $734,125 ($146,485 recovered)
- 2020/2021 - $538,823 ($95,125 recovered)
- 2019/2020 - $1,107,702 ($450,243 recovered)

A breakdown of legal expenses by spending on legal cases by firm and directorate is as follows (PTO). These tables include the total of both recoverable and non-recoverable expenses by firm and directorate and the amount recovered each financial year.

The totals vary from the totals provided on 30 August 2022. This is because some of the amounts in the total on 30 August 2022 on the broad category of legal expenses included amounts spent other than directly on law firms for cases/matters.

Law Firms Total Legal Expenses (Recoverables and Non-Recoverables)

YEAR	Minter Ellison	HWLE	Kott Gunning	Cornerstone Legal	McLeods	CS Legal	Castledine Gregory	HHG Legal Group	Lynn & Brown Lawyers	Civic Legal	Total
2019/20	$85,091.60	$ 134,871.34	$44,604.00	$43,600.41	$322,456.48	$308,632.81	$0.00	$2,626.34	$0.00	$796.90	$942,679.88
2020/21	$57,135.50	$ 183,870.27	$24,990.42	$60,792.12	$122,956.52	$31,680.66	$3,388.00	$0.00	$0.00	$0.00	$484,813.49
2021/22	$161,550.26	$ 247,838.60	$56,640.90	$67,988.29	$25,912.79	$14,242.02	$3,036.00	$0.00	$14,107.00	$0.00	$591,315.86
TOTAL	**$303,777.36**	**$566,580.21**	**$126,235.32**	**$172,380.82**	**$471,325.79**	**$354,555.49**	**$6,424.00**	**$2,626.34**	**$14,107.00**	**$796.90**	**$2,018,809.23**

Directorate Total Legal Expenses (Recoverables and Non-Recoverables)

YEAR	Directorate					
	Office of the CEO	Infrastructure	Planning and Development	Community Development	Corporate Services	TOTAL
2019/20	$42,633.60	$287,654.95	$195,428.93	$45,971.95	$370,990.45	$942,679.88
2020/21	$19,664.20	$71,989.39	$186,552.06	$100,985.68	$105,622.16	$484,813.49
2021/22	$104,307.56	$93,792.85	$77,593.52	$92,607.96	$223,013.97	$591,315.86
TOTAL	**$166,605.36**	**$453,437.19**	**$459,574.51**	**$239,565.59**	**$699,626.58**	**$2,018,809.23**

YEAR	Expenses Recovered
2019/20	$450,242.73
2020/21	$95,214.68
2021/22	$146,484.88
TOTAL	**$691,942.29**

7.12 PUBLIC QUESTION TIME - P ELLIS

The following questions were submitted by P Ellis, Carine WA 6020, at the Council Meeting held Tuesday 15 November 2022.

Q1. *"May I refer to the question 3 from the October 25, 2022 meeting, and can I acknowledge the instant response from the Manager of Engineering Services section. In A1 of the Council meeting of October 25, it mentions rubbish trucks reversing and using private driveways. Can you tell me how many driveways have been damaged by these trucks in the last five years?"*

A1. The Director Infrastructure advised that it is not possible to say at this moment, but this will be looked into using insurance claims.

Q2. *"May I refer to the Annual Report from 2021, on page 47 it lists employee costs of $84.3 million and on page 187 it lists staff expenses of $102,950,110. Can you advise how much it actually costs in payments for all the employees of the City of Stirling?"*

A2. The Mayor advised that this question will be taken on notice and a written response provided.

Additional Information

A1. The City has not maintained a database of incidents involving larger vehicles damaging crossovers, and it is therefore not possible to provide the exact number of instances of damage to crossovers over the last five years. This information is not available from insurance claims, as any damage caused by City vehicles is generally repaired by the City under a maintenance request. However, over the last two financial years, the City has upgraded five cul-de-sac turning facilities where damage to crossovers has previously occurred, including Farina Drive, Heard Way, Chailey Place, Saxby Court and Tyler Street. A further three locations are scheduled for upgrade this financial year.

A2. The figure of $84.3m referred to is the total employee costs net of internal cost recoveries and the figure of $102.95m is the cashflow figure for all employee costs. The amount paid directly to employees (including superannuation payments) was $99.3m in 2020/2021. Note: figure excludes workers compensation, FBT, movement in leave liability, training and other indirect employee costs.

8. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

9. CONFIRMATION OF MINUTES

Council Resolution

1122/002

Moved Councillor Hatton, seconded Councillor Migdale

That the Minutes of the Ordinary Meeting of Council of 25 October 2022 be confirmed as a true and correct record of proceedings.

The motion was put and declared CARRIED (13/0).

For: Councillors Creado, Farrelly, Ferrante, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Sandri, Thornton and Mayor Irwin.
Against: Nil.

10. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Nil.

11. UNRESOLVED BUSINESS FROM PREVIOUS MEETING

Nil.

12. REPORTS AND RECOMMENDATIONS OF COMMITTEES

12.1 AUDIT COMMITTEE - 7 NOVEMBER 2022

Council Resolution

1122/003

Moved Councillor Lagan, seconded Councillor Perkov

That the balance of the Audit Committee recommendations be ADOPTED by exception resolution in accordance with Clause 4.7 of the City of Stirling Meeting Procedures Local Law 2021.

The motion was put and declared CARRIED (13/0).

For: Councillors Creado, Farrelly, Ferrante, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Sandri, Thornton and Mayor Irwin.
Against: Nil.

12.1/IA2 INTERNAL AUDITOR'S REPORT

Report Information

Location:	Not Applicable
Applicant:	Not Applicable
Reporting Officer:	Internal Auditor
Business Unit:	Executive Services
Ward:	Not Applicable
Suburb:	Not Applicable

Authority/Discretion

Definition

☐	Advocacy	*when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☐	Executive	*the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☐	Legislative	*includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.*
☐	Quasi-Judicial	*when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*
☒	Information Purposes	*includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').*

Council Resolution

1122/004

Moved Councillor Lagan, seconded Councillor Perkov

1. That Council RECEIVES and ENDORSES the updated Internal Auditor's Report.

2. That Council NOTES the current status of the Management Action Plans for past audits and reviews.

3. That the Management Action Plan tasks currently under review REMAIN on this report until complete, so they can be monitored by the Audit Committee.

The motion was put and declared CARRIED (13/0) by exception resolution.

For: Councillors Creado, Farrelly, Ferrante, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Sandri, Thornton and Mayor Irwin.
Against: Nil.

Committee Recommendation

1. That Council RECEIVES and ENDORSES the updated Internal Auditor's Report.

2. That Council NOTES the current status of the Management Action Plans for past audits and reviews.

3. That the Management Action Plan tasks currently under review REMAIN on this report until complete, so they can be monitored by the Audit Committee.

Officer's Recommendation

1. That Council RECEIVES and ENDORSES the updated Internal Auditor's Report.

2. That Council NOTES the current status of the Management Action Plans for past audits and reviews.

3. That the Management Action Plan tasks currently under review REMAIN on this report until complete, so they can be monitored by the Audit Committee.

Report Purpose

To provide Council with updates on a range of internal audit activity.

Relevant Documents

Attachments

Attachment 1 - Internal Audit Activity Report (previously circulated to Elected Members under confidential separate cover)

Attachment 2 - Integrity Panel Activity (previously circulated to Elected Members under confidential separate cover)

Attachment 3 - Management Action Plan - Medium/High Risk (previously circulated to Elected Members under confidential separate cover)

Available for viewing at meeting

Nil

Background

Under its Terms of Reference, the Audit Committee assists Council in overseeing the City's internal audit program.

Comment

The Internal Audit Activity Report (refer to Attachment 1) summarises the current status of the internal audit program.

Consultation/Communication Implications

Regular meetings are held with the Service Lead Compliance, Risk and Information Management and the Risk Management and Corporate Compliance Officer. This assists with the coordination between the internal audit, compliance and risk management functions. The Internal Auditor has also provided some assistance to the Strategic and Business Planning Service Area through discussion and provision of information for future process improvements.

Tender Conflict Checks

The Internal Auditor has reviewed the results of the tender conflict checks 685-697 performed since the Audit Committee meeting held 8 August 2022. No issues were noted.

Misconduct, Corruption and Fraud Reporting

No calls or emails have been received through the Misconduct and Fraud Hotline or Email since the Audit Committee meeting held 8 August 2022.

A summary of the serious misconduct incidents that required the Integrity Panel to convene since the Audit Committee meeting held 8 August 2022 are detailed in confidential Attachment 2.

Leave Liability Status Updates

A separate report is included in the Audit Committee agenda of 7 November 2022, providing detail on current leave balances and a management strategy to continue to reduce balances in line with the Chief Executive Officer's KPI. A separate and detailed report will continue to be provided to the Audit Committee quarterly.

Management Action Plan Updates

At the time of reporting to the 8 August 2022 Audit Committee, there were 13 action plans which were open. Since then, three actions have been completed.

There are currently 10 action plans open. Of these, six are not yet due and four are overdue. Two overdue actions are rated as 'medium' and two overdue actions are rated as 'high'.

Audit Name	Original Actions	Previously Closed	Closed This Period	Open	Overdue	Not Yet Due
OAG General Computer Controls	34	33	0	1	1	0
Economic Stimulus & Community Recovery	2	0	0	2	0	2
Leisure Aquatic Facilities	8	1	3	4	0	4
Container Deposit Scheme	3	0	0	3	3	0
Total	**47**	**34**	**3**	**10**	**4**	**6**

Overdue management action plans have been decreasing over the past 24 months, with a slight increase in the last quarter.

	Aug-20	Nov-20	Feb-21	May-21	Aug-21	Nov-21	Feb-22	May-22	Aug-22	Nov-22
Number of overdue actions	9	9	8	6	2	3	2	1	1	4

The overdue management action plans are summarised as follows below (for more detail refer to Attachment 3).

Audit Name & Date of Review	Area	Rating
OAG General Computer Controls - June 2020	Infromation not provided on the action for security reasons	Medium
Container Deposit Scheme - May 2022	Information not provided on the action for commercial reasons	Medium
Container Deposit Scheme - May 2022	Information not provided on the action for commercial reasons	High
Container Deposit Scheme - May 2022	Information not provided on the action for commercial reasons	High

Policy and Legislative Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Key Result Area: Our leadership

Outcome: A well-governed City

Sustainability Implications

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	**Comment**
Nil.	

SOCIAL	
Issue	**Comment**
Nil.	

ECONOMIC	
Issue	**Comment**
Nil.	

Conclusion

The Internal Auditor's Report updates Council on the City's internal audit program.

12.1/IA3 RISK, LEGISLATIVE COMPLIANCE AND INTERNAL CONTROL

Report Information

Location:	Not Applicable
Applicant:	Not Applicable
Reporting Officer:	Internal Auditor
Business Unit:	Executive Services
Ward:	Not Applicable
Suburb:	Not Applicable

Authority/Discretion

Definition

☐	Advocacy	*when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
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☐	Quasi-Judicial	*when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*
☒	Information Purposes	*includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').*

Council Resolution

1122/005

Moved Councillor Lagan, seconded Councillor Perkov

1. That Council RECEIVES the Risk, Legislative Compliance and Internal Control Internal Audit Report.

2. That the 'medium' rated observations be LISTED on the Management Action Plan for Audit Committee review until completed.

The motion was put and declared CARRIED (13/0) by exception resolution.

For: Councillors Creado, Farrelly, Ferrante, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Sandri, Thornton and Mayor Irwin.
Against: Nil.

Committee Recommendation

1. That Council RECEIVES the Risk, Legislative Compliance and Internal Control Internal Audit Report.

2. That the 'medium' rated observations be LISTED on the Management Action Plan for Audit Committee review until completed.

Officer's Recommendation

1. That Council RECEIVES the Risk, Legislative Compliance and Internal Control Internal Audit Report.

2. That the 'medium' rated observations be LISTED on the Management Action Plan for Audit Committee review until completed.

Report Purpose

To inform Council of the outcome of the Risk, Legislative Compliance and Internal Control Internal Audit Review.

Relevant Documents

Attachments

Attachment 1 - Risk Legislative Compliance and Internal Control Internal Audit Report (previously circulated to Elected Members under confidential separate cover)

Available for viewing at meeting

Nil

Background

The Risk, Legislative Compliance and Internal Control was approved as part of the 2021/2022 Annual Internal Audit Plan by the Audit Committee, and subsequently by Council at its meeting held 16 November 2021 (Council Resolution Number 1121/007).

The review was performed by the Internal Auditor, and it was conducted in accordance with the Institute of Internal Auditors' International Standards for Professional Practice Internal Auditing.

Comment

The objective of the review was to assess to ensure compliance with regulatory requirements in regard to risk, legislative compliance and internal control and to ensure related processes are designed and operating effectively.

Specific areas suggested for review are included within the Department of Local Government and Communities Operational Guideline Number 9. This was reviewed by the Internal Auditor to identify the areas that have been covered within other reviews or audit work presented to the Audit Committee in the period since this review was last performed. The remaining unreviewed areas included within the scope of this review are as follows:

- Assess the effectiveness of risk management processes and systems in place;
- Assess the effectiveness of fraud risk management processes and systems in place; and
- Assess the adequacy of the processes for managing compliance.

The audit observed a strong Risk Management Framework consistent with AS ISO 31000:2018, confirming that adequate systems are in place to satisfy Clause 17 of the Local Government (Audit) Regulations 1996.

Five medium rated findings were identified. Further details are documented in the Internal Audit Report (refer to Attachment 1).

Consultation/Communication Implications

Nil.

Policy and Legislative Implications

Review performed as required by Regulation 17 of the Local Government (Audit) Regulations 1996.

Financial Implications

Nil.

Strategic Implications

Key Result Area: Our leadership

Outcome: A well-governed City

Sustainability Implications

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	**Comment**
Nil.	

SOCIAL	
Issue	**Comment**
Nil.	

ECONOMIC	
Issue	**Comment**
Nil.	

Conclusion

The Risk, Legislative Compliance and Internal Control Internal Audit Review has been completed in accordance with the Strategic Internal Audit Plan.

12.1/CG1 QUARTERLY RISK MANAGEMENT UPDATE

Report Information

Location:	Not Applicable
Applicant:	Not Applicable
Reporting Officer:	Manager Governance
Business Unit:	Governance
Ward:	Not Applicable
Suburb:	Not Applicable

Authority/Discretion

Definition

☐	Advocacy	*when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☒	Executive	*the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☐	Legislative	*includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.*
☐	Quasi-Judicial	*when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*
☐	Information Purposes	*includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').*

Council Resolution

1122/006

Moved Councillor Lagan, seconded Councillor Perkov

That Council ADOPTS the City of Stirling Strategic Risk Register, Risk Appetites and Risk Appetite Statements as contained in Attachment 1 - City of Stirling Strategic Risk Review Report.

The motion was put and declared CARRIED (13/0) by exception resolution.

For: Councillors Creado, Farrelly, Ferrante, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Sandri, Thornton and Mayor Irwin.
Against: Nil.

Committee Recommendation

That Council ADOPTS the City of Stirling Strategic Risk Register, Risk Appetites and Risk Appetite Statements as contained in Attachment 1 - City of Stirling Strategic Risk Review Report.

Officer's Recommendation

That Council ADOPTS the City of Stirling Strategic Risk Register, Risk Appetites and Risk Appetite Statements as contained in Attachment 1 - City of Stirling Strategic Risk Review Report.

Report Purpose

For Council to consider the outcomes of the Strategic Risk Review and to provide Council with a quarterly risk management update on the City's risks.

Relevant Documents

Attachments

Attachment 1 - City of Stirling Strategic Risk Review Report (previously circulated to Elected Members under confidential separate cover)

Available for viewing at meeting

Nil

Background

This quarterly report provides an update on the below items:

1. City of Stirling Strategic Risk Review
2. Service Risk Profile
3. Business Continuity

Strategic Risk Review

Following the adoption of the new City of Stirling Strategic Community Plan (SCP) – Sustainable Stirling 2022-2032, the City conducted a major review of its Strategic Risk Register (SRR) and Risk Appetite.

The review was driven by the Sustainability Stirling vision, with workshops held with the Executive Team and Elected Members focusing on the below key elements:

- What are the City's strategic risks?
- What risk is the City willing to take in pursuit of its strategic objectives?

Key discussions at the workshops highlighted the following:

- The City needs to take more risks in certain areas in order to achieve the objectives set out in Sustainable Stirling 2022-2032.
- Organisational Culture is imperative and the City needs to be aligned throughout the organisation.
- Sustainable Stirling 2022-2032 encapsulates the community's aspirations and therefore the City needs to ensure it effectively engages and consults with the Community.
- Innovation and Partnerships are key elements in achieving Sustainable Stirling – The City needs to be more innovative and grow partnerships with key stakeholders.

The results from the workshops with the Elected members and the Executive Team identified nine strategic risks for the City. Risk appetite was explored and set against each of the nine strategic risks. The outcome of the strategic risk review is contained in Attachment 1 - City of Stirling Strategic Risk Review Report.

Once Council has adopted a Strategic Risk Register, Risk Appetite and Risk Appetite Statements, the following actions will occur:

- Development of Key Risk Indicators for each strategic risk.
- Development of Risk Details for each strategic risk including the identification of causes, consequences and controls as well as a detailed risk assessment.
- Alignment of the City's service risks to the new strategic risks.

A further report to the Audit Committee in 2023 will seek approval of this additional work.

Service Risk Profile

The dashboard reporting of service risks will commence early next year following adoption of the Strategic Risk Register.

The first quarterly risk reviews in the system will commence on 1 December 2022.

Business Continuity Update

BCP Service Impact reporting ceased on 31 August 2022, in line with the ceasing of COVID-19 restrictions and measures.

The BCPs have been developed to respond to any service disruptions events and are ready to be activated as and when required.

As per Council Resolution Number 0220/054, *"That on an annual basis the Business Continuity Plan be presented to the Audit Committee."*

The BCPs will be reviewed and presented to the Audit Committee and Council in the first half of 2023.

Consultation/Communication Implications

The content of the City of Stirling Strategic Risk Review Report was formulated based on discussions from the following risk workshop sessions:

- Executive Team (including key Business Unit Managers and the Internal Auditor) Risk Workshop – 27 September 2022.
- Elected Members Risk Workshop – 10 October 2022.

Policy and Legislative Implications

The Strategic Risk Review was conducted in line with the City's Risk Management Framework and Risk Management Policy.

Financial Implications

Nil.

Strategic Implications

Key Result Area: Our leadership

Outcome: A well-governed City

Sustainability Implications

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	**Comment**
Nil.	

SOCIAL	
Issue	**Comment**
Nil.	

ECONOMIC	
Issue	**Comment**
Nil.	

Conclusion

Risk management is part of the City's organisational purpose, governance, leadership and commitment. The review of the City's Strategic Risks following the adoption of the City's new Strategic Community Plan ensures the City identifies its new strategic risks and the amount of risk it is willing to accept in the pursuit of the City's strategic objectives.

12.1/CG2 CITY OF STIRLING INTEGRITY ACTION PLAN 2021/2022

Report Information

Location:	Not Applicable
Applicant:	Not Applicable
Reporting Officer:	Manager Governance
Business Unit:	Governance
Ward:	Not Applicable
Suburb:	Not Applicable

Authority/Discretion

Definition

☐	Advocacy	*when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☒	Executive	*the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☐	Legislative	*includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.*
☐	Quasi-Judicial	*when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*
☐	Information Purposes	*includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').*

Council Resolution

1122/007

Moved Councillor Lagan, seconded Councillor Perkov

1. That Council ENDORSES the actions completed in the City of Stirling Integrity Action Plan 2021/2022.

2. That Council ENDORSES the City of Stirling Integrity Action Plan 2022/2023 to be presented in the first half of 2023.

The motion was put and declared CARRIED (13/0) by exception resolution.

For: Councillors Creado, Farrelly, Ferrante, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Sandri, Thornton and Mayor Irwin.
Against: Nil.

Committee Recommendation

1. That Council ENDORSES the actions completed in the City of Stirling Integrity Action Plan 2021/2022.

2. That Council ENDORSES the City of Stirling Integrity Action Plan 2022/2023 to be presented in the first half of 2023.

Officer's Recommendation

1. That Council ENDORSES the actions completed in the City of Stirling Integrity Action Plan 2021/2022.

2. That Council ENDORSES the City of Stirling Integrity Action Plan 2022/2023 to be presented in the first half of 2023.

Report Purpose

To provide Council with a status update on the City of Stirling Integrity Action Plan 2021/2022 and Integrity Action Plan 2022/2023.

Relevant Documents

Attachments

Attachment 1 - City of Stirling Integrity Action Plan 2021/2022 (previously circulated to Elected Members under confidential separate cover)

Available for viewing at meeting

Nil

Background

At its meeting held 25 February 2020, Council resolved (Council Resolution Number 0220/049) as follows:

> "*The City is to present to the Audit Committee once each year a report including an update on the City's Integrity Strategy, the Snapshot Tool and Action Plan."*

The City's Integrity Strategy is based on the Integrity Strategy for WA Public Authorities 2020-2023 and focuses on the following four key improvements areas with actions and controls to promote integrity and help prevent misconduct and corruption.

1. Plan and act to improve integrity.
2. Model and embody a culture of integrity.
3. Learn and develop integrity knowledge and skills.
4. Be accountable for integrity.

The Snapshot Tool is a self-assessment tool to support the City in:

- The evaluation of its approaches to promote integrity and reduce misconduct risks; and
- Identify any gaps in the current approaches to integrity that could be actioned, with arising actions captured in the Integrity Action Plan 2021/2022 (Attachment 1).

Comment

The City has progressed with the roll out of various initiatives to embed and improve integrity since the implementation of the Integrity Strategy, with key highlights including:

- Featuring in the Public Sector Commission's Integrity Bulletin highlighting the City's commitment in embedding the Strategy.
- Receipt of correspondence from the Corruption and Crime Commissioner, Mr John McKechnie QC where he stated he was *"delighted to hear of the continued efforts to raise awareness of anti-corruption at the City of Stirling*". The Commissioner also shared a series of podcasts produced by the Corruption and Crime Commission in recognition of International Anti-Corruption Day which were shared with all City employees via the January 2022 Team Brief.

- The review of the City's Code of Conduct to comply with the amended Regulations. As a result, the City has developed and implemented two separate Codes of Conduct - a Code of Conduct for Elected Members, Committee Members and Candidates and an Employee Code of Conduct.
- Completed comprehensive service risk reviews including risk management briefings across all 54 services with integrity risks identified, assessed and documented during the review.

All areas of improvement identified in the Integrity Action Plan 2021/2022 are now complete, except for one. The action relating to the provision of additional integrity training is partially completed. The City continues to invest in upskilling key staff responsible for managing integrity matters through further integrity training with the Public Sector Commission.

Integrity risks were identified and assessed during the service risks review. Further analysis of the integrity risks assessments will further inform the development of suitable and appropriate trainings for identified high risk positions. This action will be included in the Integrity Action Plan 2022/2023.

Integrity Action Plan 2022/23

The review of the City's Integrity Strategy and Action Plan have been deferred and will be presented to Council in the first half of 2023 on the following basis:

- The Risk, Internal Control and Legislative Compliance Internal Audit Review is being presented at the Audit Committee on 7 November 2022. The Integrity Action Plan 2022/2023 should be informed by the recommendations from the Risk, Internal Control and Legislative Compliance Internal Audit Review as adopted by Council.
- The Public Sector Commission has developed a new Integrity Framework Maturity Assessment Tool, in consultation with the Integrity Practitioners Group. The new tool will be launched later in 2022 and will inform the City's Integrity Strategy review including the actions to be identified in the Integrity Action Plan 2022/2023.

The Integrity Action Plan 2022/2023 will therefore incorporate the recommendations from the Risk, Internal Control and Legislative Compliance Internal Audit Review and the actions arising from the self-assessment against the new maturity tool.

Consultation/Communication Implications

Consultations were conducted with the Corporate Risk Management Group and Executive Team.

Policy and Legislative Implications

The review of the City's Integrity Strategy will be conducted in accordance with the requirements set out by the Public Sector Commission and the *Public Sector Management Act 1994.*

Financial Implications

Nil.

Strategic Implications

Key Result Area: Our leadership

Outcome: A well-governed City

Sustainability Implications

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	**Comment**
Nil.	

SOCIAL	
Issue	**Comment**
Nil.	

ECONOMIC	
Issue	**Comment**
Nil.	

Conclusion

The City is commitment to embed and improve integrity, and to ensure appropriate and effective systems and processes are established to meet the City's expectations to mitigate misconduct.

12.1/A1 LEAVE LIABILITY MANAGEMENT STRATEGY

Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 5.23(2)(a) of the *Local Government Act 1995* , which permits the meeting to be closed to the public for business relating to the following:-

(a) a matter affecting an employee or employees.

Report Information

Location	Not Applicable
Applicant:	Not Applicable
Reporting Officer:	Manager Human Resources
Business Unit:	Human Resources
Ward:	Not Applicable
Suburb:	Not Applicable

Council Resolution

1122/008

Moved Councillor Lagan, seconded Councillor Perkov

1. That Council NOTES the leave liability as at 1 November 2022.

2. That Council NOTES the City Excessive Leave Liability Management Strategy 2022-2025.

The motion was put and declared CARRIED (13/0) by exception resolution.

For: Councillors Creado, Farrelly, Ferrante, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Sandri, Thornton and Mayor Irwin.
Against: Nil.

12.1/IA1 FOLLOW UP OF DEEP DIVE SERVICE REVIEW

Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 5.23(2)(a) of the *Local Government Act 1995* , which permits the meeting to be closed to the public for business relating to the following:-

(a) a matter affecting an employee or employees.

Report Information

Location	Not Applicable
Applicant:	Not Applicable
Reporting Officer:	Internal Auditor
Business Unit:	Executive Services
Ward:	Not Applicable
Suburb:	Not Applicable

Council Resolution

1122/009

Moved Councillor Lagan, seconded Councillor Perkov

That Council RECEIVES the follow up of the Deep Dive Service Review Internal Audit Report.

The motion was put and declared CARRIED (13/0) by exception resolution.

For: Councillors Creado, Farrelly, Ferrante, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Sandri, Thornton and Mayor Irwin.
Against: Nil.

12.1/IA4 CYBERSECURITY ACTIVITIES AND PERFORMANCE

Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 5.23(2)(f(ii)) of the *Local Government Act 1995* , which permits the meeting to be closed to the public for business relating to the following:-

(f) a matter that if disclosed, could be reasonably expected to -
(ii) endanger the security of the local government's property

Report Information

Location	Not Applicable
Applicant:	Not Applicable
Reporting Officer:	Internal Auditor
Business Unit:	Executive Services
Ward:	Not Applicable
Suburb:	Not Applicable

Council Resolution

1122/010

Moved Councillor Lagan, seconded Councillor Perkov

1. That Council RECEIVES the Cybersecurity Activities and Performance Internal Audit Reports.

2. That the 'high' and 'medium' rated observations be LISTED on the Management Action Plan for Audit Committee review until completed.

3. That 'low' rated process improvements BE LISTED for review by the Executive Team.

The motion was put and declared CARRIED (13/0) by exception resolution.

For: Councillors Creado, Farrelly, Ferrante, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Sandri, Thornton and Mayor Irwin.
Against: Nil.

12.2 PLANNING AND DEVELOPMENT COMMITTEE - 8 NOVEMBER 2022

12.2/DS1 LOCAL PLANNING SCHEME NO.3 - SCHEME AMENDMENT NO.113 AND LOCAL PLANNING POLICY 6.17 - PROTECTED TREE REGISTER - OUTCOMES OF ADVERTISING

Report Information

Location:	City Wide
Applicant:	Not Applicable
Reporting Officer:	Manager Development Services
Business Unit:	Development Services
Ward:	City Wide
Suburb:	Not Applicable

Authority/Discretion

Definition

☐	Advocacy	*when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☐	Executive	*the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☒	Legislative	*includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.*
☐	Quasi-Judicial	*when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*
☐	Information Purposes	*includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').*

Council Resolution

1122/011

Moved Councillor Migdale, seconded Councillor Proud

1. That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council SUPPORTS (with modifications) Amendment No.113 to Local Planning Scheme No.3 as shown in Attachment 1.

2. That authority be GIVEN to the Mayor and Chief Executive Officer to sign and affix the Common Seal to Local Planning Scheme No.3 Amendment No.113 documents, and that the Amendment be REFERRED to the Western Australian Planning Commission and the Minister for Planning for determination.

3. That Council NOTES the outcomes of advertising of Local Planning Policy 6.17 – 'Protected Tree Register' and that a further report will be PRESENTED following the Minister for Planning's determination of Amendment No.113 to Local Planning Scheme No.3.

The motion was put and declared CARRIED (10/3).

For: Councillors Creado, Farrelly, Hatton, Lagan, Migdale, Olow, Perkov, Proud, Thornton and Mayor Irwin.
Against: Councillors Ferrante, Krsticevic and Sandri.

Committee Recommendation

1. That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council SUPPORTS (with modifications) Amendment No.113 to Local Planning Scheme No.3 as shown in Attachment 1.

2. That authority be GIVEN to the Mayor and Chief Executive Officer to sign and affix the Common Seal to Local Planning Scheme No.3 Amendment No.113 documents, and that the Amendment be REFERRED to the Western Australian Planning Commission and the Minister for Planning for determination.

3. That Council NOTES the outcomes of advertising of Local Planning Policy 6.17 – 'Protected Tree Register' and that a further report will be PRESENTED following the Minister for Planning's determination of Amendment No.113 to Local Planning Scheme No.3.

Officer's Recommendation

1. That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council SUPPORTS (with modifications) Amendment No.113 to Local Planning Scheme No.3 as shown in Attachment 1.

2. That authority be GIVEN to the Mayor and Chief Executive Officer to sign and affix the Common Seal to Local Planning Scheme No.3 Amendment No.113 documents, and that the Amendment be REFERRED to the Western Australian Planning Commission and the Minister for Planning for determination.

3. That Council NOTES the outcomes of advertising of Local Planning Policy 6.17 – 'Protected Tree Register' and that a further report will be PRESENTED following the Minister for Planning's determination of Amendment No.113 to Local Planning Scheme No.3.

Report Purpose

To report on the outcomes of advertising of Scheme Amendment No.113 and draft 'Local Planning Policy 6.17 – Protected Tree Register', and obtain a Council resolution to proceed with Scheme Amendment No.113.

Relevant Documents

Attachments

Attachment 1 - Amendment No.113 - (modified and recommended to be supported by Council) ⇩

Attachment 2 - Amendment No.113 - (modified after advertising) - Track Changes ⇩

Attachment 3 - Amendment No.113 - (as advertised) ⇩

Attachment 4 - Draft Local Planning Policy 6.17 - Protected Tree Register (as advertised) ⇩

Attachment 5 - Officers Response to Public Submissions ⇩

Attachment 6 - Statutory Process ⇩

Attachment 7 - Location of Online Survey Responses (previously circulated to Elected Members under confidential separate cover)

Available for viewing at meeting

Nil

Background

To help address tree canopy loss in the City, Council adopted its Urban Forest Plan on 16 April 2019 (Council Resolution Number 0419/006). A key action of the Plan relates to trees on private land and aims to:

> *"Enable residents to voluntarily register trees on their land. Assist residents to maintain, manage and care for registered trees."*

At its meeting held 27 October 2020, Council considered a report responding to a Notice of Motion seeking options to protect trees on private land, separate to the Urban Forest Plan. That report recommended a Voluntary Significant Tree Register be prepared, and noted that a separate Scheme Amendment would need to be presented to Council to enable the register to be established.

At this meeting, Council resolved (Council Resolution Number 1020/030) as follows:

> *"1. That an Amendment to Local Planning Scheme No.3 and an associated Local Planning Policy for a Voluntary Significant Tree Register be PREPARED.*
>
> *2. That the Amendment to Local Planning Scheme No.3 for a Voluntary Significant Tree Register ALLOWS trees to be both added to and removed from the Voluntary Significant Tree Register."*

The Development Services Business Unit worked collaboratively with the Parks and Sustainability Business Unit to draft a planning framework to enable a Voluntary Protected Tree Register framework. The draft Protected Tree Register framework balances individual property rights with the wider community benefit of retaining trees.

At its meeting held 10 May 2022, Council considered a Scheme Amendment and local planning policy to enable this Register to be established. At that meeting, Council resolved (Council Resolution Number 0522/014) as follows:

> *"1. That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council PREPARES (for the purpose of advertising) Scheme Amendment No.113 to Local Planning Scheme No.3 to introduce a Protected Tree Register as shown in Attachment 1.*
>
> *2. That pursuant to Regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015, Council RESOLVES that, in its opinion, Local Planning Scheme No.3 Amendment No.113 is a Standard Amendment.*
>
> *3. That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council PREPARES 'Local Planning Policy 6.17 - Protected Tree Register' as shown in Attachment 2 and that it be advertised for public comment concurrently with Local Planning Scheme No.3 Amendment No.113."*

Advertising of the voluntary Protected Tree Register and Local Planning Policy 6.17 - Protected Tree Register has concluded and the outcomes of advertising are the subject of this report.

Consultation

Advertising of Scheme Amendment No.113 and the draft Protected Tree Register Policy was carried out in accordance with the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015 and the City's Local Planning Policy 6.18 – Public Consultation. The advertised Scheme Amendment No.113 is included in Attachment 3 and the advertised draft Protected Tree Register Policy is included in Attachment 4.

These documents were made available for public comment from 30 June 2022 until 12 August 2022. Details of the framework were placed on the City's website and notices were placed in the City's Administrative Centre for the duration of the advertising period.

At the conclusion of the advertising period, five individual submissions were received, all of which were from State Government agencies. Officer comments on these submissions are contained in Attachment 5, with a summary of the submissions as follows:

- No objection or comment;
- Supportive, but the Protected Tree Register will not affect Public Works.

Online Survey

An online survey was also prepared and formed part of the targeted engagement to better understand community sentiment relating to tree canopy within the City. 157 responses were received. The locations of respondents to the online survey who live in the City are shown in the Confidential Attachment to this report.

Of the 157 responses, 126 individuals provided responses to the open questions which are summarised in the following table.

Responses Received	Percentage of Responses
Support	**(54) 42.9%**
Support with Modifications	**(10) 7.9%**
Not Stated / Comment Not Related to Protected Tree Register	**(52) 41.3%**
Oppose	**(10) 7.9%**
Total	**(126) 100%**

The responses indicate:

- A Protected Tree Register is beneficial to increasing tree canopy cover (82.8%);
- People would purchase a property containing a Registered Tree even if it prevented subdivision or development (70.1%);
- Incentives should be provided to properties that contain a Registered Tree (86.0%); and
- Healthy trees should not be allowed to be removed from the Protected Tree Register (80.2%).

The comments received, and the City's officer's response to these, is detailed in Attachment 5.

Comment

The City's officers have developed a framework to enable landowners to voluntarily register trees on their properties on a Public Register. Once registered, trees can only be removed in certain circumstances with the approval of the City.

The City's officer's response to the comments made in individual submissions and the online survey are contained in Attachment 5.

No changes to the advertised Scheme Amendment are proposed in response to the submissions received.

Proposed changes to scheme amendment

Changes to the advertised scheme amendment are proposed following discussions with the Department of Planning, Lands and Heritage (DPLH), and following a review of the Scheme Amendment. These are discussed below.

Changes requested by DPLH

Council, at its meeting held 31 August 2021, through Scheme Amendment No.115 (Omnibus amendment) supported a number of changes to Local Planning Scheme No.3 (LPS3). Those changes included updating existing scheme requirements (Clause 5.13.3) relating to the provision of trees on development sites, to remove conflicts with the updated R-Codes that introduced requirements for trees.

Scheme Amendment No.115 is currently awaiting determination by the Minister for Planning.

The DPLH requested that the City remove this updated clause from Scheme Amendment No.115, as the DPLH were considering a number of scheme amendments relating to tree protection by different local governments concurrently. Whilst some of these were anticipated by the DPLH to be supported by the Western Australian Planning Commission (WAPC), some were not.

Discussions with the DPLH officers have indicated that the City's Scheme Amendment to establish a voluntary Tree Register is likely to be supported.

The DPLH requested that the City introduce these changes to Clause 5.13.3 as part of the Scheme Amendment now being considered. This allows all provisions relating to trees to be considered in one Scheme Amendment.

It is recommended amendments to LPS3 Clause 5.13.3 be included in this Scheme Amendment.

Remove reference to 'Protected Tree'

The advertised planning framework included the terms 'Protected Tree' and 'Registered Trees'. A review of the Scheme Amendment has identified an opportunity to improve the clarity of the provisions by using a single term.

For consistent terminology throughout the planning framework, it is recommended to change the term 'Protected Tree' to 'Registered Tree'.

This also removes any ambiguity that other trees can still be protected by the City, without being on the Protected Tree Register, such as street trees.

Local Planning Policy 6.17 – Protected Tree Register

The draft Protected Tree Register Policy was advertised at the same time as Scheme Amendment No.113. This Policy identifies the framework for establishing a voluntary Protected Tree Register.

As this policy cannot be implemented until Scheme Amendment No.113 is determined by the Minister for Planning, Council's adoption of the Policy at this time is not required. A report will be presented to a future meeting of Council to proceed with this Policy once Scheme Amendment No.113 has been gazetted.

Policy and Legislative Implications

Part 5 of the *Planning and Development Act 2005*, together with the Planning and Development (Local Planning Schemes) Regulations 2015 detail the procedures for amending a local planning scheme and adopting a local planning policy.

These statutory processes are detailed in Attachment 6.

Financial Implications

The costs associated with processing Scheme Amendment No.113 and the Local Planning Policy are covered within the Development Services Business Unit budget.

As a new body of work (private tree protection), City officer time assessing, reviewing arborists reports, consulting with neighbours and preparing the application for the Tree Assessment Panel is estimated at 10 hours per application.

Officer time of two hours per Registered Tree per year for on-going tree support and assistance is estimated to be needed. As private trees placed on the Register will typically be well cherished tree specimens, it is expected that owners will be interested, inquisitive and responsive in their dealings with the City.

Employee time to prepare, lodge and register the Landgate application for Section 70A Notification on the Certificate of Title under the *Transfer of Land Act 1893*, is estimated at three hours.

The 2022/2023 budget included the Protected Tree Register Financial Support for arborist reports, financial incentives for works on or around Registered Trees and for property title changes. It does not include a new Full Time Equivalent employee as this will be dependent on application numbers. The current Urban Forest program, the City tree planting program and the Protected Tree Register will need to be appropriately resourced in order for the City to achieve intended outcomes of our Urban Forest Plan.

The level of maintenance and assistance provided by the City to each tree on the Register, which would be ongoing costs to the City, is likely to increase as more trees are added.

Financial support which is proposed for owners of a Registered Tree is to be detailed by the Parks and Sustainability Business Unit as part of a budget request. These measures need to balance providing support and encouragement, whilst not taking on liability and responsibility for the private tree.

The City's Parks and Sustainability Business Unit will set an appropriate 2023/2024 budget request, for the scale of how many trees will be assessed for the Protected Tree Register.

Strategic Implications

Key Result Area: Our built environment

Outcome: A liveable City

Sustainability Implications

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	**Comment**
Vegetation impact	The Protected Tree Register would provide protection for trees worthy of retention.

SOCIAL	
Issue	**Comment**
Cultural and heritage value	The Protected Tree Register would provide protection for trees worthy of retention.

ECONOMIC	
Issue	**Comment**
Business innovation	The Protected Tree Register will allow development standards to be varied where creative building designs allow trees to be retained.

Conclusion

Council, through its Urban Forest Plan, resolved that a Voluntary Tree Register be established. Scheme Amendment No.113 and the draft Protected Tree Register Policy introduced the framework to allow trees on private property to be voluntarily protected.

The draft framework was advertised in accordance with the Planning and Development (Local Planning Scheme) Regulations 2015 and the City's Local Planning Policy 6.18 – Public Consultation. No changes to the framework are recommended.

It is recommended Scheme Amendment No.113 be supported in a modified form as detailed in this report (as shown in Attachment 1) and forwarded to the WAPC and the Minister for Planning for determination.

The draft Protected Tree Register Policy will be presented to Council for adoption once Scheme Amendment No.113 is determined by the Minister for Planning.

PLANNING & DEVELOPMENT ACT 2005

CITY OF STIRLING

LOCAL PLANNING SCHEME NO 3 - AMENDMENT NO. 113

Resolution to prepare Amendment to Local Planning Scheme No.3

Resolved that the local government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by amending the Scheme Text by:

1. Amending the following clauses as follows:

1.1 In Clause 5.5.5 replacing the term 'signficant tree' with '**registered tree or established tree**';

1.2 In Clause 5.13.1 replacing the term 'significant' with '**established**';

1.3 In Clause 5.13.2.a replacing the term 'significant' with '**established**';

1.4 In Clause 5.13.2.b replacing the term 'significant' with '**established**';

1.5 In Clause 5.13.2.c replacing the term 'significant' with '**established**';

1.6 In Clause 5.13.3.a replacing the term 'significant' with '**established**';

1.7 Replacing Clause 5.13.3 b) with the following:

Except where a greater tree planting ratio is specified in the Scheme, Local Planning Policy, Structure Plan, Local Development Plan or the Residential Design Codes, development on a site which:
at the time does not contain an established tree; or
involves the removal of an established tree from the site;
the planting of advanced trees is required in particular locations on the site, at a maximum ratio of one advanced tree for every 500m^2 (or part thereof of the site s area.

1.8 Replacing Clause 5.13.3 c) with the following:

here an established tree is retained, or an advanced tree is planted, as required by the local planning framework, adequate surrounding soil space at and below ground level around each tree is to be provided to sustain its health and growth.

1.9 In Clause 10.3.2.h replacing the term 'significant' with '**established**';

1.10 In 'Schedule 1: Dictionary of Defined Words and Expressions – General Definitions' inserting the new defined term of '**Established Tree**' with the following definition:

"**means a woody plant at a height of at least four (4) metres above ground level and meets one of the following criteria:**
a) for a single trunk species, a trunk circumference of at least 500mm at a height of one (1.0) metre above ground level; or
b) for a multi trunk species, a trunk circumference of at least 250mm at a height of one (1.0) metre above ground level."

1.11 In 'Schedule 1: Dictionary of Defined Words and Expressions – General Definitions' inserting the new defined term of '**Registered Tree**' with the following definition:

"**means a tree that is included in the Protected Tree Register.**"

1.12 In 'Schedule 1: Dictionary of Defined Words and Expressions – General Definitions' deleting the defined term of '**Significant Tree**'.

2. Inserting Schedule A before Schedule 1 as follows:

"**Schedule A - Supplemental provisions to the deemed provisions**
These provisions are to be read in conjunction with the Deemed Provisions (Schedule 2) contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Part 3A – Protected Tree Register

Cl. 13B. Terms used

In this Part –
arborist report means a report produced by a person who has obtained a minimum of Australian Qualification Framework Level 5 Certification in Arboriculture (AQF5 Arborist) or equivalent qualification. The arborist report has information that concerns the health, value and general state of the tree, the structural root zone and tree protection zone, and a Tree Management Plan that outlines the methodology to preserve the tree;
protected tree register means a Protected Tree Register established under clause 13C;
registered tree means a tree that is included in the Protected Tree Register;
structural root zone means an area specified in Australian Standard 4970-2009 Protection of Trees on Development Sites, around the base of a tree required for the tree's stability in the ground;
tree means an individual perennial tree;
tree protection zone means an area specified in Australian Standard 4970-2009 Protection of Trees on Development Sites. This is the area above and below ground for the protection of a tree's roots and crown from development, to provide for the viability of a tree that is to be retained.

Cl. 13C. Establishing a Protected Tree Register

(1) The local government may establish and maintain a Protected Tree Register to identify trees within the scheme area that are worthy of protection.

(2) The Protected Tree Register –
  (a) must set out
    (i) a description of each tree;
    (ii) the tree protection zone of each tree;
    (iii) the structural root zone of each tree;
    (iv) the location of each tree;
    (v) the address of all properties that contain the structural root zone of the tree;
    (vi) special conditions that apply (such as where pruning is expected from Western Power lines etc);
  (b) must be available with the scheme documents where they are available for public inspection during business hours at the offices of the local government; and
  (c) must be published on the website of the local government.

Cl. 13D. Adding and removing trees to the Protected Tree Register

(1) The local government must not enter a tree in or remove a tree from the Protected Tree Register, or modify the entry of a tree in the Protected Tree Register unless the local government –
  (a) notifies in writing each owner and occupier of any land which contains the tree, any branches of the tree and the tree protection zone;
  (b) provides each notified owner and occupier with a description of the tree and the reason for its proposed entry, removal or modification;
  (c) invites each owner and occupier to make submissions on the proposal within 21 days of the day on which the notice is served or within a longer period specified in the notice;
  (d) carries out any other consultation the local government considers appropriate; and
  (e) following any consultation and consideration of the submissions made on the proposal, resolves that the tree be entered onto or modified in the Protected Tree Register with or without modifications, or that the tree be removed from the Protected Tree Register.

(2) If the local government enters a tree onto the Protected Tree Register or modifies an entry of a tree in the Protected Tree Register, the local government must give notice of the entry or modification to each owner and occupier of any land which contains the tree and tree protection zone.

Cl. 13E. Works to, or near, a Registered Tree

A Registered Tree, its branches and any roots within the tree protection zone are prohibited to have works undertaken, except in the following circumstances –
  (a) works on a neighbouring property, which contains branches and roots of the Registered Tree, but does not contain the structure root zone; or
  (b) pruning to the Registered Tree that involves –
    (i) removal of dead wood; or

(ii) treatment of disease; or

(c) works to the Registered Tree identified in a City issued arborist report; or

(d) works to the Registered Tree approved by the City's Tree Assessment Panel; or

(e) works to the Registered Tree that are urgently necessary for public safety; or

(f) development approval for building works has been granted, which identifies works to (but does not require removal of) the Registered Tree; or

(g) subdivision approval has been granted by the Western Australian Planning Commission which identifies works to (including removal of) the Registered Tree; or

(h) approval has been granted for works to the Registered Tree following a Commonwealth or State environmental assessment.

Cl. 13F. Accompanying material where development relates to a Registered Tree

Prior to the determination of an application for development approval or subdivision, for land which contains a Registered Tree, the decision maker may require the applicant to submit an arborist report. The arborist report is to specify –

(a) the condition of the tree;

(b) the proposed work;

(c) matters that minimise the impact to the tree to ensure its viability; and

(d) the methodology to preserve the tree (Tree Management Plan).

Cl. 13G. Variation to site and development requirements

(1) Where development is proposed on land and the preservation of a Registered Tree would otherwise unduly restrict the reasonable development of the land the local government may grant by way of development approval, a variation to any development provision (except related to site area) of the Scheme, Local Planning Policy, State Planning Policy 7.3 – Residential Design Codes, Local Development Plan or Structure Plan where desirable to facilitate the preservation of the Registered Tree.

(2) The local government is not to grant development approval that requires a variation under subclause (1) which might, in the local government's opinion, significantly affect an adjoining property or a property in the locality unless –

(a) the application seeking the variation is advertised in accordance with clause 64 of the Deemed Provisions; and

(b) any submissions received in response to that advertising, are duly considered by the local government.

Cl. 13H. Duty of care

(1) The owner, occupier or other person in control of land affected by a tree or the tree protection zone listed or nominated for listing on the Protected

Tree Register shall preserve the tree from injury or death through neglect or malicious intent.

Cl. 61. Development for which development approval not required

(6A) Despite subclause (1) and (2), an exemption under those subclauses does not apply to development if there is an impact to a Registered Tree as per Part 3A, its branches or its roots in the tree protection zone. Development approval is not required in the instances outlined in Clause 13E."

PLANNING & DEVELOPMENT ACT 2005

CITY OF STIRLING

LOCAL PLANNING SCHEME NO 3 - AMENDMENT NO. 113

Resolution to prepare Amendment to Local Planning Scheme No.3

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1.3 In Clause 5.13.2.a replacing the term 'significant' with '**established**';

1.4 In Clause 5.13.2.b replacing the term 'significant' with '**established**';

1.5 In Clause 5.13.2.c replacing the term 'significant' with '**established**';

1.6 In Clause 5.13.3.a replacing the term 'significant' with '**established**';

1.7 ~~In Clause 5.13.3.b twice replacing the term 'significant' with '**established**';~~
Replacing Clause 5.13.3 b) with the following:

Except where a greater tree planting ratio is specified in the Scheme, Local Planning Policy, Structure Plan, Local Development Plan or the Residential Design Codes, development on a site which:
at the time does not contain an established tree; or
involves the removal of an established tree from the site;
the planting of advanced trees is required in particular locations on the site, at a maximum ratio of one advanced tree for every 500m^2 (or part thereof of the site s area.

1.8 ~~In Clause 5.13.3.c replacing the term 'significant' with '**established**';~~
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here an established tree is retained, or an advanced tree is planted, as required by the local planning framework, adequate surrounding soil space at and below ground level around each tree is to be provided to sustain its health and growth.

1.9 In Clause 10.3.2.h replacing the term 'significant' with '**established**';

1.10 In 'Schedule 1: Dictionary of Defined Words and Expressions – General Definitions' inserting the new defined term of '**Established Tree**' with the following definition:

"**means a woody plant at a height of at least four (4) metres above ground level and meets one of the following criteria:**
a) for a single trunk species, a trunk circumference of at least 500mm at a height of one (1.0) metre above ground level; or
b) for a multi trunk species, a trunk circumference of at least 250mm at a height of one (1.0) metre above ground level."

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"**means ~~vegetation~~ a tree that is ~~identified~~ included in the ~~local governments~~ Protected Tree Register.**"

1.12 In 'Schedule 1: Dictionary of Defined Words and Expressions – General Definitions' deleting the defined term of '**Significant Tree**'.

2. Inserting Schedule A before Schedule 1 as follows:

"**Schedule A - Supplemental provisions to the deemed provisions**
These provisions are to be read in conjunction with the Deemed Provisions (Schedule 2) contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Part 3A – Protected Tree Register

Cl. 13B. Terms used

In this Part –
arborist report means a report produced by a person who has obtained a minimum of Australian Qualification Framework Level 5 Certification in Arboriculture (AQF5 Arborist) or equivalent qualification. The arborist report has information that concerns the health, value and general state of the tree, the structural root zone and tree protection zone, and a Tree Management Plan that outlines the methodology to preserve the tree;
~~***protected tree*** means a tree that is included in the Protected Tree Register;~~
protected tree register means a Protected Tree Register established under clause 13C;
registered tree means a tree that is included in the Protected Tree Register;
structural root zone means an area specified in Australian Standard 4970-2009 Protection of Trees on Development Sites, around the base of a tree required for the tree's stability in the ground;
tree means an individual perennial tree;
tree protection zone means an area specified in Australian Standard 4970-2009 Protection of Trees on Development Sites. This is the area above and below ground for the protection of a tree's roots and crown from development, to provide for the viability of a tree that is to be retained.

Cl. 13C. Establishing a Protected Tree Register

(1) The local government may establish and maintain a Protected Tree Register to identify trees within the scheme area that are worthy of protection.

(2) The Protected Tree Register –
- (a) must set out
  - (i) a description of each tree;
  - (ii) the tree protection zone of each tree;
  - (iii) the structural root zone of each tree;
  - (iv) the location of each tree;
  - (v) the address of all properties that contain the structural root zone of the tree;
  - (vi) special conditions that apply (such as where pruning is expected from Western Power lines etc);
- (b) must be available with the scheme documents where they are available for public inspection during business hours at the offices of the local government; and
- (c) must be published on the website of the local government.

Cl. 13D. Adding and removing trees to the Protected Tree Register

(1) The local government must not enter a tree in or remove a tree from the Protected Tree Register, or modify the entry of a tree in the Protected Tree Register unless the local government –
- (a) notifies in writing each owner and occupier of any land which contains the tree, any branches of the tree and the tree protection zone;
- (b) provides each notified owner and occupier with a description of the tree and the reason for its proposed entry, removal or modification;
- (c) invites each owner and occupier to make submissions on the proposal within 21 days of the day on which the notice is served or within a longer period specified in the notice;
- (d) carries out any other consultation the local government considers appropriate; and
- (e) following any consultation and consideration of the submissions made on the proposal, resolves that the tree be entered onto or modified in the Protected Tree Register with or without modifications, or that the tree be removed from the Protected Tree Register.

(2) If the local government enters a tree onto the Protected Tree Register or modifies an entry of a tree in the Protected Tree Register, the local government must give notice of the entry or modification to each owner and occupier of any land which contains the tree and tree protection zone.

Cl. 13E. Works to, or near, a ~~Protected~~ Registered Tree

A ~~Protected~~ Registered Tree, its branches and any roots within the tree protection zone are prohibited to have works undertaken, except in the following circumstances –

(a) works on a neighbouring property, which contains branches and roots of the ~~Protected~~ Registered Tree, but does not contain the structure root zone; or
(b) pruning to the ~~Protected~~ Registered Tree that involves –
  (i) removal of dead wood; or
  (ii) treatment of disease; or
(c) works to the ~~Protected~~ Registered Tree identified in a City issued arborist report; or
(d) works to the ~~Protected~~ Registered Tree approved by the City's Tree Assessment Panel; or
(e) works to the ~~Protected~~ Registered Tree that are urgently necessary for public safety; or
(f) development approval for building works has been granted, which identifies works to (but does not require removal of) the ~~Protected~~ Registered Tree; or
(g) subdivision approval has been granted by the Western Australian Planning Commission which identifies works to (including removal of) the ~~Protected~~ Registered Tree; or
(h) approval has been granted for works to the Registered T~~t~~ree following a Commonwealth or State environmental assessment.

Cl. 13F. Accompanying material where development relates to a ~~Protected~~ Registered Tree

Prior to the determination of an application for development approval or subdivision, for land which contains a ~~Protected~~ Registered Tree, the decision maker may require the applicant to submit an arborist report. The arborist report is to specify –
(a) the condition of the tree;
(b) the proposed work;
(c) matters that minimise the impact to the tree to ensure its viability; and
(d) the methodology to preserve the tree (Tree Management Plan).

Cl. 13G. Variation to site and development requirements

(1) Where development is proposed on land and the preservation of a ~~Protected~~ Registered Tree would otherwise unduly restrict the reasonable development of the land the local government may grant by way of development approval, a variation to any development provision (except related to site area) of the Scheme, Local Planning Policy, State Planning Policy 7.3 – Residential Design Codes, Local Development Plan or Structure Plan where desirable to facilitate the preservation of the ~~Protected~~ Registered Tree.

(2) The local government is not to grant development approval that requires a variation under subclause (1) which might, in the local government's opinion, significantly affect an adjoining property or a property in the locality unless –
(a) the application seeking the variation is advertised in accordance with clause 64 of the Deemed Provisions; and
(b) any submissions received in response to that advertising, are duly considered by the local government.

Cl. 13H. Duty of care

(1) The owner, occupier or other person in control of land affected by a tree or the tree protection zone listed or nominated for listing on the Protected Tree Register shall preserve the tree from injury or death through neglect or malicious intent.

Cl. 61. Development for which development approval not required

(6A) Despite subclause (1) and (2), an exemption under those subclauses does not apply to development if there is an impact to a ~~Protected~~ Registered Tree as per Part 3A, its branches or its roots in the tree protection zone. Development approval is not required in the instances outlined in Clause 13E."

PLANNING & DEVELOPMENT ACT 2005

CITY OF STIRLING

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1.10 In 'Schedule 1: Dictionary of Defined Words and Expressions – General Definitions' inserting the new defined term of '**Established Tree**' with the following definition:

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1.11 In 'Schedule 1: Dictionary of Defined Words and Expressions – General Definitions' inserting the new defined term of '**Registered Tree**' with the following definition:

"**means vegetation that is identified in the local governments Protected Tree Register.**"

1.12 In 'Schedule 1: Dictionary of Defined Words and Expressions – General Definitions' deleting the defined term of '**Significant Tree**'.

2. Inserting Schedule A before Schedule 1 as follows:

"**Schedule A - Supplemental provisions to the deemed provisions**
These provisions are to be read in conjunction with the Deemed Provisions (Schedule 2) contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Part 3A – Protected Tree Register

Cl. 13B. Terms used

In this Part –
arborist report means a report produced by a person who has obtained a minimum of Australian Qualification Framework Level 5 Certification in Arboriculture (AQF5 Arborist) or equivalent qualification. The arborist report has information that concerns the health, value and general state of the tree, the structural root zone and tree protection zone, and a Tree Management Plan that outlines the methodology to preserve the tree;
protected tree means a tree that is included in the Protected Tree Register;
protected tree register means a Protected Tree Register established under clause 13C;
structural root zone means an area specified in Australian Standard 4970-2009 Protection of Trees on Development Sites, around the base of a tree required for the tree's stability in the ground;
tree means an individual perennial tree;
tree protection zone means an area specified in Australian Standard 4970-2009 Protection of Trees on Development Sites. This is the area above and below ground for the protection of a tree's roots and crown from development, to provide for the viability of a tree that is to be retained.

Cl. 13C. Establishing a Protected Tree Register

(1) The local government may establish and maintain a Protected Tree Register to identify trees within the scheme area that are worthy of protection.

(2) The Protected Tree Register –
- (a) must set out
  - (i) a description of each tree;
  - (ii) the tree protection zone of each tree;
  - (iii) the structural root zone of each tree;
  - (iv) the location of each tree;
  - (v) the address of all properties that contain the structural root zone of the tree;
  - (vi) special conditions that apply (such as where pruning is expected from Western Power lines etc);
- (b) must be available with the scheme documents where they are available for public inspection during business hours at the offices of the local government; and
- (c) must be published on the website of the local government.

Cl. 13D. Adding and removing trees to the Protected Tree Register

(1) The local government must not enter a tree in or remove a tree from the Protected Tree Register, or modify the entry of a tree in the Protected Tree Register unless the local government –
   (a) notifies in writing each owner and occupier of any land which contains the tree, any branches of the tree and the tree protection zone;
   (b) provides each notified owner and occupier with a description of the tree and the reason for its proposed entry, removal or modification;
   (c) invites each owner and occupier to make submissions on the proposal within 21 days of the day on which the notice is served or within a longer period specified in the notice;
   (d) carries out any other consultation the local government considers appropriate; and
   (e) following any consultation and consideration of the submissions made on the proposal, resolves that the tree be entered onto or modified in the Protected Tree Register with or without modifications, or that the tree be removed from the Protected Tree Register.

(2) If the local government enters a tree onto the Protected Tree Register or modifies an entry of a tree in the Protected Tree Register, the local government must give notice of the entry or modification to each owner and occupier of any land which contains the tree and tree protection zone.

Cl. 13E. Works to, or near, a Protected Tree

A Protected Tree, its branches and any roots within the tree protection zone are prohibited to have works undertaken, except in the following circumstances –
   (a) works on a neighbouring property, which contains branches and roots of the Protected Tree, but does not contain the structure root zone; or
   (b) pruning to the Protected Tree that involves –
      (i) removal of dead wood; or
      (ii) treatment of disease; or
   (c) works to the Protected Tree identified in a City issued arborist report; or
   (d) works to the Protected Tree approved by the City's Tree Assessment Panel; or
   (e) works to the Protected Tree that are urgently necessary for public safety; or
   (f) development approval for building works has been granted, which identifies works (but does not require removal of) the Protected Tree; or
   (g) subdivision approval has been granted by the Western Australian Planning Commission which identifies works (including removal of) the Protected Tree; or
   (h) approval has been granted for works to the tree following a Commonwealth or State environmental assessment.

Cl. 13F. Accompanying material where development relates to a Protected Tree

Prior to the determination of an application for development approval or subdivision, for land which contains a Protected Tree, the decision maker may require the applicant to submit an arborist report. The arborist report is to specify –

(a) the condition of the tree;
(b) the proposed work;
(c) matters that minimise the impact to the tree to ensure its viability; and
(d) the methodology to preserve the tree (Tree Management Plan).

Cl. 13G. Variation to site and development requirements

(1) Where development is proposed on land and the preservation of a Protected Tree would otherwise unduly restrict the reasonable development of the land the local government may grant by way of development approval, a variation to any development provision (except related to site area) of the Scheme, Local Planning Policy, State Planning Policy 7.3 – Residential Design Codes, Local Development Plan or Structure Plan where desirable to facilitate the preservation of the Protected Tree.

(2) The local government is not to grant development approval that requires a variation under subclause (1) which might, in the local government's opinion, significantly affect an adjoining property or a property in the locality unless –

(a) the application seeking the variation is advertised in accordance with clause 64 of the Deemed Provisions; and
(b) any submissions received in response to that advertising, are duly considered by the local government.

Cl. 13H. Duty of care

(1) The owner, occupier or other person in control of land affected by a tree or the tree protection zone listed or nominated for listing on the Protected Tree Register shall preserve the tree from injury or death through neglect or malicious intent.

Cl. 61. Development for which development approval not required

(6A) Despite subclause (1) and (2), an exemption under those subclauses does not apply to development if there is an impact to a Protected Tree as per Part 3A, its branches or its roots in the tree protection zone. Development approval is not required in the instances outlined in Clause 13E."

Policy Manual

6.17 PROTECTED TREE REGISTER

This document has been prepared under Schedule 2 of the '*Planning and Development (Local Planning Schemes) Regulations 2015'* and the City of Stirling *'Local Planning Scheme No.3'.*

1. INTRODUCTION

The City has introduced planning control to establish a Protected Tree Register to protect trees worthy of retention. The Protected Tree Register is contained in Appendix A of this policy. The location of Protected Tree is to be identified on the City's publicly available geographic information system

2. PURPOSE

This Policy guides implementation of the Protected Tree Register of Local Planning Scheme No. 3. Its main purpose is to identify the process for considering nominations for adding trees to the Protected Tree Register.

3. DEFINITIONS

Unless otherwise provided for in this Policy, definitions have the same meaning as the Local Planning Scheme No. 3 and the *Planning and Development (Local Planning Schemes) Regulations 2015*. The following definitions are identified in Local Planning Scheme No. 3 Schedule A Part 3A.

Arborist Report	means a report produced by a person who has obtained a minimum of Australian Qualification Framework Level 5 Certification in Arboriculture (AQF5 Arborist) or equivalent qualification. The arborist report has information that concerns the health, value and general state of the tree, the structural root zone and tree protection zone, and a Tree Management Plan that outlines the methodology to preserve the tree.
Protected Tree	means a tree that is included in the Protected Tree Register.
Protected Tree Register	means a Protected Tree Register established under Local Planning Scheme No. 3 Schedule A clause 13C.
Structural Root Zone	means an area specified in Australian Standard 4970-2009 Protection of Trees on Development Sites (and it's successive Australian Standards updates), around the base of a tree required for the tree's stability in the ground.
Tree	means an individual perennial tree.
Tree Protection Zone	means an area specified in Australian Standard 4970-2009 Protection of Trees on Development Sites (and it's successive Australian Standards updates). This is the area above and below ground for the protection of a tree's roots and crown from development, to provide for the viability of a tree that is to be retained.

Policy Manual

4. PRELIMINARY CRITERIA FOR ASSESSING NOMINATIONS

The following 'Preliminary Criteria' are to be met when considering adding a tree to the Protected Tree Register.

4.1 LAND OWNERS OBLIGATION

Before the City commissions an arborist report when considering a nomination, the owners of the land that contain the structural root zone of the tree must agree that:

a) A Section 70A notification being placed on the Certificate of Title for any property that contains the structural root zone of the tree; and

b) The owner will ensure the care of the tree, and limit works to actions in a City issued Arborist Report and Tree Management Plan.

4.2 SPECIES

To be considered for nomination, Trees must:

a) Be a woody perennial or vegetation of interest (i.e. Grass Tree); and

b) Not be a species identified as a weed by the *Biosecurity and Agriculture Management Act 2007*.

4.3 DIMENSION AND HEALTH

Before the City commissions an Arborist Report, the City's officer will assess the tree to ensure it:

a) Is of good health and form with no obvious signs of decline;

b) Is of a significant size for the species typically meeting one or more of the following:

   (i) Diameter at Breast Height of at least 250mm or;

   (ii) Canopy diameter spread of at least 10m or;

   (iii) Height of at least 5m. Grass trees will be considered from a height of at least 1.2m.

5. ESSENTIAL CRITERIA

Once the City's officer is satisfied the preliminary Criteria are met, an Arborist Report will be commissioned to ensure the following 'Essential Criteria' is met.

5.1 ASSESSMENT OF HEALTH AND ONGOING VIABILITY OF THE TREE

Trees must:

a) Have a natural life expectancy of greater than 15 years based on the current age and species of tree;

b) Have a 'Tolerable' uantified Tree Risk Assessment rating at the time of assessment;

c) Be of sound form and structure without major faults; and

d) Not be hosting significant pests or disease, to an untreatable level or a level likely to cause decline.

Note - If minor remedial works can be carried out by a qualified arborist to achieve a 'Tolerable' rating with evidence provided, then a reinspection may be waived.

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6. ARBORIST REPORT

a) When a tree is nominated for the Protected Tree Register, the City will obtain an Arborist Report to determine the suitability of the tree and what work to the tree is required to preserve it. A copy will be provided to the land owner.

b) An Arborist Report for a Protected Tree will be updated at the City's cost every 5 years, with a copy of the report provided to the land owner of the relevant tree.

c) The City may arrange an inspection of a Protected Tree upon receiving a written request by a land owner, no more than once each year and will arrange for an Arborist Report if deemed necessary by the City.

d) A City obtained Arborist Report is to identify:

(i) Whether the tree is worthy of retention;

(i) Any matters contributing a threat to the tree;

(ii) Specify a timeframe in which any amelioration work will need to be undertaken to ensure its preservation;

(iii) Any ongoing works that may be necessary over a 5 year maintenance program; and

(iv) Any works to the tree that could be undertaken, whilst ensuring the trees viability.

7. TREE ASSESSMENT PANEL

All nominations to add a tree to the Protected Tree Register will be considered by a Tree Assessment Panel. This Tree Assessment Panel will also consider requests to remove a tree from the Protected Tree Register, and works to a Protected Tree that is greater than specified as being acceptable in the Arborist Report.

7.1 MEMBERSHIP OF TREE ASSESSMENT PANEL

The Tree Assessment Panel will comprise of the Manager of Development Services and the Manager of Parks and Sustainability (or their proxy).

7.2 CONSIDERATION OF TREE ASSESSMENT PANEL

When applications to add, remove or modify a tree on the Register, or to undertake works to a Protected Tree beyond the scope outlined in a City provided Arborist Report, the Tree Assessment Panel shall consider the following:

a) position of the tree in relation to proposed development/building;

b) significance of the tree in terms of physical state, rarity, variety and community value;

c) presents an unacceptable level of risk;

d) potential fire hazard;

e) structural soundness of the tree;

f) whether the tree forms a part of or is a remnant of indigenous vegetation;

g) whether the property where the tree is located is on the Heritage List; and

h) whether works can retain the natural height, form and character of the tree.

Policy Manual

8. ADDING A TREE TO THE REGISTER

a) Only trees that meet the Preliminary and Essential Criteria of this process will warrant inclusion to the Protected Tree Register.

b) A land owner may request the City investigate adding a tree on their property to the Protected Tree Register. The City shall not add a tree to the Protected Tree Register without the consent of the land owner of any land which contains the trees structural root zone.

c) Where a tree is added to the Protected Tree Register, the land owner is obliged to having a Section 70A notification placed on the Certificate of Title of any property that contains the structural root zone of the tree, and to care for the Protected Tree.

9. REMOVING A TREE FROM THE REGISTER

a) Requests to remove a tree from the Protected Tree Register will be considered by the Tree Assessment Panel. Protected Trees that are dead or dying may be considered for removal from the Protected Tree Register.

b) Withdrawal of support of any owner of the land (or subsequent owner of the land) is not sufficient reason to remove a Protected Tree from the Protected Tree Register. Restrictions to potential development of land is not sufficient reason to remove a Protected Tree from the Protected Tree Register.

c) Requests must demonstrate that the Protected Tree no longer meets or can not be restored to ensure its health and ongoing viability to meet the Essential Criteria. Costs associated with obtaining evidence that the Protected Tree no longer meets the criteria are the responsibility of the applicant.

d) The cost of removing a Section 70A Notification from a Certificate of Title shall be borne by the land owner.

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10. WORKS AND SUBDIVISION

10.1 EMERGENCY WORKS

Emergency works to a Protected Tree required for the safety of people and property, or maintenance of essential services can be undertaken without approval from the City. These works must be undertaken by a Qualified Arborist to the satisfaction of the City. Owners are to notify the City in writing within five working days following the emergency work having been undertaken and notification must include a report by the Qualified Arborist who carried out the work.

10.2 ACCOMPANYING MATERIAL

a) Where works are proposed, site plans are to identify Protected Trees. Details will also need to be submitted of proposed measures to protect Protected Trees as outlined in the Australian Standard 4970-2009: Protection of Trees on Development Sites.

b) A Tree Management Plan prepared by a Qualified Arborist which states the condition of the tree against the Essential Criteria, must be provided during the assessment of an application for development approval where the City is concerned about possible impacts to a tree. The Tree Management Plan is to outline building options that reduce the impact to the tree.

10.3 IMPACTS TO A PROTECTED TREE

a) A Protected Tree is not to be approved to be removed, whilst the tree is on the Protected Tree Register.

b) All efforts are to be taken to avoid impacts, or limit impacts to a Protected Tree as a result of development. Applicants are encouraged to engage with the City prior to designing a development, for assistance to design around a tree.

c) Proposed development, strata titling and/or subdivision of private land shall be designed to account for the ongoing viability of a Protected Tree, with consideration of the potential impacts and growth habits of a tree throughout its life cycle. All works adjacent to Protected Trees are to be undertaken as outlined in the Australian Standard 4970-2009: Protection of Trees on Development Sites.

10.4 VARIATION TO SITE AND DEVELOPMENT REQUIREMENTS

As outlined by Local Planning Scheme No. 3 Schedule A Clause 13G, the City may vary the development standards for proposed works to prevent or limit the modification to a Protected Tree.

10.5 CONDITION OF DEVELOPMENT APPROVAL

Where works are approved in the vicinity of a Protected Tree, a Tree Management Plan prepared by a Qualified Arborist is to be required as a condition of Development Approval. Development works are to be undertaken as outlined in the Australian Standard 4970-2009: Protection of Trees on Development Sites.

OFFICE USE ONLY:

Local Planning Scheme No.3 - Local Planning Policy History:

Action	*Council Date*	*Resolution No.*	*Effective Date*
Draft	*08/04/2022*		
Adopted	*dd/mm/yyyy*	*xxxx/yyy*	*dd/mm/yyyy*

Policy Manual

APPENDIX A. PROTECTED TREE REGISTER (AS AT DD MONTH YYYY)

Tree ID	Property Address			Helliwell Value	
	Type of Tree	Date Added	Tree Location	Structural Root Zone	Tree Protection Zone
	Conditions Related to the Tree				
	Picture of Tree				
x	Suburb, Street, HN x, Lot x			$x,xxx	
	Species	DD Month YYYY	LONG 0.00 LAT 0.00	x.xm	x.xm
	Conditions Related to the Tree – x				
	Picture				
x	Suburb, Street, HN x, Lot x			$x,xxx	
	Species	DD Month YYYY	LONG 0.00 LAT 0.00	x.xm	x.xm
	Conditions Related to the Tree – x				
	Picture				

Submissions

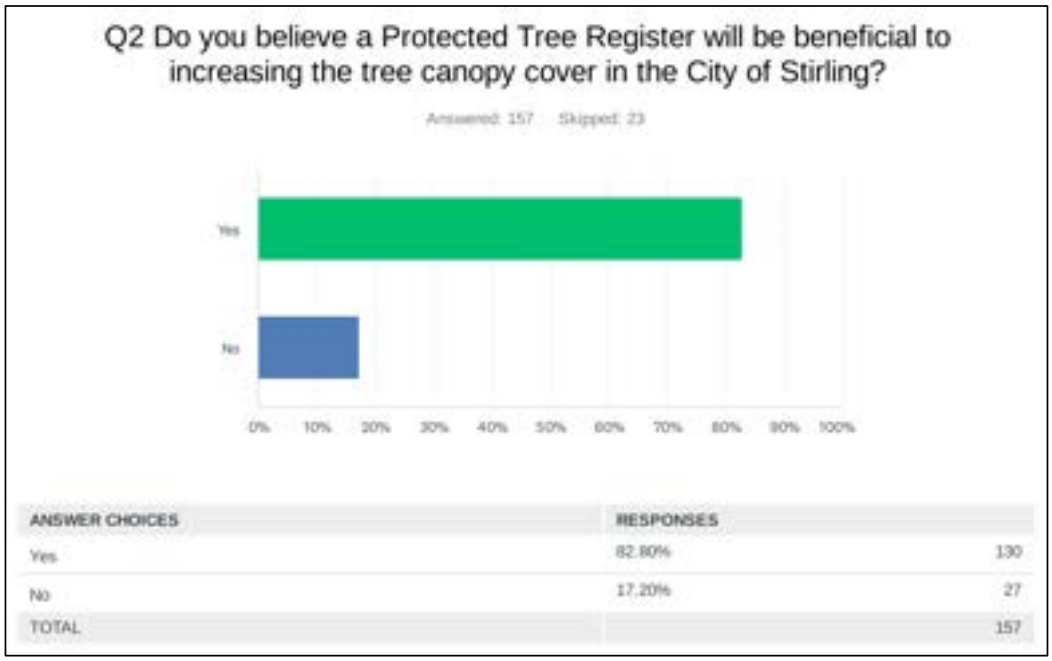
Scheme Amendment 113 (Attachment 3) and the draft Protected Tree Register Policy (Attachment 4) were made available for public comment from 30 June until 12 August 2022 to meet the minimum timeframe of 42 days as required by the Planning and Development (Local Planning Schemes) Regulations 2015.

The City received 5 submissions, all from public authorities which are summarised in the following table.

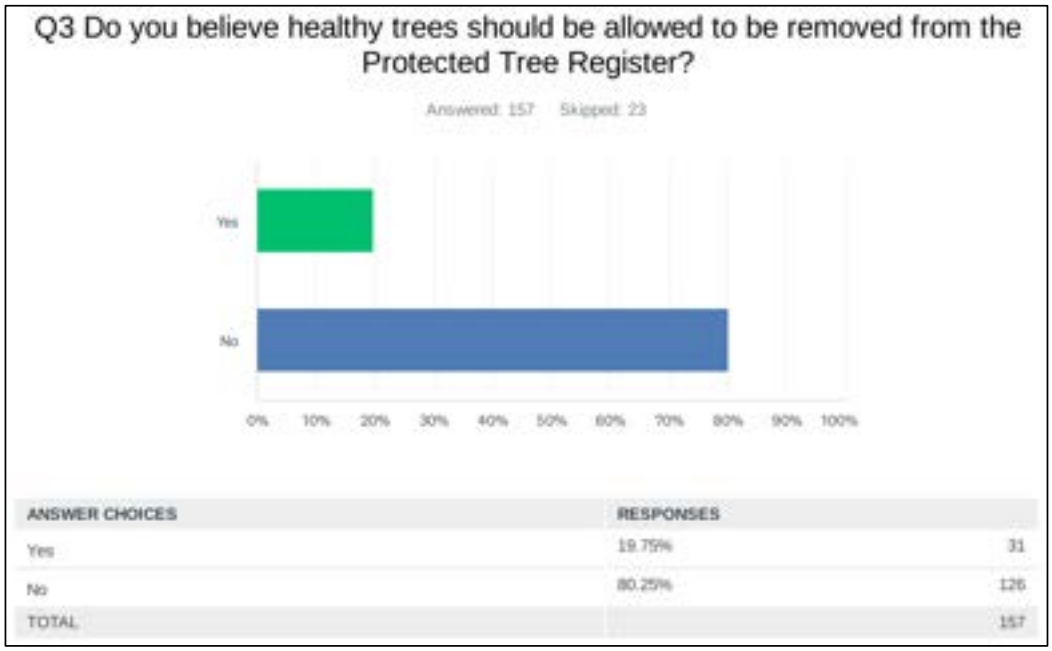
NUMBER OF SUBMISSIONS TO RAISE ISSUE	SUBMISSION COMMENT	OFFICER COMMENT
3	No objection or comment	Noted. No change.
1	Commends the City for initiatives to preserve and grow tree canopy cover. However public schools are exempt from the requirements of local planning schemes as per the *Planning and Development Act 2005* Part 1, Section 6.	Support noted. The scheme amendment permits property owners, to voluntarily nominate trees to be added to the Register. Trees will not be added to the Register where the adjoining landowner, including the State Government, objects. The comments relating to the *Public Works Act 1902* are noted, but do not require the scheme amendment to be modified.
1	Water Corporation has assets (pipes) within private properties. The Protected Tree Register must not prevent Water Corporation from undertaking works to assets, including during emergency situations.	Noted. The scheme amendment permits property owners, to voluntarily nominate trees to be added to the Register. Trees will not be added to the Register where the adjoining landowner, including the State Government, objects. The comments relating to the *Public Works Act 1902* are noted, but do not require the scheme amendment to be modified.

Online Survey Questions

The online survey questions and responses are detailed below.



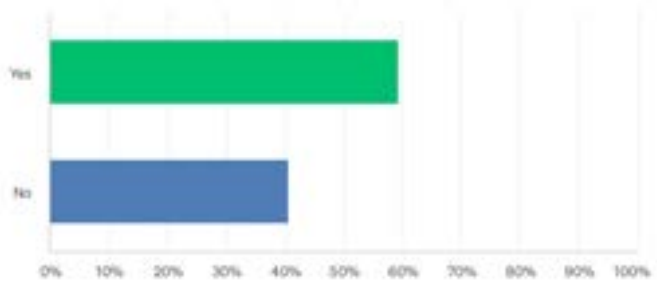
ANSWER CHOICES	RESPONSES	
Yes	82.80%	130
No	17.20%	27
TOTAL		157



ANSWER CHOICES	RESPONSES	
Yes	19.75%	31
No	80.25%	126
TOTAL		157

Q4 Are you likely to nominate a tree on your property to the Protected Tree Register?

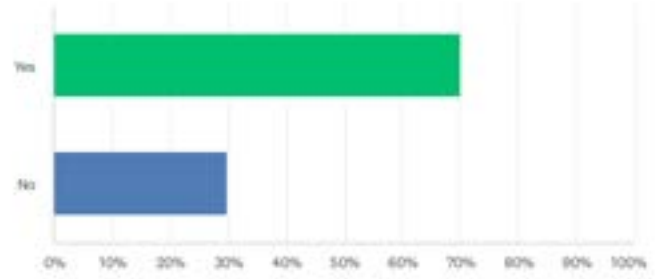
Answered: 157 Skipped: 23



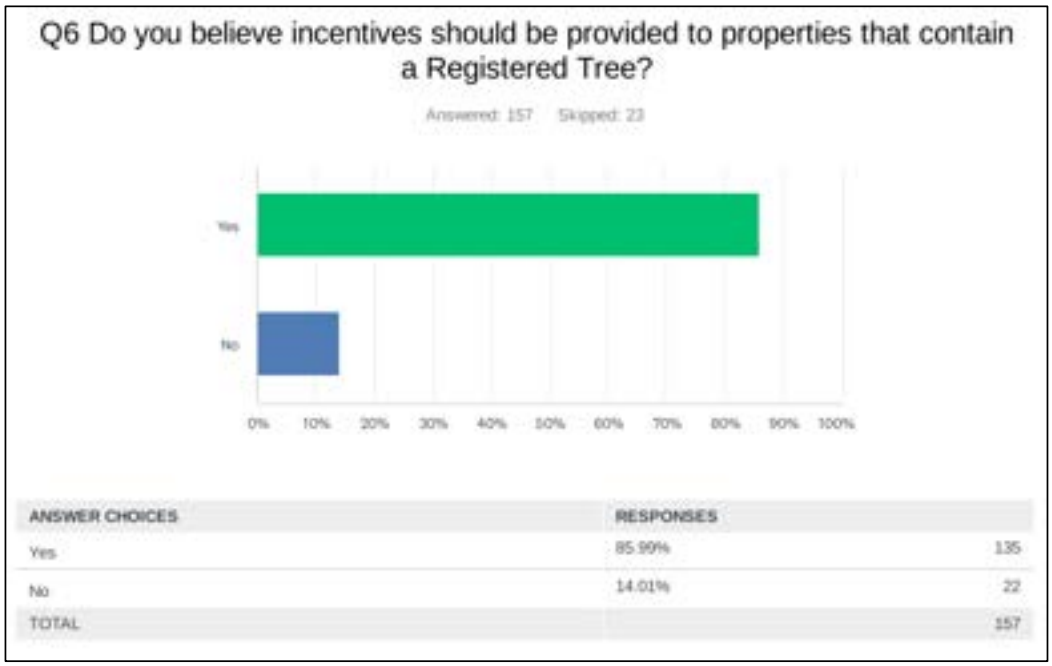
ANSWER CHOICES	RESPONSES	
Yes	59.24%	93
No	40.76%	64
TOTAL		157

Q5 Would you purchase a property that contained a Registered Tree, if it prevented subdivision or expansion of the house?

Answered: 157 Skipped: 23



ANSWER CHOICES	RESPONSES	
Yes	70.06%	110
No	29.94%	47
TOTAL		157



ANSWER CHOICES	RESPONSES	
Yes	85.99%	135
No	14.01%	22
TOTAL		157

The responses largely show that respondents:

- Believe a Protected Tree Register is beneficial to increasing tree canopy cover;
- Would purchase a property that contained a Registered Tree even if it prevented subdivision or development;
- Believe incentives should be provided to properties that contain a Registered Tree; and
- Do not believe healthy trees should be allowed to be removed from the Protected Tree Register.

Responses to the online survey, indicate at least 90 trees may be nominated for inclusion on a Protected Tree Register.

Open Questions

The online survey also had open questions providing an opportunity for any further comments. Of the 157 responses to the online survey, 126 individuals provided responses to the open questions which are summarised in the following table.

Responses Received	Percentage of Responses
Support	**42.9%**
Support with Modifications	**7.9%**
Not Stated / Comment Not Related to Protected Tree Register	**41.3%**
Oppose	**7.9%**

There was limited commentary on the proposed legislation for the scheme amendment and draft local planning policy, which indicates a limited need for modifications.

Responses to the online survey did not separate the topic of drafting planning legislation for a voluntary Protected Tree Register, from other tree canopy and environmental topics. It reflects how the voluntary tree register is just one piece of the Urban Forest Plan vision to achieving sustainable local suburbs.

The topics of discussion from the open questions that related to the Protected Tree Register are raised in the following table with Officers responses. Topics that did not relate to the Protected Tree Register or are comments of broad support for the initiative have not been included.

NUMBER OF SUBMISSIONS TO RAISE ISSUE	SUBMISSION COMMENT	OFFICER COMMENT
28	The City should provide assistance to properties with Registered Trees, such as tree health checks, pruning works, gutter cleaning and rate concessions.	The Protected Tree Register provides planning protection for trees the City will invest in their retention through financial and resource contributions. The City's Parks and Sustainability Business Unit are investigating the use of incentives, and has been provided with the results of this online survey.
23	The City should focus on planting and retaining trees in streets and reserves, including sinking power lines.	The Protected Tree Register is one part of the Urban Forest Plan. The Urban Forest Plan includes actions for more planting and retention of trees on public land.
14	Trees should not be cleared for subdivisions and road works.	The Western Australian Planning Commission (WAPC) is the decision maker for subdivision, therefore the City's influence on subdivision proposals is limited. However, the City's Protected Tree Register is intended to cause the WAPC greater due regard to prevent the removal of Registered Trees through the subdivision process.
8	Will the Protected Tree Register be monitored and enforced.	The City's Parks and Sustainability Business Unit will monitor the retention of trees.

8	More planting and retention should occur during development.	The planting and retention of trees through development is controlled by State Planning Policy 7.3 – Residential Design Codes and the City's Local Planning Policy 6.11 – Trees and Development.
8	A tree that is on private property but requires local government approval for works or removal is restrictive to property owners.	The Protected Tree Register is voluntary and only the property owner can nominate a tree. Additionally, the consent of adjacent property owners is required where a tree's structural root zone crosses property boundaries, before addition onto the register.
6	Who is held responsible for damage caused by tree roots and branches for a Registered Tree, if neighbours are unable to cut branches and roots?	The owner of a Registered Tree is responsible for any damage caused. A tree whose roots or branches encroach into an adjoining property can only be placed on the Register when the adjoining owner consents to this. Any tree that is placed on the Register will be provided with a 'Tree Management Plan' that will identify the works needed to ensure its health and viability. This applies to adjoining property owners who have consented to the tree being placed on the Register.
4	Unhealthy and dangerous trees should be allowed to be cut down and removed from the Protected Tree Register.	The Tree Assessment Panel will review requests to remove trees from the Protected Tree Register and will consider their health and threat they pose.
3	How will prospective purchasers be aware of a Registered Tree on a property in the future?	When nominating a tree for the Protected Tree Register, property owners must consent to a Notification being placed on the Certificate of Title. This will make any prospective purchasers of a property aware of the restriction that lies with the land.
2	Can more than one tree be added to the Protected Tree Register for a property?	Multiple trees can be added to the Protected Tree Register on any property.
2	Only trees that are native to the area should be allowed to be registered for the benefit of the ecology.	In recognition of the many benefits trees provide, any tree that meets the identified criteria can be registered.
2	Let individuals pay for trees to be planted and maintain away from their own property.	The Protected Tree Register is one part of the Urban Forest Plan, and the Protected Tree Register for property owners is a key action of this plan.
1	Tree retention should be mandatory on all properties.	Council has taken the approach to incentivise tree retention through the Urban Forest Plan rather than mandate.

Standard Scheme Amendment 113

50. Consideration of submissions on standard amendments

1) In this regulation —

consideration period, in relation to a standard amendment to a local planning scheme, means the period ending on the latest of the following days —

a) the day that is 60 days after the end of the submission period for the amendment;
b) the day that is 21 days after the receipt of a statement in respect of the amendment delivered under section 48F(2)(a) of the EP Act;
c) the day that is 21 days after the receipt of a statement in respect of the amendment delivered under section 48G(3) of the EP Act if that statement is in response to a request by the local government made under section 48G(1) of the EP Act before the later of the days set out in paragraphs (a) and (b);
d) a day approved by the Commission;

submission period, in relation to a standard amendment to a local planning scheme, means the period for making submissions that applies under regulation 47(3).

2) The local government —
   a) must consider all submissions in relation to a standard amendment to a local planning scheme lodged with the local government within the submission period; and
   b) may, at the discretion of the local government, consider submissions in relation to the amendment lodged after the end of the submission period but before the end of the consideration period.

3) Before the end of the consideration period for a standard amendment to a local planning scheme, or a later date approved by the Commission, the local government must pass a resolution —
   a) to support the amendment without modification; or
   b) to support the amendment with proposed modifications to address issues raised in the submissions; or
   c) not to support the amendment.

4) If no submissions have been received within the submission period, the resolution referred to in sub regulation (3) must be passed as soon as is reasonably practicable after the end of the submission period.

51. Local government may advertise proposed modifications to standard amendment

1) The local government may decide to advertise a modification to a standard amendment to a local planning scheme if —
   a) the local government proposes the modification to address issues raised in submissions made on the amendment; and
   b) the local government is of the opinion that the proposed modification to the amendment is significant.

2) If a local government makes a decision under subregulation (1) the local government must take any steps the local government considers appropriate to advertise the proposed modification to the standard amendment.

3) A proposed modification to a standard amendment to a local planning scheme may not be advertised on more than one occasion without the approval of the Commission.

4) Any advertisement of a proposed modification to a standard amendment to a local planning scheme must include a notice specifying —
   a) the proposed modification to be made to the advertised amendment to the local planning scheme; and
   b) details of how the proposed modification is made available to the public; and
   c) the manner and form in which submissions may be made; and
   d) the period under subregulation (5) for making submissions and the last day of that period.

5) The period for making submissions on the proposed modification is —
   a) the period of 21 days after the day on which the notice under subregulation (4) is first advertised; or
   b) a longer period approved by the Commission.

6) A person may make a submission on a proposed modification to a standard amendment to a local planning scheme that has been advertised in accordance with subregulation (2) —
   a) in the manner and form specified in the notice; and
   b) within the period specified in the notice.

7) If a proposed modification to an amendment to a local planning scheme is advertised in accordance with this regulation, a local government —
   a) must consider all submissions on the proposed modification made to the local government within the period specified in the notice; and
   b) may, at the discretion of the local government, consider submissions on the proposed modification made to the local government after the period specified in the notice; and
   c) must make a recommendation in respect of each submission considered.

53. Information on standard amendment to be provided to the Commission

1) After passing a resolution under regulation 50(3) the local government must provide the advertised amendment to the local planning scheme to the Commission together with the following —
   a) a schedule of submissions made on the amendment;
   b) the response of the local government in respect of the submissions;
   c) particulars of each modification to the amendment proposed by the local government in response to the submissions;
   d) if any proposed modification to the amendment was advertised —
      I. an explanation of the reasons for advertising the modification; and
      II. particulars of how the modification was advertised; and
      III. a schedule of submissions made on the proposed modifications; and
      IV. the recommendation of the local government in accordance with regulation 51(7)(c) in respect of each submission;
   e) a copy of the resolution passed under regulation 50(3);
   f) if that resolution was a resolution under regulation 50(3)(c) — a summary of the reasons why the local government does not support the amendment;

g) details of any provision in the local planning scheme that varies or excludes a provision set out in Schedule 1;
h) details of any provision in the local planning scheme as it will be amended that supplements a provision set out in Schedule 2;
i) any relevant maps, plans, specifications and particulars required by the Commission.

2) The schedule of submissions referred to in subregulation (1)(a) and (d)(iii) must include the following —
a) the name and address of the person making the submission;
b) where it is relevant, a description of the property that is the subject of the submission;
c) the submission or a summary of the submission.

3) The documents referred to in subregulation (1) must be provided to the Commission —
a) in the case of a resolution to support an amendment to a local planning scheme without modification or not to support an amendment to a local planning scheme — within 21 days of passing the resolution; or
b) in the case of a resolution to support an amendment to a local planning scheme with proposed modifications —
I. if the local government decides not to advertise the proposed modification — within 21 days of passing the resolution; or
II. otherwise — within 21 days of complying with regulation 51(7); or
c) if the Commission in any case approves a longer period — within that longer period.

Local Planning Policy 6.17 – Protected Tree Register

4. Procedure for making local planning policy

1) If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —
a) publish in accordance with clause 87 the proposed policy and a notice giving details of —
I. the subject and nature of the proposed policy; and
II. the objectives of the proposed policy; and
III. how the proposed policy is made available to the public in accordance with clause 87; and
IV. the manner and form in which submissions may be made; and
V. the period for making submissions and the last day of that period;
b) if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;
c) give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.

2) The period for making submissions specified in a notice under subclause (1)(a)(v) must not be less than the period of 21 days after the day on which the notice is first published under subclause (1)(a).

3) After the expiry of the period within which submissions may be made, the local government must —
   a) review the proposed policy in the light of any submissions made; and
   b) resolve to —
      I. proceed with the policy without modification; or
      II. proceed with the policy with modification; or
      III. not to proceed with the policy.

3A) The local government must not resolve under subclause (3) to proceed with the policy if —
   a) the proposed policy amends or replaces a deemed-to-comply provision of the R-Codes; and
   b) under the R-Codes, the Commission's approval is required for the policy; and
   c) the Commission has not approved the policy.

4) If the local government resolves to proceed with the policy, the local government must publish notice of the policy in accordance with clause 87.

5) A policy has effect on publication of a notice under subclause (4).

6) The local government must ensure that an up-to-date copy of each local planning policy made under this Scheme that is in effect is published in accordance with clause 87. (7) Subclause (6) is an ongoing publication requirement for the purposes of clause 87(5)(a).

Councillor David Lagan disclosed an Impartial Interest in Item 12.2/PRSE2 as local residents have spoken with him about options for the ROW.

Councillor Bianca Sandri disclosed a Proximity Interest in Item 12.2/PRSE2 as she was advertised to and is a landowner that generally abuts the laneway. Her family members also abut the laneway. Accordingly, she left the meeting at 7.20pm prior to consideration of Item 12.2/PRSE2.

12.2/PRSE2 REQUEST TO CLOSE RIGHT OF WAY 28079, BEING PART OF LOT 50, HOUSE NUMBER 43R, DUNDAS ROAD, INGLEWOOD

Report Information

Location:	Right of Way 28079, being part of Lot 50, House Number 43R, Dundas Road, Inglewood
Applicant:	Not Applicable
Reporting Officer:	Director Corporate Services
Business Unit:	Property and Commercial Services
Ward:	Inglewood
Suburb:	Inglewood

Authority/Discretion

Definition

☐	Advocacy	*when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☒	Executive	*the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☐	Legislative	*includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.*
☐	Quasi-Judicial	*when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*
☐	Information Purposes	*includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').*

Council Resolution

1122/012

Moved Councillor Lagan, seconded Councillor Migdale

1. That Council AUTHORISES advertising of the proposal to close Right of Way 28079, being part of Lot 50, House Number 43R, Dundas Road, Inglewood in accordance with Section 52 of the *Land Administration Act 1997*.

2. That an Elected Member Workshop be HELD within the next 12 months to allow further discussion and review of the strategies and principles of the Rights of Way Management Strategy.

The motion was put and declared CARRIED (12/0).

For: Councillors Creado, Farrelly, Ferrante, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Thornton and Mayor Irwin.
Against: Nil.

Committee Recommendation

1. That Council AUTHORISES advertising of the proposal to close Right of Way 28079, being part of Lot 50, House Number 43R, Dundas Road, Inglewood in accordance with Section 52 of the *Land Administration Act 1997*.

2. That a full review of Policy N101008 – 'Rights of Way – Closures' and Right of Way standings be UNDERTAKEN in 2023 and that a report be PRESENTED on the review to the Planning and Development Committee.

Officer's Recommendation

That Council AUTHORISES advertising of the proposal to close Right of Way 28079, being part of Lot 50, House Number 43R, Dundas Road, Inglewood in accordance with Section 52 of the *Land Administration Act 1997*.

Report Purpose

To consider a request to close Right of Way (ROW) 28079, being part of Lot 50, House Number 43R, Dundas Road, Inglewood, pursuant to the provisions of Section 52 of the *Land Administration Act 1997*.

Relevant Documents

Attachments

Attachment 1 - Locality Plan ⇩

Attachment 2 - Aerial Plan ⇩

Available for viewing at meeting

Nil

Background

ROW 28079, being part of Lot 50 on Plan 2722, at House Number 43R, Dundas Road, Inglewood is owned by The Intercolonial Investment Land and Building Company Limited, now registered as AUB Group Limited. The ROW is deemed to be a private street and the owners of all lots abutting the ROW have a legal right of access to the ROW. The ROW is shown on the Locality Plan in Attachment 1 and Aerial Plan in Attachment 2.

ROW 28079 is 3.66m wide and is designated a Category 5 ROW under the Rights of Way Management Strategy adopted by Council on 10 November 2009 (Council Resolution Number 1109/014) as it is less than 5.0m wide and is considered under-width. Under-width ROWs pose constraints for use as roads for formal vehicle access to developments and are not proposed for upgrading by the City. Under the Strategy, where the widening of Category 5 ROWs cannot be achieved through the ceding of land from adjoining lots, their closure would be supported should this option be facilitated by the adjoining owners. Where the closure of a Category 5 ROW is not possible due to owners' objections, these ROWs are proposed for acquisition into Crown ownership for management and maintenance by the City as unimproved ROWs.

In 2010, the City carried out a survey of all owners adjoining ROW 28079 in order to gauge interest on the options to either (i) cede land to widen the laneway, or (ii) close and for all owners adjoining to purchase the ROW land. The survey found one owner was interested in the widening option, 17 owners were interested in the closure option, and 10 owners did not respond and presumed not to be interested in either of the options. The survey findings were provided to the owners who were advised to provide the City with written consent from all adjoining lot owners to close and purchase the resultant land if they wished to commence formal closure proceedings. No further response was received by the City and the ROW was listed for future acquisition into Crown ownership for the City's management.

In 2021, the City received a request by an adjoining owner to carry out a further survey as they believed there had been many ownership changes along the laneway and interest in closing the ROW had increased. The City wrote to all adjoining lot owners in November 2021 to seek their view on whether they would support the option of closing the ROW and purchasing the resultant land for inclusion into their respective lots.

The outcome of the survey was:

25 owners - Support ROW closure
4 owners - Oppose ROW closure
5 owners - Did Not Respond/Do not support
34 owners - Total

The owners were notified of the survey result and advised that although a significant number of owners support closing the ROW, consensus from all adjoining owners is necessary for a closure application to have the best prospect to succeed.

On 22 March 2022, an ePetition containing 14 signatures requesting Council to close ROW 28079 was tabled at the Council meeting. The City responded to the lead petitioner advising that the results of the recent survey indicated there were some owners who did not support closing the ROW. In the absence of unanimous agreements from all the adjoining lot owners, the City's current procedure would be to not progress a formal application to close the ROW. To enable a closure application to be initiated, the petitioners were advised to provide written consent from the abutting owners to close the ROW and to purchase the resultant land. The City did not receive the required owners' consent from the petitioners.

Since then, the City has continued to receive deputations from some of the proponents to progress closure of ROW 28079 despite previous advice indicating that there is a low prospect for successful closure of the ROW in the absence of unanimous support from the affected owners. These proponents are claiming that a high level of crime and anti-social behaviour is associated with the ROW, including:

- Rubbish dumping
- Noise at night
- Drug paraphernalia
- Fire
- Vermin
- Trespassing
- Burglary and theft

Comment

Council Policy N101008 'Rights of Way – Closures' states the following in relation to applications to close a ROW:

"1. ASSESSMENT OF CLOSURE APPLICATIONS

Once an application for closure of a ROW has been submitted to the City, the application will be assessed and, if it receives preliminary support, referred to Council for consideration.

In considering applications for closure of a ROW, Council will have regard to the following issues:

1.1 <u>Strategic value/classification of the ROW</u>

…

d) Full closure of a Category 5 ROW will usually be supported, subject to Clause 2.1 of this Policy. However, if the Category 5 ROW is in a Heritage Protection Area, unanimous support of adjoining property owners is preferred.

e) Partial closure of a Category 5 ROW, resulting in an under width cul-de-sac, will generally be opposed on traffic management grounds. However, consideration might be given if the resulting cul-de-sac serves less than 11 properties and all buildings accessed from it have sufficient setbacks and visibility truncations to enable safe manoeuvring to the satisfaction of the City's Engineering Design Business Unit.

1.2 Owners support
Council's support of any ROW closure will usually be conditional on the support of all adjoining owners, including all owners or the bodies corporate of any abutting strata properties.

2. PROCESS OF APPLYING FOR CLOSURE

2.1 Applicants seeking to close a ROW are required to provide the following information to the City's Policy and Strategic Development Business Unit:

A letter requesting closure containing:
…
*b) Written agreement to the closure from the owners of all abutting properties, including all the owners or bodies corporate of any abutting strata plans; **
c) Written agreement to the proposed land division from the owners of all abutting properties, including all the owners or the bodies corporate of any abutting strata plans, together with a sketch of the proposed land division;
…

** Council may choose to accept an application for closure where unanimous support from owners of all abutting owners is not evident, however it is likely that closure may be refused in the final outcome."*

Under Council's policy, the closure of ROW 28079 is normally supported. However, as it is located in the Inglewood Heritage Protection Area, unanimous support of the adjoining property owners is preferred and proponents were requested to liaise with adjoining owners to provide unanimous consent in order for Council to consider an application for closure. Where unanimous consent is not obtained, in limited circumstances, Council may still choose to consider an application for closure and formally advertise the proposal for comment.

The proponents for closing ROW 28079 have again requested closure to be considered by Council despite indication from some adjoining owners that they do not support closing the ROW.

Under the circumstances, to allow the closure request to be formally discussed and considered by Council, approval is sought to advertise the proposal in accordance with Section 52 of the *Land Administration Act 1997*. Any submissions or objections received during the advertising period will be subject of a further report to the Planning and Development Committee and Council.

Notwithstanding that anti-social problems and planning initiatives have generally been the primary impetus for closing ROWs, an adjoining lot owner has a legal right to the use of the ROW and therefore the removal of such rights without consent is a matter which warrants very careful deliberation.

To enable a closure application to have a real prospect for a successful final outcome, all the land contained in the ROW must be able to be purchased by the adjoining lot owners from the Department of Planning, Lands and Heritage (DPLH) for amalgamation into their respective lots. From the owners survey feedback in 2021, there is potential for all the resultant land to be acquired into the adjoining lots, providing that all those owners who support closure of the ROW are prepared to purchase the full width of the closed ROW land abutting their lot in the event of owners who do not support closure not acquiring any of the resultant land. The final land division, should the closure proceed to conclusion, will be subject to purchase agreements between the adjoining owners and the DPLH.

Consultation/Communication Implications

Section 52 of the *Land Administration Act 1997* and Regulation 6 of the *Land Administration Regulations 1998* require a local government to give at least 30 days notice of a proposal to close a private road to the owner of the private road, the owners of land adjoining the private road and all relevant public utility services, during which time objections may be lodged. Any objections received are required to be considered by the local government prior to making a request to the Minister to close the private road. Copies of the submissions received, together with the local government's comments on those objections, are required to be provided to the Minister with the closure request.

A ROW closure proposal is required to be referred to the Western Australian Planning Commission for comment and consent.

Policy and Legislative Implications

The provisions of Section 52 of the *Land Administration Act 1997* enable a local government to request closure and disposal of private roads subject to prior consultation with the owners of the ROW and adjoining lands, service utilities and the Western Australian Planning Commission.

Council Policy N101008 '*Rights of Way – Closures'* provides guidance on the process for requesting the closure of a private ROW under the *Land Administration Act 1997* and the Council's general stance on the closure of private ROWs having regard to the Rights of Way Management Strategy. Each application for closure is, nevertheless, assessed and determined on its merits by Council.

Financial Implications

If the ROW is closed and amalgamated into the adjoining lands, the City will no longer need to acquire the laneway into Crown ownership for maintenance as an unmade laneway and will therefore not incur operational costs associated with managing the laneway in the future.

Strategic Implications

Key Result Area: Our built environment

Outcome: A liveable City

Sustainability Implications

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	**Comment**
Nil.	

SOCIAL	
Issue	**Comment**
Amenity	Closure of the ROW will remove informal rear access for properties adjacent to the ROW.

ECONOMIC	
Issue	**Comment**
Nil.	

Conclusion

The City has received repeated requests from some landowners adjoining ROW 28079 to close the ROW even though not all the adjoining lot owners have given their support to the proposal.

Council Policy N101008 requires applications to close ROWs to demonstrate unanimous support from adjoining landowners in order for the application to be formally considered. However, in limited circumstances, Council may choose to accept an application in the absence of unanimous support. Should it do so closure may still be refused by the DPLH.

To enable the closure proposal to be fully discussed and considered by Council, it is recommended that the proposal be advertised for comments in accordance with the requirements of Section 52 of the *Land Administration Act 1997*.

Attachment 1 - Locality Plan



Attachment 2 - Aerial Plan



Councillor Bianca Sandri returned to the meeting at 7.22pm prior to consideration of the Balance of the Planning and Development Committee recommendations.

Council Resolution

1122/013

Moved Councillor Migdale, seconded Councillor Proud

That the balance of the Planning and Development Committee recommendations be ADOPTED by exception resolution in accordance with Clause 4.7 of the City of Stirling Meeting Procedures Local Law 2021.

The motion was put and declared CARRIED (13/0).

For: Councillors Creado, Farrelly, Ferrante, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Sandri, Thornton and Mayor Irwin.
Against: Nil.

12.2/DS2 LOCAL PLANNING POLICY 6.7 - PARKING AND ACCESS - OUTCOMES OF ADVERTISING

Report Information

Location:	City Wide
Applicant:	Not Applicable
Reporting Officer:	Manager Development Services
Business Unit:	Development Services
Ward:	City Wide
Suburb:	Not Applicable

Authority/Discretion

Definition

☐	Advocacy	*when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☐	Executive	*the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☒	Legislative	*includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.*
☐	Quasi-Judicial	*when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*
☐	Information Purposes	*includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').*

Council Resolution

1122/014

Moved Councillor Migdale, seconded Councillor Proud

1. **That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council PROCEEDS with (adopts) amended Local Planning Policy 6.7 – 'Parking and Access' as shown in Attachment 1.**

2. **That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council REVOKES Local Planning Policy 6.2 – 'Bicycle Parking'.**

The motion was put and declared CARRIED (13/0) by exception resolution.

For: Councillors Creado, Farrelly, Ferrante, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Sandri, Thornton and Mayor Irwin.
Against: Nil.

Committee Recommendation

1. That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council PROCEEDS with (adopts) amended Local Planning Policy 6.7 – 'Parking and Access' as shown in Attachment 1.

2. That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council REVOKES Local Planning Policy 6.2 – 'Bicycle Parking'.

Officer's Recommendation

1. That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council PROCEEDS with (adopts) amended Local Planning Policy 6.7 – 'Parking and Access' as shown in Attachment 1.

2. That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council REVOKES Local Planning Policy 6.2 – 'Bicycle Parking'.

Report Purpose

To report on the outcomes of advertising of amended 'Local Planning Policy 6.7 – Parking and Access', and to obtain a Council resolution to adopt the amended Policy.

Relevant Documents

Attachments

Attachment 1 - Amended Local Planning Policy 6.7 Parking and Access (Modified after Advertising) ⇩

Attachment 2 - List of Modifications after Advertising ⇩

Attachment 3 - Officers Response to Public Submissions ⇩

Attachment 4 - Amended Local Planning Policy 6.7 Parking and Access (As Advertised) ⇩

Attachment 5 - Statutory Process ⇩

Available for viewing at meeting

Nil

Background

The City's Local Planning Policy 6.7 – Parking and Access (Parking Policy) is the primary planning instrument for ensuring adequate car parking is provided for non-residential developments in the City. The main provisions of the Parking Policy include:

- Providing bespoke car parking ratios in local and neighbourhood centres based on centre specific need;
- Providing car parking ratios for non-residential development in other zones; and
- Identifying criteria for reducing on-site car parking ratios for development.

The Parking Policy also contains provisions such as definitions and detailed guidance for assessing development proposals.

In 2021 the City's officers commenced a comprehensive review of the Parking Policy which involved a desktop policy review and targeted on-site surveys. These surveys did three things:

- Help to understand whether the existing ratios were appropriate (i.e. was there an over or undersupply of parking available);
- Identify how long users stayed on site; and
- Based on interviews, understand users' travel habits.

An understanding of travel behaviour is important to understand parking demand, and whether concessions to parking requirements are appropriate.

The review also reflected changes to the Planning and Development (Local Planning Schemes) Regulations 2015, in particular, those relating to the ability of local government to ask for cash-in-lieu of car parking provision.

Following this review, at its meeting held 14 June 2022, Council considered an amended Parking Policy, and resolved (Council Resolution Number 0622/006) the Policy be advertised for public comment. The main changes proposed to the Parking Policy were:

- Removing carparking concessions where a reduction in the number of bays required is not appropriate;
- Grouping similar types of Land Uses with a single car parking ratio for ease of use;
- Adding car parking ratios for three district centres;
- Removing redundant cash-in-lieu for on-site car parking requirements; and
- Consolidating provisions from Local Planning Policy 6.2 – Bicycle Parking into the Parking Policy.

Advertising of the amended Parking Policy has concluded, and the outcomes of advertising are the subject of this report.

Consultation

Advertising of the amended Parking Policy was carried out in accordance with the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015 and the City's Local Planning Policy 6.18 – Public Consultation. The advertised Parking Policy is included in Attachment 4.

The amended Parking Policy was made available for public comment from 14 July 2022 until 5 August 2022. Details of the proposal were placed on the City's website, and notices were placed in the City's Administration Centre for the duration of the advertising period.

At the conclusion of the advertising period, nine submissions were received, seven of which were from State Government agencies. In particular, the Department of Transport requested a number of changes to the advertised Policy which are discussed in Attachment 3. The remaining six submissions from State Government agencies did not object or had no comment. The remaining two submissions were from or on behalf of members of the public.

NUMBER OF SUBMISSIONS TO RAISE ISSUE	SUBMISSION COMMENT	OFFICER COMMENT
1	Vehicles should be prevented from parking on verges in residential street.	The advertised Parking Policy does not address the management of verge parking, as this is controlled through the City's Parking Local Law. No change recommended
1	Seeks clarification about the ratio of car parking bays required for Alfresco Areas.	Further amendments are proposed to the Parking Policy to further clarify alfresco parking requirements.
1	Parking ratios for activity centres should include a maximum ratio.	Response provided in Attachment 3. No change recommended
1	Behaviour change programs to support the maximum car parking limits for centres should be introduced.	Response provided in Attachment 3. No change recommended
1	Do not exclude Small Bars from applying Car Parking Reductions for high frequency bus routes or bicycle parking.	Response provided in Attachment 3. No change recommended
1	Existing concession and parking ratios should remain 'as is' with officers exercising discretion.	Response provided in Attachment 3. No change recommended
1	Introduce Car Parking Reductions for Ride Share facilities.	Response provided in Attachment 3. No change recommended
1	Do not limit the number of on-street and public car parking area bays that contribute toward a sites parking requirement.	Response provided in Attachment 3. No change recommended

Officer responses to these submissions are contained in Attachment 3.

Comment

The City's officers have undertaken a comprehensive review of the City's Parking Policy following a resolution of Council on 26 February 2019. The comprehensive review was delayed due to the COVID-19 Pandemic.

That review resulted in amendments to the Parking Policy which have been advertised for public comment.

The comments received, and the City's officer's response to these is detailed in Attachment 3.

Recommended Modifications

In response to submissions received, amendments to the advertised Policy are recommended. These are listed in Attachment 2. Recommended changes include textual change to:

- Clarify the application of the policy in activity centres;
- When alfresco proposals do not need to provide additional parking, and
- How parking requirements for office development in local centres are calculated.

Additionally, a number of formatting changes and minor textual changes are recommended to improve clarity of the Policy.

Revocation of Local Planning Policy 6.2 – Bicycle Parking

The advertised Parking Policy included provisions relating to bicycle parking that are currently contained in Local Planning Policy 6.2 – Bicycle Parking. This was recommended in order to consolidate transport related provisions into one policy.

A resolution of Council is required to revoke a local planning policy. Recommendation 2 addresses this requirement.

Impact of Planning Reform on policy review.

The Department of Planning, Lands and Heritage (DPLH) is currently reviewing existing and potential options for non-residential parking rates as part of its Planning Reform agenda. The objective is to provide a consistent approach to non-residential parking within the Perth and Peel areas.

The City's officers are part of a working group that has informed the Planning Reform initiatives that are proposed. As a result, the City's officers understand that, while the DPLH continues its initiative to ensure a consistent approach to car parking ratios across the City, the outcomes of those initiatives are unlikely to impact on the Parking Policy.

Policy and Legislative Implications

The Planning and Development (Local Planning Scheme) Regulations 2015 identify the process to be followed when new or amended local planning policies are proposed, or when a local planning policy is to be revoked.

These statutory processes are detailed in Attachment 5.

Financial Implications

The proposed changes to the Policy reflect changes to the Planning and Development (Local Planning Scheme) Regulations 2015, and in particular the changes relating to the ability of local government to levy cash in lieu of car parking payments.

Strategic Implications

Key Result Area: Our built environment

Outcome: A liveable City

Sustainability Implications

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	**Comment**
Greenhouse emissions	The proposed modifications support a more efficient transport framework and make efficient use of land.

SOCIAL	
Issue	**Comment**
Transport and access	This proposal seeks to link appropriate concessions and encourage alternative means of transport to businesses.

ECONOMIC	
Issue	**Comment**
Dvlpmt of key business sectors	The proposal seeks to encourage alternative modes of transport allowing for these to integrate with business.

Conclusion

A comprehensive review of the Parking Policy has been undertaken, which involved a desk top analysis and detailed surveys of certain land uses and centres. As a result, a number of changes to the Parking Policy are recommended.

These recommended changes ensure the requirements of the Policy are evidenced based, contemporary and reflect changes to the planning system.

The submissions received have been reviewed and minor changes to the advertised Policy are recommended in response to comments received. Additionally, a number of administrative changes are proposed post advertising to aid the clarity of the Policy and to make it easier to implement. These changes include clarification and ensure the Policy is simpler to apply.

The provisions that are contained in the Local Planning Policy 6.2 – Bicycle Parking have been incorporated into the Parking Policy to consolidate transport related provisions into one policy. As a result, this Policy needs to be revoked by Council.

It is recommended that amended Local Planning Policy 6.7 – Parking and Access, as shown in Attachment 1, be adopted with modifications.

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6.7 PARKING AND ACCESS

This document has been prepared under Schedule 2 of the '*Planning and Development Local Planning Schemes Regulations 2015*' and the City of Stirling *'Local Planning Scheme No.3'*.

1. INTRODUCTION

Dependency on cars for private passenger transportation can result in undesirable impacts on an area, such as traffic congestion and a public realm dominated by cars and car parking. Requiring development to provide an appropriate level of car parking while promoting alternative modes of transport (walking, cycling, rideshares, public transport) and behavioural changes can reduce the impact of cars and car parking on an area.

This Policy provides an evidence-based approach to on-site car parking requirements. The policy should be read in conjunction with the *Planning and Development (Local Planning Schemes) Regulations 2015* which provides further requirements and exemptions for car parking.

2. OBJECTIVES

The objectives of Local Planning Policy 6.7 are:

a) To ensure development provides an appropriate level of car parking, reflecting supply and demand so that a major parking problem is unlikely to occur;

b) To ensure safe, convenient, and efficient access for pedestrians, cyclists, and motorists;

c) To prioritise access by public transport, walking and cycling;

d) To facilitate the provision of adequate bicycle parking and end of trip facilities;

e) To provide a balanced parking supply that does not exceed the capacity of the road network, with sufficient publicly accessible parking;

f) To ensure that an oversupply of parking does not occur that discourages alternative forms of transport; and

g) To ensure the amount of parking is not detrimental to the urban design and character of the locality.

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3. APPLICATION OF THIS POLICY

This Policy applies to all development on land within the City of Stirling where Local Planning Scheme No. 3 applies.

Where this policy is inconsistent with the provisions of Local Planning Scheme No. 3, an approved structure plan, local development plan or a local planning policy applying to a particular site or area, the provisions of that planning instrument shall prevail to the extent of the inconsistency.

4. VARIATIONS

Applications seeking variations to this Policy shall be determined by the City in accordance with the objectives of this Policy. This may result in the City seeking the comments of adjoining or nearby neighbours in accordance with Local Planning Policy 6.18 – Public Consultation.

5. CAR PARKING RATIOS

This section outlines how many and what type of car parking bays are required in a development, and potential reductions to those requirements.

5.1 SPECIFIC PURPOSE BAY RATIOS

All non-residential components of developments, where works increase the number of non-residential car parking bays provided on-site, the following specific purpose bays are to be provided.

5.1.1. DELIVERY BAY RATIOS

In non-residential developments with over 500m² of GFA, a minimum of one bay shall be permanently set aside and marked for the exclusive use of delivery, service, and courier vehicles.

5.1.2. EDUCATION FACILITY RATIOS

For all Primary and Secondary Education Establishment developments, atleast one ‘Kiss and Drive’ drop-off/pick-up drive-through facility is to be provided and managed on-site, to the satisfaction of the City.

5.1.3. ELECTRIC VEHICLE CHARGING BAY RATIOS

In non-residential developments with over 500 car parking bays on-site, a minimum of three electric car charging bays shall be provided on the site.

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5.2 ACTIVITY CENTRE CAR PARKING RATIOS

Table 1: Activity Centre Car Parking Ratios identifies minimum car parking ratios for non-residential development (including change of uses) unless otherwise approved by the City. Table 1 applies to select District, Neighbourhood and Local Centres identified in the City's Local Planning Strategy. Activity Centres that are subject to Table 1 are identified in Figure 1.

For District Centres, Table 1 applies to any zoned land delineated in the City's Local Planning Strategy.

For Neighbourhood and Local Centres, Table 1 applies to any zoned land (with the exception of land zoned 'Industry' or 'Private Institution') within 200m (measured in a straight line) of the activity centre.

Note: The 200m measurement is from any property within the activity centre that is zoned Business, Civic, Hotel, Local Centre, Mixed Business, Mixed Use, Neighbourhood Centre, Service Station or Special Use.

Alfresco Areas are not required to provide car parking where Table 1 applies to the development.

Table 1 and the car parking ratios do not apply in the follow circumstances:

a) Where an Activity Centre is not identified in Table 1;

b) Where car parking ratios are specified in another planning instrument;

c) To residential components of a residential or mixed use development. The car parking requirements of State Planning Policy 7.3 Residential Design Codes apply to all residential development;

d) Where new development or redevelopment of a site proposes a net increase to the non-residential floor area by more than 50%. In that instance, Table 2 and 3 applies to all development on the site;

e) The parking ratio for an Office land use located on the ground floor, will be as per the applicable ratio under Table 1. A parking ratio of 1 bay per 50m² GFA applies to Office land uses on upper floors as per Table 2. Reductions available in Table 3 are also applicable to Office land uses on upper floors;

f) In regards to LC3 - Balcatta Road and LC19 - Erindale Road, Table 1 does not apply to surrounding properties zoned Mixed Business; and

g) In regards to LC26 - Hutton Street, Table 1 does not apply to surrounding properties zoned Development.

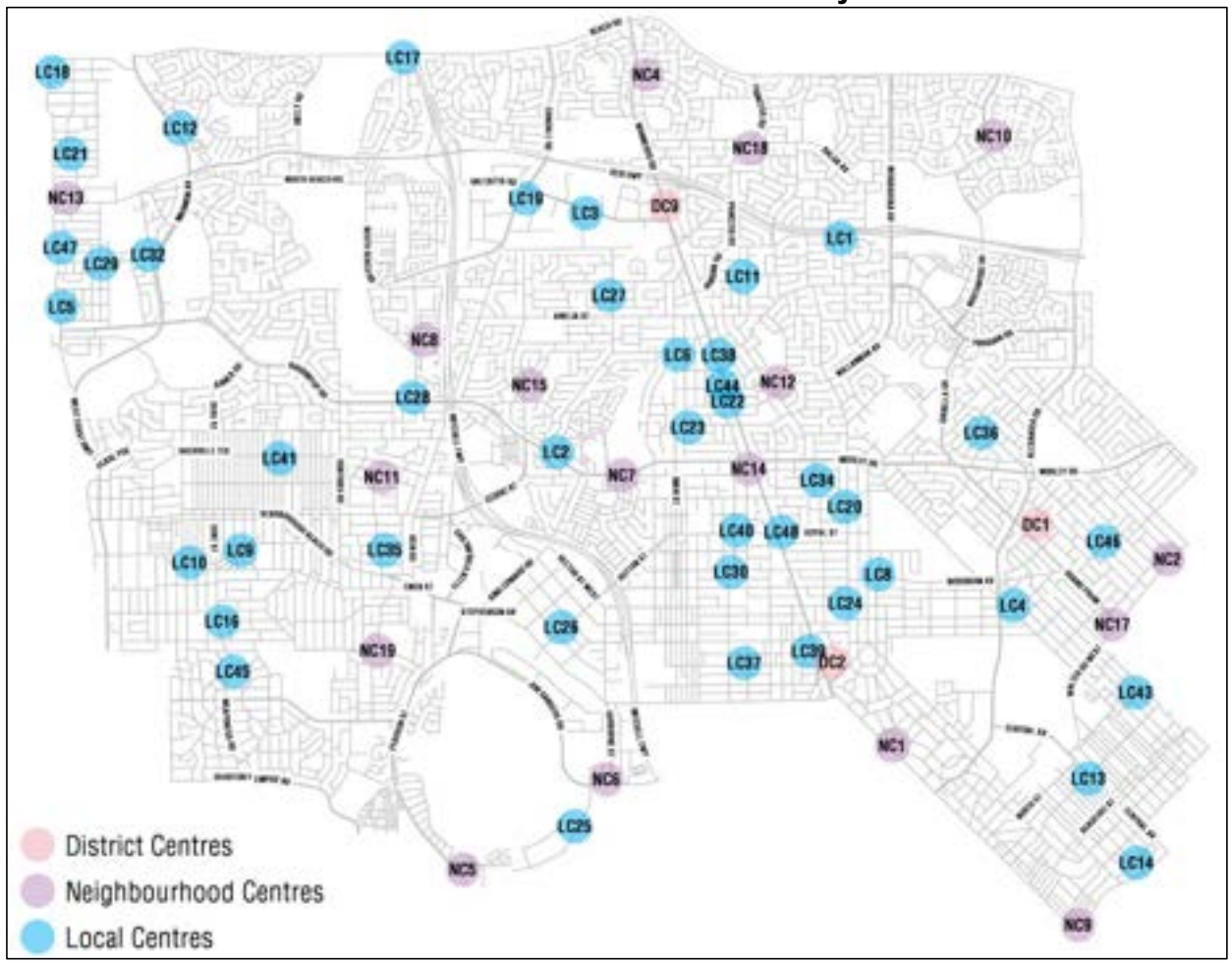


Figure 1 – Location of Activity Centres identified in Table 1

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Table 1: Activity Centre Car Parking Ratios

Ratio	District/Neighbourhood Centre	Local Centre	
1 bay per 12.5m² GFA	NC5 - Flynn Street NC10 - Mirrabooka Village NC15 - Stirling Village NC19 - Woodlands Village	LC8 - Blythe Avenue LC9 - Brighton Road LC10 - Calais Road LC13 - Central Avenue	LC14 - Coode Street LC18 - Elsie Street LC25 - Herdsman Hotel
1 bay per 20m² GFA	NC13 - North Beach Plaza NC14 - North Beach Drive		
1 bay per 25m² GFA	DC1 - Dianella Plaza DC2 - Dog Swamp DC9 - Stirling Central NC4 - Fieldgate Square NC6 - Glendalough NC8 - Gwelup Plaza NC12 - Nollamara NC18 - Balga Plaza	LC1 - Arkana Road LC2 - Balcatta Fresh LC3 - Balcatta Road LC4 - Bayley Street LC5 - Bennion Street LC12 - Carine LC16 - Doric Street LC17 - Duffy Road LC20 - Flinders Street LC21 - Flora Terrace LC24 - Hector Street	LC28 - Karrinyup Road LC29 - Kitchener Street LC30 - Lawley Street LC32 - Lynn Street LC35 - Muriel Avenue LC36 - Pimlott Street LC41 - Sackville Terrace LC45 - The Downs LC46 - The Strand LC47 - West Coast Drive LC48 - Yokine
1 bay per 33m² GFA	NC2 - Coode Street NC7 - Grindleford Drive NC9 - Lord Street NC11 - Morris Place NC17 - Walter Road West	LC6 - Beryl Street LC11 - Canara Road LC19 - Erindale Road LC26 - Hutton Street LC27 - Jones Street	LC34 - Michael Street LC38 - Ravenswood Drive LC39 - Roberts Street LC40 - Royal Street
1 bay per 50m² GFA	NC1 - Adair Parade	LC22 - Green Avenue LC23 - Harrison Street LC37 - Powell Street	LC43 - St Peters Place LC44 - Sylvia Street

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5.3 LAND USE CAR PARKING RATIOS

The minimum number of car parking bays required to be provided for the uses and activities referred to in *Table 2: Land Use Car Parking Ratios* where not covered by Table 1 or another planning instrument, shall be in accordance with the car parking ratios in Table 2.

Where an activity or use is not listed in Table 2, and Table 1 or another planning instrument is not applicable, the parking ratio will be determined by the City, having regard to the objectives of this policy, similar uses, surrounding uses, off-site parking availability and the results of parking surveys at similar use locations if required.

Developments may have different land use car parking ratio applied where different components are not incidental.

Table 2: Land Use Car Parking Ratios *(continued on next page)*

	Activity / Use	Car Parking Ratio
Accommodation	• Boarding House • Hostel • Hotel • Motel	1 bay per separately lodged bedroom; or 1 bay per separately lodged bed in a shared room.
	• Short Stay Accommodation	<u>In zones that are not the Residential Zone -</u> to comply with the multiple dwelling parking requirements of State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments; but <u>In Residential Zones -</u> to comply with the parking requirements in State Planning Policy 7.3 Residential Design Codes. Where bedrooms are proposed to be rented individually, an additional bay is required for each bedroom to be used as Short Stay Accommodation.
	• Child Care Premises	1 bay per staff member in attendance; and 1 bay per 7 children in attendance.
Commercial	• Industry - Extractive • Industry - General • Industry - Light • Industry - Noxious • Industry - Service • Motor Vehicle Repair • Office • Warehouse	1 bay per 50m^2 of GFA; except: Where a retail component of an Industry - Service is permissible and proposed, car parking for this component of the development is to be assessed using the relevant Retail ratio; and Where an Office land use located on the ground floor within an Activity Centre identified in Table 1, the car parking ratio in Table 1 shall apply to the ground floor Office component.
	• Education Establishment	Pre-primary / Primary - 1 bay per staff member in attendance; and 3.5 bays per classroom. Secondary - 1 bay per staff member in attendance; and 3 bays per classroom. Tertiary / Technical - 1 bay per 3.5 students in attendance; and 1.25 bays per classroom.

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Table 2: Land Use Car Parking Ratios *(continued from previous page)*

	Activity / Use	Car Parking Ratio
Food and Beverage	• Club Premises • Drive-Through Fast Food Outlet • Fast Food Outlet • Reception Centre • Restaurant • Small Bar	1 bay per 10m^2 of public floorspace.
	• Tavern	1 bay per 6m^2 of public floorspace.
	• Alfresco Area	0 - 30m^2 - no bays required; Greater than 30m^2 - 1 bay per 14m^2 of alfresco floor area. *(Note – for example a 60m^2 alfresco requires 4.2 bays.)*
Medical	• Consulting Rooms • Medical Centre • Veterinary Centre	5 bays for each practitioner in attendance up to 2 practitioners; 2 additional bays for each practitioner in attendance in excess of 2 practitioners; and Any Pharmacist in a co-located Chemist service shall be counted as a practitioner.
	• Hospital • Nursing Home	1 bay per 2 patient beds; and 1 bay per staff member in attendance.
Public Buildings	• Place of Worship • Public Amusement • Recreation - Private	1 bay per 4 persons in attendance.
	• Residential Development	As per State Planning Policy 7.3 Residential Design Codes.
Retail	• Garden Centre • Motor Vehicle, Boat or Caravan Sale	1 bay per 80m^2 of display area.
	• Hardware Showroom • Retail Establishment • Showroom	1 bay per 30m^2 of GLA.
	• Convenience Store • Personal Care Services • Personal Services • Shop	5,000m^2 or less - 1 bay per 12.5m^2 of GLA. 5,001 - 10,000m^2 - 400 bays; and 1 bay per 14.25m^2 of GLA in excess of 5,000m^2. 10,0001m^2 or more - 750 bays; and 1 bay per 16.5m^2 of GLA in excess of 10,000m^2.
	• Service Station	1 bay per service bay provided: and Any other specific uses are to be as per the relevant activity / use ratio.

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5.4 CAR PARKING REDUCTIONS

The number of car parking bays required in accordance with Table 2, only for non-residential development is to be reduced where the criteria in *Table 3: Car Parking Reductions* are satisfied. Certain uses are excluded from having the requirement reduced as surveys undertaken by the City have shown that the reduction does not lead to a reduced car parking demand. Reductions to calculations may be granted cumulatively, to a maximum cumulative reduction of 50% of the number of bays identified by Table 2.

The reductions in parking as outlined in Table 3 are not applicable where another planning instrument specifies the parking ratio.

Table 3: Car Parking Reductions

Reduction %	Criteria	Excluded Activity / Use[(d)]
10% **or** 20%	The proposed development is within 800 metres[(a)] of a rail station; or The proposed development is within 400 metres[(a)] of a rail station.	
10% **or** 15%	The proposed development is within 400 metres[(a)] of a stop on a high frequency bus route or a bus station[(b)]; or The proposed development is within 200 metres[(a)] of a stop on a high frequency bus route or a bus station[(b)].	• Childcare Premises • Consulting Rooms • Medical Centre • Place of Worship • Small Bar • Tavern
5% **or** 10% **or** 15%	The proposed development provides at least the number of bicycle bays in line with the requirements in Table 4 (regardless of whether Table 4 ratios apply to the development). or Where the above concession is sought, and 'end-of-journey' facilities are provided as per the Bicycle Parking Facilities requirements. or Where the above two concessions are sought, and the proposed development is within 500 metres[(a)] of a constructed Principal Shared Path (PSP) or Perth Bicycle Network (PBN) – Continuous Signed Route identified by the State Government[(c)].	• Childcare Premises • Consulting Rooms • Medical Centre • Place of Worship • Small Bar • Tavern
10%	The proposed development is within a Regional Centre, District Centre or Neighbourhood Centre as detailed in the City's Local Planning Strategy.	
10%	Where the building/place is listed on the City's Heritage List, Heritage Survey, or the State Register of Heritage Places (subject to the building being appropriately conserved).	

Notes:

a) Distances is measured in a straight line from any part of the lot.

b) Information regarding high frequency Bus Routes and Bus Stations can be found at: www.transperth.wa.gov.au

c) Information regarding Principal Shared Paths and the Perth Bicycle Network can be found at www.transport.wa.gov.au/cycling

d) Variations to the parking requirement for Activities and Uses excluded from specific Car Parking Reductions will only be considered where the proposal satisfies the Policy Objectives.

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5.5 SHARED PARKING ARRANGEMENTS

The City may consider shared parking arrangements for developments where Table 2 applies. In assessing whether shared parking is appropriate whether the parking facilities are conveniently and safely located, and accessible for both developments and provide sufficient parking during times of shared parking. The City may consider the following shared parking arrangements:

a) Up to 90% of the parking requirement specified, where there is minimal overlap (less than 30 minutes) in the operating times of uses; or

b) Up to 50% of the parking requirement specified, where there is partial overlap (not more than 50 percent) in operating times of the uses.

5.6 FURTHER REDUCTION OF CAR PARKING BAYS

The matters of the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 Part 9A Cl. 77D are to be satisfied for the local government to reduce the required car parking ratio to match the proposed number of car bays so that a shared parking arrangement and payment in lieu is not necessary.

6. MOTORCYCLE PARKING RATIOS

All non-residential components of developments with 500m² or more of gross floor area, where works increase the number of non-residential car parking bays provided on site, one motorcycle parking space shall be provided for every 1,000m^2 of gross floor area. This requirement for motorcycle parking bays for non-residential components of developments are in addition to requirements in the State Planning Policy 7.3 Residential Design Codes for residential components.

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7. BICYCLE PARKING FACILITIES

These requirements for bicycle parking bays for non-residential components of developments are in addition to requirements in the State Planning Policy 7.3 Residential Design Codes for residential components.

7.1. BICYCLE PARKING RATIOS

Bicycle parking spaces shall be provided in accordance with *Table 4: Bicycle Parking Ratios* for all non-residential components of developments with 400m² or more of gross floor area, where works increase the number of non-residential car parking bays provided on site.

Table 4: Bicycle Parking Ratios

ACTIVITY / USE	NUMBER OF BICYCLE PARKING SPACES
• Educational Establishment	Pre-primary / Primary - 1 space per 5 students (over year 4) Secondary - 1 space per 5 students Tertiary / Technical - 1 space per 20 students
Retail • Convenience Store • Personal Care Services • Personal Services • Shop	0 – 5000m² - 1 space per 150m² of GFA 5000m² – 10,000m² - 1 space per 175m² of GFA 10,000m² plus - 1 space per 200m² of GFA
All other uses	1 space per 400m² of gross floor area (GFA)

7.2. END OF BICYCLE JOURNEY FACILITIES

End of Journey facilities support the use of bicycle transport by allowing cyclists the opportunity to shower and change at the beginning or end of their journey to and from work. The following facilities shall be provided for all developments that are required to provide 10 or more bicycle parking spaces:

a) There shall be a minimum of one female and one male shower, located in separate changing rooms (The changing rooms shall be secure facilities capable of being locked);

b) Additional shower facilities shall be provided at rate of 1 female and 1 male shower for every additional 10 bicycle parking spaces, to a maximum of five male and five female showers per building; and

c) A locker shall be provided for every bicycle parking space provided (only if 10 or more spaces provided). Lockers shall be well ventilated and be of a size sufficient to allow the storage of cycle attire and equipment.

7.3. LOCATION OF BICYCLE PARKING FACILITIES

All bicycle parking spaces, and end of trip facilities shall comply with the following:

a) Bicycle parking spaces and end of trip facilities are to be within close proximity to each other, with easy navigation between;

b) Parking facilities shall be located at ground floor level and not require access via steps;

c) Parking facilities shall be located as close as possible to main entrance points;

d) Parking facilities shall be located in an area that allows informal surveillance of the facility to occur wherever possible; and

e) Parking facilities shall be located away from areas of high pedestrian activity in order to minimise inconvenience or danger to pedestrians.

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8. RESIDENTIAL PARKING DESIGN

The State Planning Policy 7.3 Residential Design Codes requires car parking and vehicle access to be as per the Australian Standards AS 2890.1 on the property. The following provide clarification around the relevant standards.

8.1 RESIDENTIAL TURNING CIRCLES (MANOEUVRING)

As per the Australian Standards AS 2890.1, a manoeuvring depth of:

a) 6.0 metres is required for single vehicle garages or multiple vehicles garages containing internal walls and/or obstructions between vehicles.

b) 5.8 metres may be considered for multiple vehicle garages with no internal walls and/or obstructions between vehicles.

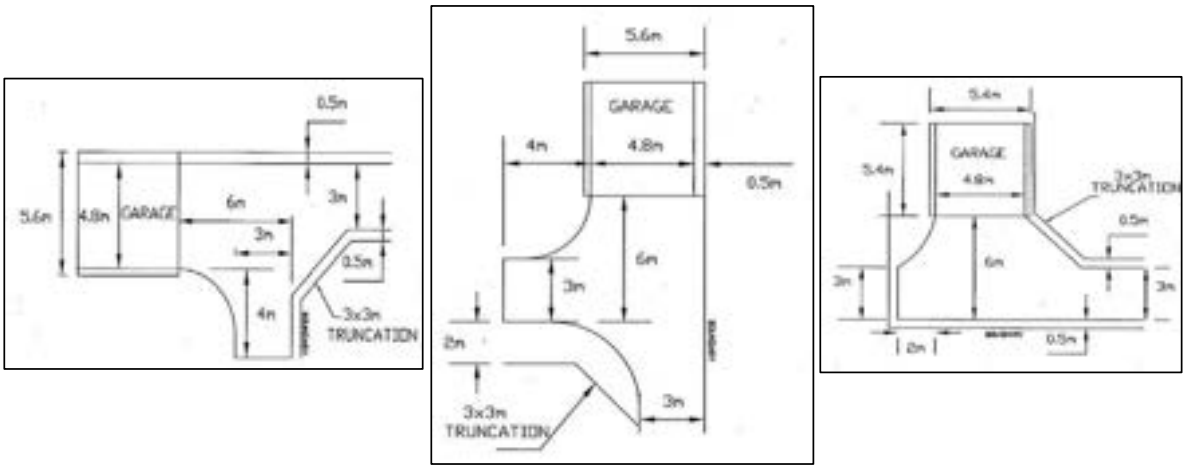


Figure 2 – Turning Circles

8.2 RESIDENTIAL DRIVEWAY TAPER

As per the Australian Standards AS 2890.1, to ensure vehicles can traverse a driveway:

a) A maximum internal driveway taper of 1:5 is permitted; and

b) A decrease in the internal driveway tapers must comply with the "Standard single turn swept path templates" as detailed in Australian Standard AS 2890.1.

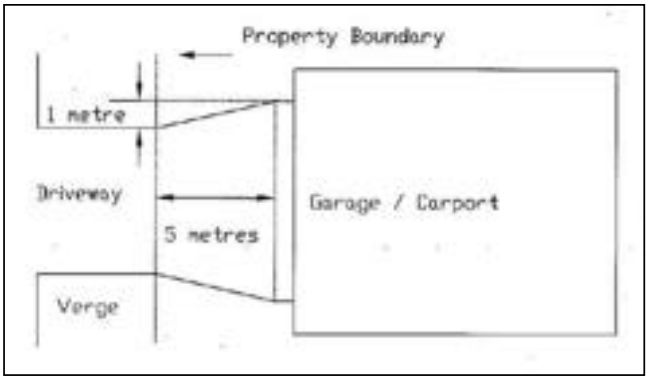


Figure 3 - Driveway Taper

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8.3 RESIDENTIAL DRIVEWAY GRADIENTS

As per the Australian Standards AS 2890.1, a longitudinal section may be required to demonstrate compliance for driveway gradients.

8.4 RESIDENTIAL VERGE AREA

The following requirements apply to works in the verge area:

a) Any redundant crossover is to be removed, and the verge and kerb are to be reinstated to the City's requirements at the applicant's expense;

b) Crossovers are to be setback from street trees as per Local Planning Policy 6.11 - Trees and Development;

c) Existing verge levels are not to be modified unless determined necessary by the City due to topography considerations; and

d) Where a loss of constructed on-street parking occurs due to new vehicular access arrangements, the applicant must either replace or pay for the replacement of the parking at an appropriate location off-site.

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9. NON-RESIDENTIAL PARKING DESIGN

All car parking and manoeuvring areas for non-residential developments are to be designed in accordance with the Australian Standards AS 2890.1 and the provisions set out hereunder:

9.1 NON-RESIDENTIAL PARKING LAYOUT AND DESIGN

Parking areas for all non-residential development:

a) Shall be sealed, drained, marked and maintained thereafter to the satisfaction of the City;

b) Shall be designed so as to enable all vehicles to return to the street in forward gear;

c) Shall have entry and exit points and vehicle circulation patterns that are clearly indicated;

d) That include Universal Access parking bays, are required to be provided in accordance with Australian Standard AS 2890.6 (as amended);

e) That include tandem car parking bays, shall be a minimum length of 5.4 metres for each bay;

f) That include car stacking systems or other such systems, may be supported subject to the submission on an acoustic report and parking management plan detailing the operation and specification of the system to the satisfaction of the City; and

g) That include visitor parking which is to be outside any security barriers during operating hours and is to be clearly identifiable from the driveway or have signage as per the Australian Standards AS 1742 where necessary.

9.2 NON-RESIDENTIAL ACCESS

Access to non-residential parking areas shall be provided in accordance with the provisions set out hereunder:

a) Be provided at a rate of no greater than one per street frontage;

b) Be no less than 6.0 metres in width and no greater than 10 metres in width;

c) Be no closer than 1.5 metres to a side boundary and no closer than 0.5 metres to street poles;

d) Be aligned at right angles to the street and parallel in width;

e) Be provided with sight line truncations as per Australian Standards AS1890.1

f) Be designed so as to minimise traffic or pedestrian hazards, conflict with pedestrian/cyclist pathways and interference with public transport facilities;

g) Be designed in accordance with Australian Standard AS 1742 and AS 2890.1;

h) Be designed to accommodate the relevant sized vehicle turning radius associated with loading of waste and unloading of goods for the land use, as per current Austroads and Australian Standards;

i) Be subject to Main Roads WA approval where they connect onto roads under Main Roads WA control such as, but not limited to, Primary Distributor Roads, roads designated as truck haulage routes and properties that abut traffic lights; and

j) Be accessed from a local road in cases where a lot has access to both a Distributor Road and Local Road unless it can be demonstrated that access from the Distributor Road is safer.

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9.3 NON-RESIDENTIAL SERVICE ACCESS

Service Access shall be provided to the rear of a shop, showroom, restaurant, warehouse or other commercial use for the purpose of loading and unloading of goods unless, in the opinion of the City, the circumstances do not warrant the provision of such access. Where alternative service access is provided, and such access is considered acceptable by the City, the City may waive the requirement of this Clause. Service Access shall be provided in accordance with the provisions set out hereunder:

a) The service access shall be constructed such that vehicles using it may return to a street in forward gear;

b) If a Right of Way is located to the rear of the lot, an area shall be paved on the lot so that vehicles when loading or unloading shall not remain on the right of way. The paved area shall be of such a size that if no alternative route exists, vehicles may manoeuvre so as to return to the street in forward gear;

c) The service access shall not be less than 6.0 metres in width. If the size of the lot makes the provision of a 6.0 metre wide access way impracticable or unreasonable, the City may permit a service access of a lesser width, but in no case, less than 3.0 metres in width;

d) The service access as required above shall be designed so as to segregate vehicles, both moving and stationary, from parking areas and access ways provided for customer parking;

e) Loading/unloading areas should not be located within close proximity to any adjoining residential uses; and

f) The service access shall be so designed to accommodate vehicle movement and turning for waste pick up and deliveries.

9.4 NON-RESIDENTIAL VERGE AREA

The following requirements apply to works in the verge area:

a) Any redundant crossover is to be removed, and the verge and kerb are to be reinstated to the City's requirements at the applicant's expense;

b) Crossovers are to be setback from street trees as per Local Planning Policy 6.11 - Trees and Development;

c) Existing verge levels are not to be modified unless determined necessary by the City due to topography considerations; and

d) Where a loss of constructed on-street parking occurs due to new vehicular access arrangements, the applicant must either replace or pay for the replacement of the parking at an appropriate location off-site.

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10. TRANSPORT ANALYSIS

The City requires the submission of a transport analysis for certain developments as outlined below or where deemed necessary. The level of assessment required will be determined by reference to the Transport Impact Assessment Guidelines published by the Western Australian Planning Commission.

10.1 BRIEF TRANSPORT ANALYSIS STATEMENT

A Brief Transport Analysis (non-technical report) is required to be submitted for:

a) Child Care Centres, Education Establishments and non-residential developments fronting a District Distributor Road or above or;

b) A proposal seeking payment in lieu or shared parking arrangements as per the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Part 9A.

The Brief Transport Statement shall include but not be limited to:

a) Description of the development;

b) Vehicle access and parking arrangement;

c) Provisions for service vehicles;

d) Hours of operation;

e) Estimate of daily traffic volumes and type of vehicles (staff & customers);

f) Location of nearest bus stops, train stations and level of accessibility;

g) Pedestrian access / facilities (footpaths);

h) Cycle access / facilities (bike paths); and

i) Survey of existing car parking usage in the locality.

10.2 FULL TRANSPORT ANALYSIS REPORT

A full Transport Analysis (prepared by a qualified Traffic Engineer) is required to be submitted for developments requiring (after factoring in any reductions) and / or proposing more than 50 parking spaces and shall include, but not be limited to:

a) Assessment of impact of vehicular movements upon surrounding roads and intersections;

b) Description of the development;

c) Assessment of the likely parking demand;

d) Consideration of nearby developments including those with valid approvals which are yet to be constructed;

e) Assessment of accessibility to the site by non-car modes;

f) Assessment of the impact of the development on existing shared path and public transport networks; and

g) Assessment of the potential impact on the amenity of the surrounding area.

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11. PARKING MANAGEMENT PLAN

The City may require the submission of a Parking Management Plan for certain developments where deemed necessary. A Parking Management Plan shall include but not be limited to:

a) Property details;

b) Description of the development;

c) Who is responsible for managing the parking;

d) Parking allocation;

e) Way finding measures; and

f) Promotion of alternative modes of transport.

12. RELEVANT POLICIES, MANAGEMENT PRACTICE AND DOCUMENTS

a) Street and Reserve Trees Policy;

b) Crossover Policy;

c) Guidelines and Technical Specification for Crossovers;

d) Modification of Traffic Management Treatments for Property Access Policy;

e) Verge Treatment Policy;

f) Local Planning Policy 6.6 - Landscaping; and

g) Local Planning Policy 6.11 - Trees and Development.

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13. DEFINITIONS

Unless otherwise provided for in this Policy, definitions have the same meaning as the Residential Design Codes (R-Codes) Volume 1, Local Planning Scheme No. 3 and the *Planning and Development (Local Planning Schemes) Regulations 2015*. The following additional definitions apply to this policy.

Alfresco Area:	means an external area for public use with direct access from a restaurant, hotel or the like which is not permanently enclosed which may include a covered roof and is utilised for the consumption of food and / or beverages.
Distributor Road:	District Distributor A or District Distributor B road as defined in the City of Stirling Functional Road Hierarchy.
End of Journey Facilities:	means facilities which support the use of bicycle transport by allowing cyclists the opportunity to shower and change at the beginning or end of their journey to and from work. The facilities include separate male and female changing rooms and shower facilities and lockers for the storage of clothing and other personal items.
Gross Floor Area (GFA):	means the total floor area within the building measured over the enclosing walls (including the portion of any common or party wall forming part of the building) exclusive of parking facilities sited within the building.
Gross Leasable Area (GLA):	means in relation to a building, the area of all floors capable of being occupied by a tenant for its exclusive use measured from the internal finished surface of external building walls, but excluding features such as balconies and verandahs and, if there are two or more occupants or tenants, excluding common use areas, service areas, and non-exclusive public spaces and thoroughfares.
High Frequency Bus Route:	means a public transport route with timed stops that runs a service at least every 15 minutes during weekday peak periods (7am-9am and 5am-7pm).
Local Road:	means as defined in the functional road hierarchy published by Main Roads WA.
Mixed Use Development:	means a development comprising of both residential and non-residential uses.
Public Car Parking Area:	means an area of car parking not provided as part of a public facility (such as a public library, beach or sports field etc), but is maintained by the City and accessible to the public at all times.
Public Floorspace:	To calculate public floorspace - a) Measurements shall be taken within the finished surfaces of the internal walls of the building; and b) Areas occupied by lifts, lift-wells, stairways, ramps, escalators, passages, corridors, lobby entries, kitchens, stages, sanitary areas, and staff areas, including staff areas behind counters, fixtures and similar areas shall not be included.
Redundant Crossover:	means a crossover which no longer provides vehicular access to a lot or is no longer adjoined to a driveway or access way on a lot.
Residential Development:	refers to development of single house/s, grouped dwellings, multiple dwellings, aged persons dwellings, single bedroom units and residential buildings as defined in the Residential Design Codes of Western Australia.
Service Access:	means vehicular access for non-residential uses to provide a function which includes but is not to limit the loading and un-loading of goods, deliveries, dispatch and the like.
Service Bays:	means areas where cars stand whilst the occupants undertake activities such as ordering at a Drive-Through Fast Food Outlet, or air/water/fuelling/charging bays at a Service Station.

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14. CALCULATION OF BAYS

This section outlines how to assess the number of bays required for a development.

14.1 ROUNDING OF PARKING BAY REQUIRED

Calculations for parking ratios for all residential development shall be rounded up to the next whole number. All parking requirements for non-residential development are to be calculated by rounding to the nearest whole number. In the case of exactly 0.5, the requirement for non-residential development shall be rounded down.

14.2 ON-STREET PARKING AND PUBLIC CAR PARKING AREAS

For non-residential components of development, the number of on-site parking bays required is reduced by the number of on-street parking bays and bays within public car parking areas, subject to the following criteria:

a) The number of required on-site parking bays is reduced by a maximum of 20% of the bays required for the development;

b) The existing or proposed on-street parking bays being located within 100m of the site's street boundary (measured in a straight line);

c) The public car parking area bays being located within 200m of the subject site (measured in a straight line);

d) There is no restricted use of the parking bays such as permit parking requirements; and

e) The on-street parking bays are not clearway zones during periods of the day.

14.3 CAR STACKERS

For non-residential components of development, the number of bays counted in a car stacker is as follows:

a) Where all 'stacked' cars are capable of unrestricted movement in and out of the car stacker, they will each be counted as individual bays; or

b) Where cars are 'stacked' and movement into and out of the car stacker is restricted by other stacked cars:

   i) The stacker will be counted as a single bay; unless;

   ii) Where use of the stacker is allocated to staff of a single tenancy, they will each be counted as individual bays.

14.4 TANDEM PARKING

For non-residential components of development, tandem parking bays are only counted as individual bays where bays are allocated to staff of a single tenancy. In all other circumstances the tandem parking will be counted as a single bay.

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14.5 SPECIFIC PURPOSE BAYS (INCLUDED IN CALCULATION)

The following specific purpose bays contribute to the overall number of bays required:

a) Universal Access parking bays required by the Building Code of Australia;

b) Electric Vehicle Charging Bays, except where they are provided with a Service Station; and

c) Bays for taxis, rideshares, drop-off/pick-up, prams/parents, aged persons and timed bays.

14.6 SPECIFIC PURPOSE BAYS (EXCLUDED FROM CALCULATION)

The following specific purpose bays are not counted in the overall number of bays required:

a) Areas dedicated for buses / coaches;

b) Spaces for delivery / courier / service vehicles; and

c) Service bays and areas where cars stand whilst waiting to access a service bay.

OFFICE USE ONLY:

Local Planning Scheme No.3 - Local Planning Policy History:

Action	*Council Date*	*Resolution No.*	*Effective Date*
6.7 Parking - Revoked	*10 July 2012*	*0712/005*	*7 Aug 2012*
6.7 Parking and Access - Adopted	*10 July 2012*	*0712/005*	*7 Aug 2012*
Modified	*20 Feb 2018*	*0218/037*	*15 May 2018*
Modified	*25 Feb 2019*	*0219/037*	*12 Mar 2019*
Modified	*19 Nov 2019*	*0119/004*	*19 Dec 2019*
Modified	*-*	*-*	*dd/mm/yyyy*

Proposed modifications to Local Planning Policy 6.7 – Parking and Access

Provision	Change
N/A - Order	• Move Definitions and Calculation of Bays sections to the end of the Policy. • Move Variation section closer to the front of the Policy.
4.1 Specific Purpose Bay Ratios	• Clarify that the specific purpose bay ratios are only required where works increase the number of car parking bays on a site. • Remove references to 'pedestrian and bicycle paths' in Education Facility Ratios, as they are not car parking ratios.
4.2 Activity Centre Car Parking Ratios	• Clarify what properties the centre ratios are applicable to, such as properties that are within the activity centre, but do not have a centre zoning. • Clarify when alfresco areas within centres do not require parking to be provided. • Clarify that Office land uses on upper floors within centres, can have parking reductions applied.
Table 1 - Activity Centre Car Parking Ratios	• Remove LC33 – McDonald Street, as this is located within the Herdsman Glendalough Structure Plan Area.
Table 3 - Car Parking Reductions	• Modifying the car parking reductions for providing bicycle bays, to acknowledge they reduce the demand for car parking bays, including instances the Policy does not require bicycle bays to be provided.
5. Motorcycle Parking Ratios and 6. Bicycle Parking Facilities	• Split Motorcycle Parking Ratios and Bicycle Parking Facilities into two separate sections to be easier for users. • Clarify that the bicycle parking facilities and motorcycle parking ratios are only to be applied where works increase the number of car parking bays on a site.
14.2 On-Street Parking and Public Car Parking Areas	• Clarify that the on-street parking bays that are in clear-away zones do not contribute to a developments parking provision. • Clarify that off-site parking bays reduce the required number of on-site parking bays.
14.3 Car Stackers	• Clarify how many bays can be counted as part of a car stacker in different situations.
14.4 Tandem Parking	• Clarify how many bays can be counted as part of a tandem arrangement in different situations.
14.5 and 14.6 Specific Purpose Bays (Included and Excluded)	• Split Specific Purpose Bays into two separate sections to be easier for users.

Officers response to submissions received

1 The activity centres car parking ratio should include a maximum ratio

The Department of Transport have requested maximum Activity Centre Car Parking Ratios be introduced based on the requirements of State Planning Policy 4.2. This is a result of recommended policy changes to introduce car parking ratios for District Centres which currently are not provided. The purpose of introducing District Centre parking ratios is to provide a standard requirement for a centre to make it easier to change the use of tenancies.

This State Planning Policy includes maximum car parking ratios to amongst other reasons, take into account road capacity in the locality

State Planning Policy 4.2 is a state wide policy and does not reflect the characteristics of individual centres. The use of a state wide maximum ratio is not appropriate in this instance where existing car parking requirements, and their impact on the road capacity in the area are known.

Additionally, the implementation of maximum car parking ratios on established commercial centres can be problematic, particularly where those centres already exceed maximum ratios. Maximum car parking ratios are best suited to new commercial centres rather than being applied to existing centres.

No change to the Parking Policy recommended.

2 Requirements for behaviour change programs to support maximum car parking limits

The suggestion the Parking Policy should consider behaviour change programs to support the implementation of the policy is noted.

Effecting behavioural change to reduce car-based travel is an established planning principle. Previous on-site parking concessions were provided in an attempt to contribute to this, however, patron surveys undertaken as part of the comprehensive review found that these concessions were of limited effect in reducing car based travel.

Successfully implementing behavioural change cannot be implemented through this local planning policy alone. Both the City's Local Planning Strategy and Sustainable Stirling Strategic Community Plan contain actions that can impact on reducing car-based travel. Implementing the actions identified in these documents assist in effecting behavioural change.

No change to the Parking Policy recommended.

3 Small Bar Land Use Exclusion from Car Parking Reductions

A submission objected to removing existing car parking concessions for Small Bars where located near high frequency bus routes or where additional bicycle parking is provided. The reason for the objection is that the consultants sample survey that informed the review was too small to justify an amendment to the Parking Policy, and also that the Parking Policy should be applied with discretion, not 'as of right' and that parking concession remain.

The consultants survey looked at two Small Bar tenancies, and noted that the survey involved a small sample size. The consultant visited the selected land uses at peak times, captured parking occupancy and dwell time, and spoke to patrons to capture travel patterns. Though limited in number, the survey work was comprehensive.

The consultants also undertook a similar exercise for three 'Taverns' in the City, and those findings reinforce the findings for 'Small Bars'. The consultant found that, in relation to Small Bars, '*there is no evidence that allowance for other modes of transport will reduce*

parking demand for Small Bars'. In relation to 'Taverns', the consultant found that '*dispensations on proximity of bus lines and availability of bicycle parking do not appear to be appropriate for this type of establishment*'.

No change to the Parking Policy recommended.

4 Existing concessions and parking ratios should remain 'as is' and officers exercise discretion

This comment is noted. A local planning policy is not to be applied inflexibly, and is to provide a guide when making discretionary decisions. The Parking Policy contains a number of objectives, which if met, demonstrate that the amount of parking provided is appropriate.

The proposed changes to the Parking Policy do not change this. Using the Small Bar example cited, there may be circumstances where reliance on public transport or bicycle parking in lieu of on-site parking can be supported. This however, is assessed on a case by case basis.

No change to the Parking Policy recommended.

5 Ride Share Car Parking Reductions

The submission requests the Parking Policy be amended to introduce Car Parking Reductions for Ride Share facilities.

The City's officers recognise that Ride Share facilities are used in lieu of on-site parking, and are a transport mode that can be considered when determining an appropriate level of onsite car parking.

However, there is insufficient evidence at this time to provide an evidence based standard within the Parking Policy for Ride Share facilities. This does not prevent an applicant from demonstrating on an individual basis that onsite parking requirements can be reduced due to the role of Ride Share facilities.

No change to the policy is recommended in response to this submission. The role of Ride Share facilities in the Parking Policy will be the subject of a future review.

6 Public Car Parking Area Reductions and On-Street Parking

The submission objected to proposed changes that would limit the number of on-street parking and nearby public parking area car bays that can contribute towards the parking requirements for a development.

The Parking Policy currently provides up to 20% reduction in the number of car parking bays where the site is within 400m of a public car parking area. Also, where development is proposed on land zoned Local, District or Regional Centre, on-street parking bays within 100m can contribute to a development's parking provisions. There is no limit to how many of these bays can be counted for the development.

The practical effect of allowing this has been a reduction in the amount of car parking available in public car parking areas and on street, resulting in greater competition for car parking spaces. As a result, it is appropriate that the existing provision be reviewed.

The proposed Parking Policy limits the amount of on street bays that can be considered for a development. These limits can be varied where an applicant demonstrates that adequate parking is available to service the proposed and existing development in the area.

No change to the Parking Policy recommended.

Policy Manual

6.7 PARKING AND ACCESS

This document has been prepared under Schedule 2 of the '*Planning and Development (Local Planning Schemes) Regulations 2015'* and the City of Stirling *'Local Planning Scheme No.3'.*

1. INTRODUCTION

Dependency on cars for private passenger transportation can result in undesirable impacts on an area, such as traffic congestion and a public realm dominated by cars and car parking. Requiring development to provide an appropriate level of car parking while promoting alternative modes of transport (walking, cycling, rideshares, public transport) and behavioural changes can reduce the impact of cars and car parking on an area.

This Policy provides an evidence-based approach to on-site car parking requirements. The policy should be read in conjunction with the *Planning and Development (Local Planning Schemes) Regulations 2015* which provides further requirements and exemptions for car parking.

2. OBJECTIVES

The objectives of Local Planning Policy 6.7 are:

a) To ensure development provides an appropriate level of car parking, reflecting supply and demand so that a major parking problem is unlikely to occur;
b) To ensure safe, convenient, and efficient access for pedestrians, cyclists, and motorists;
c) To prioritise access by public transport, walking and cycling;
d) To facilitate the provision of adequate bicycle parking and end of trip facilities;
e) To provide a balanced parking supply that does not exceed the capacity of the road network, with sufficient publicly accessible parking;
f) To ensure that an oversupply of parking does not occur that discourages alternative forms of transport; and
g) To ensure the amount of parking is not detrimental to the urban design and character of the locality.

3. APPLICATION OF THIS POLICY

This Policy applies to all development on land within the City of Stirling where Local Planning Scheme No. 3 applies.

Where this policy is inconsistent with the provisions of Local Planning Scheme No. 3, an approved structure plan, local development plan or a local planning policy applying to a particular site or area, the provisions of that planning instrument shall prevail to the extent of the inconsistency.

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4. DEFINITIONS

Unless otherwise provided for in this Policy, definitions have the same meaning as the Residential Design Codes (R-Codes) Volume 1, Local Planning Scheme No. 3 and the *Planning and Development (Local Planning Schemes) Regulations 2015*. The following additional definitions apply to this policy.

Alfresco Area:	means an external area for public use with direct access from a restaurant, hotel or the like which is not permanently enclosed which may include a covered roof and is utilised for the consumption of food or beverages.
Distributor Road:	District Distributor A or District Distributor B road as defined in the City of Stirling Functional Road Hierarchy.
End-of-Journey Facilities:	means facilities which support the use of bicycle transport by allowing cyclists the opportunity to shower and change at the beginning or end of their journey to and from work. The facilities include separate male and female changing rooms and shower facilities and lockers for the storage of clothing and other personal items.
Gross Floor Area (GFA):	means the total floor area within the building measured over the enclosing walls (including the portion of any common or party wall forming part of the building) exclusive of parking facilities sited within the building.
Gross Leasable Area (GLA):	means in relation to a building, the area of all floors capable of being occupied by a tenant for its exclusive use measured from the internal finished surface of external building walls, but excluding features such as balconies and verandahs and, if there are two or more occupants or tenants, excluding common use areas, service areas, and non-exclusive public spaces and thoroughfares.
High Frequency Bus Route:	means a public transport route with timed stops that runs a service at least every 15 minutes during weekday peak periods (7am-9am and 5am-7pm).
Local Road:	means as defined in the functional road hierarchy published by Main Roads WA.
Mixed Use Development:	means a development comprising of both residential and non-residential uses.
Public Car Parking Area:	means an area of car parking not provided as part of a public facility (such as a public library, beach or sports field etc), but is maintained by the City and accessible to the public at all times.
Public Floorspace:	To calculate public floorspace - a) Measurements shall be taken within the finished surfaces of the internal walls of the building; and b) Areas occupied by lifts, lift-wells, stairways, ramps, escalators, passages, corridors, lobby entries, kitchens, stages, sanitary areas, and staff areas, including staff areas behind counters, fixtures and similar areas shall not be included.
Redundant Crossover:	means a crossover which no longer provides vehicular access to a lot or is no longer adjoined to a driveway or access way on a lot.
Residential Development:	refers to development of single house/s, grouped dwellings, multiple dwellings, aged persons dwellings, single bedroom units and residential buildings as defined in the Residential Design Codes of Western Australia.
Service Access:	means vehicular access for non-residential uses to provide a function which includes but is not to limit the loading and un-loading of goods, deliveries, dispatch and the like.
Service Bays:	means areas where cars stand whilst the occupants undertake activities such as ordering at a Drive-Through Fast Food Outlet, or air/water/fuelling/charging bays at a Service Station.

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5. CALCULATION OF BAYS

This section outlines how to assess the number of bays required for a development.

5.1 ROUNDING OF PARKING BAY REQUIRED

Calculations for parking ratios for all residential development shall be rounded up to the next whole number. All parking requirements for non-residential development are to be calculated by rounding to the nearest whole number. In the case of exactly 0.5, the requirement for non-residential development shall be rounded down.

5.2 ON-STREET PARKING AND PUBLIC CAR PARKING AREAS

For non-residential components of development, on-street parking and bays within public car parking areas are counted as bays provided for the development. Up to a maximum of 20% of a developments car parking requirement can include bays that are on-street parking and public car parking areas subject to:

a) The existing or proposed on-street parking bays being located within 100m of the site's street boundary (as the crow flies);

b) The public car parking area bays being located within 200m of the subject site (as the crow flies); and

c) There is no restricted use of the parking bays such as permit parking requirements.

5.3 CAR STACKERS

For non-residential components of development, car stackers are permitted:

a) where all 'stacked' cars are capable of unrestricted movement in and out of the car stacker; or

b) where cars are 'stacked' and movement into and out of the car stacker is restricted, these may be dedicated to a single tenancy, despite the restriction on movement.

5.4 TANDEM PARKING

For non-residential components of development, tandem parking bays are counted as individual bays where bays are allocated to staff of a single tenancy.

5.5 SPECIFIC PURPOSE BAYS

The following specific purpose bays contribute to the overall number of bays required:

a) Universal Access parking bays required by the Building Code of Australia;

b) Electric Vehicle Charging Bays, except where they are provided with a Service Station; and

c) Bays for taxis, rideshares, drop-off/pick-up, prams/parents, aged persons and timed bays.

The following specific purpose bays are not counted in the overall number of bays required:

a) Areas dedicated for buses / coaches;

b) Spaces for delivery / courier / service vehicles; and

c) Services bays and areas where cars stand whilst waiting to access a service bay.

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6. CAR PARKING RATIOS

This section outlines how many and what type of car parking bays are required in a development, and potential reductions to those requirements.

6.1 SPECIFIC PURPOSE BAY RATIOS

6.1.1. DELIVERY BAY RATIOS

In non-residential developments with over 500m² of GFA, a minimum of one bay shall be permanently set aside and marked for the exclusive use of delivery, service, and courier vehicles.

6.1.2. EDUCATION FACILITY RATIOS

For all Primary and Secondary Education Establishment developments in addition to pedestrian and bicycle paths, a 'Kiss and Drive' drop-off/pick-up drive through facility is to be provided and managed on-site, to the satisfaction of the City.

6.1.3. ELECTRIC VEHICLE CHARGING BAY RATIOS

In non-residential developments with over 500 car parking bays provided, where works construct car parking areas (modifications or new), a minimum of three electric car charging bays shall be provided on the site.

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6.2 ACTIVITY CENTRE CAR PARKING RATIOS

Table 1: Activity Centre Car Parking Ratios identifies minimum car parking ratios for non-residential development (including change of uses) within identified District, Neighbourhood or Local Centres unless otherwise approved by the City. Activity Centres subject to this policy are identified in Figure 1.

Table 1 does not apply in the follow circumstances:

a) Where new development or redevelopment of a site proposes a net increase to the non-residential floor area by more than 50%. In that instance, Table 2 and 3 applies to all development on the site.

b) The parking ratio for an Office located on the ground floor, will be as per the applicable ratio under Table 1. A parking ratio of 1 bay per 50m² Gross Floor Area applies to Offices on upper floors.

c) Where car parking ratios are specified in another planning instrument;

d) Residential components of a residential or mixed use development. The car parking requirements of State Planning Policy 7.3 Residential Design Codes apply to all residential development; and

e) Alfresco areas located within an Activity Centre in Table 1 are not required to provide car parking.

Note: Figure 1 below identifies Activity Centres where Table 1 applies.

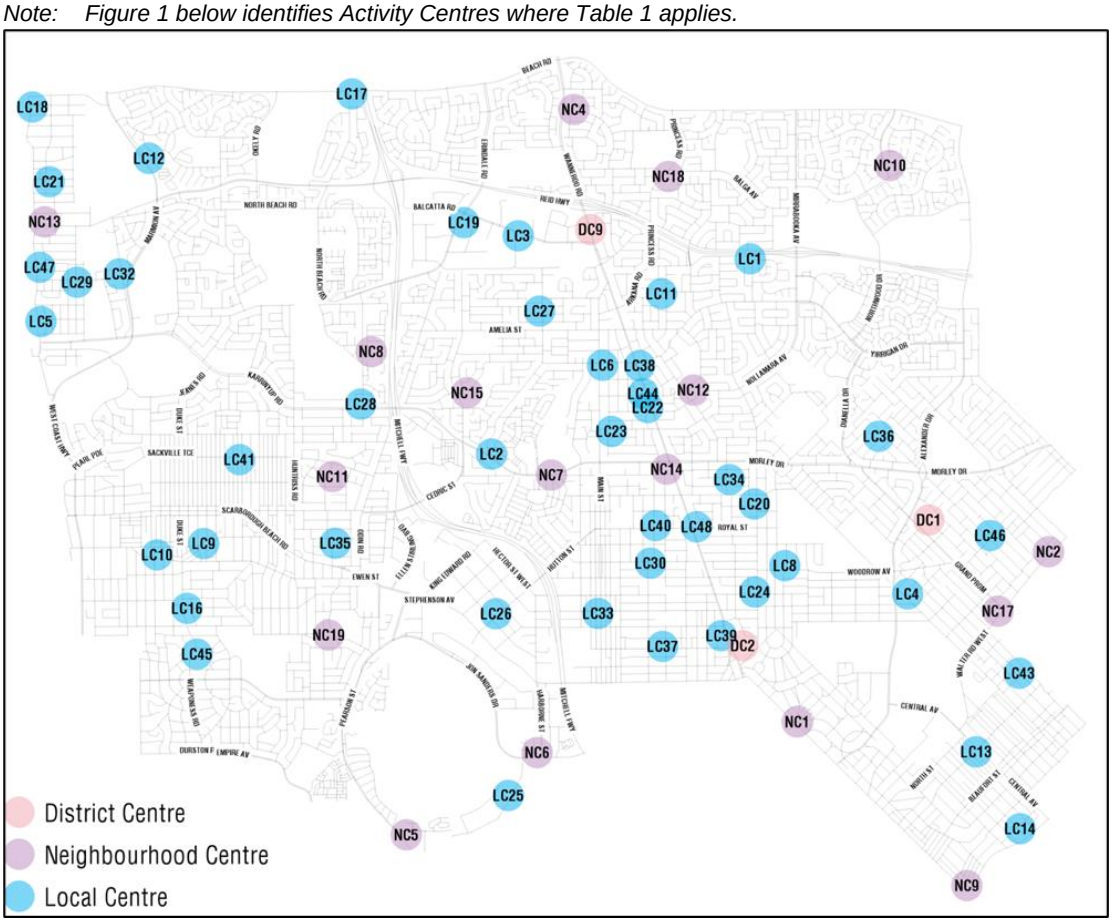


Figure 1 – Activity Centres

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Table 1: Activity Centre Car Parking Ratios

Ratio	District/Neighbourhood Centre	Local Centre	
1 bay per 12.5m² GFA	NC5 - Flynn Street NC10 - Mirrabooka Village NC15 - Stirling Village NC19 - Woodlands Village	LC8 - Blythe Avenue LC9 - Brighton Road LC10 - Calais Road LC13 - Central Avenue	LC14 - Coode Street LC18 - Elsie Street LC25 - Herdsman Hotel
1 bay per 20m² GFA	NC13 - North Beach Plaza NC14 - North Beach Drive		
1 bay per 25m² GFA	DC1 - Dianella Plaza DC2 - Dog Swamp DC9 - Stirling Central NC4 - Fieldgate Square NC6 - Glendalough NC8 - Gwelup Plaza NC12 - Nollamara NC18 - Balga Plaza	LC1 - Arkana Road LC2 - Balcatta Fresh LC3 - Balcatta Road LC4 - Bayley Street LC5 - Bennion Street LC12 - Carine LC16 - Doric Street LC17 - Duffy Road LC20 - Flinders Street LC21 - Flora Terrace LC24 - Hector Street	LC28 - Karrinyup Road LC29 - Kitchener Street LC30 - Lawley Street LC32 - Lynn Street LC35 - Muriel Avenue LC36 - Pimlott Street LC41 - Sackville Terrace LC45 - The Downs LC46 - The Strand LC47 - West Coast Drive LC48 - Yokine
1 bay per 33m² GFA	NC2 - Coode Street NC7 - Grindleford Drive NC9 - Lord Street NC11 - Morris Place NC17 - Walter Road West	LC6 - Beryl Street LC11 - Canara Road LC19 - Erindale Road LC26 - Hutton Street LC27 - Jones Street	LC34 - Michael Street LC38 - Ravenswood Drive LC39 - Roberts Street LC40 - Royal Street
1 bay per 50m² GFA	NC1 - Adair Parade	LC22 - Green Avenue LC23 - Harrison Street LC33 - McDonald Street	LC37 - Powell Street LC43 - St Peters Place LC44 - Sylvia Street

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6.3 LAND USE CAR PARKING RATIOS

The minimum number of car parking bays required to be provided for the uses and activities referred to in *Table 2: Land Use Car Parking Ratios* where not covered by Table 1 or another planning instrument, shall be in accordance with the car parking ratios in Table 2.

Where an activity or use is not listed in Table 2, and Table 1 or another planning instrument is not applicable, the parking ratio will be determined by the City, having regard to the objectives of this policy, similar uses, surrounding uses, off-site parking availability and the results of parking surveys at similar use locations if required.

Developments may have different land use car parking ratio applied where different components are not incidental.

Table 2: Land Use Car Parking Ratios

Activity / Use	Car Parking Ratio
Accommodation – • Boarding House • Hostel • Hotel • Motel	1 bay per separately lodged bedroom; or 1 bay per separately lodged bed in a shared room.
Accommodation – • Short Stay Accommodation	<u>In zones that are not the Residential Zone-</u> to comply with the multiple dwelling parking requirements of State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments; but <u>In Residential Zones-</u> to comply with the parking requirements in State Planning Policy 7.3 Residential Design Codes. Where bedrooms are proposed to be rented individually, an additional bay is required for each bedroom to be used as Short Stay Accommodation.
• Child Care Premises	1 bay per staff member in attendance; and 1 bay per 7 children in attendance.
Commercial • Industry - Extractive • Industry - General • Industry - Light • Industry - Noxious • Industry - Service • Motor Vehicle Repair • Office • Warehouse	1 bay per 50m^2 of GFA; except: Where a retail component of an Industry - Service is permissible and proposed, car parking for this component of the development is to be assessed using the relevant Retail ratio; and Where an Office land use located on the ground floor within an Activity Centre identified in Table 1, the car parking ratio in Table 1 shall apply to the ground floor Office component.
• Education Establishment	Pre-primary / Primary - 1 bay per staff member in attendance; and 3.5 bays per classroom. Secondary - 1 bay per staff member in attendance; and 3 bays per classroom. Tertiary / Technical - 1 bay per 3.5 students in attendance; and 1.25 bays per classroom.

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Activity / Use	Car Parking Ratio
Food and Beverage – • Club Premises • Drive-Through Fast Food Outlet • Fast Food Outlet • Reception Centre • Restaurant • Small Bar	1 bay per 10m^2 of public floorspace
Food and Beverage – • Tavern	1 bay per 6m^2 of public floorspace
Food and Beverage – • Alfresco Area	0 – 30m^2 - no bays required Greater than 30m^2 - 1 bay per 14m^2 of alfresco floor area. *(Note – for example a 60m^2 alfresco requires 4.2 bays.)*
Medical – • Consulting Rooms • Medical Centre • Veterinary Centre	5 bays for each practitioner in attendance up to 2 practitioners; 2 additional bays for each practitioner in attendance in excess of 2 practitioners; and Any Pharmacist in a co-located Chemist service shall be counted as a practitioner.
Medical – • Hospital • Nursing Home	1 bay per 2 patient beds; and 1 bay per staff member in attendance.
Other Public Buildings • Place of Worship • Public Amusement • Recreation - Private	1 bay per 4 persons in attendance.
Residential	As per State Planning Policy 7.3 Residential Design Codes.
Retail – • Garden Centre • Motor Vehicle, Boat or Caravan Sale	1 bay per 80m^2 of display area.
Retail – • Hardware Showroom • Retail Establishment • Showroom	1 bay per 30m^2 of GLA.
Retail – • Convenience Store • Personal Care Services • Personal Services • Shop	5,000m^2 or less - 1 bay per 12.5m^2 of GLA. 5,001 - 10,000m^2 - 400 bays; and 1 bay per 14.25m^2 of GLA in excess of 5,001m^2. 10,0001m^2 or more - 750 bays; and 1 bay per 16.5m^2 of GLA in excess of 10,001m^2.
• Service Station	1 bay per service bay provided: and Any other specific uses are to be as per the relevant activity / use ratio.

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6.4 CAR PARKING REDUCTIONS

The number of car parking bays required in accordance with Table 2 only for non-residential development may be reduced where the criteria in Table 3 are satisfied. Certain uses are excluded from having the requirement reduced as surveys undertaken by the City have shown that the reduction does not lead to a reduced car parking demand. Reductions to calculations may be granted cumulatively, to a maximum cumulative reduction of 50% of the number of bays identified by Table 2.

The reductions in parking as outlined in Table 3 are not applicable where another planning instrument specifies the parking ratio.

Table 3: Car Parking Reductions

Reduction %	Criteria	Excluded Activity / Use
10% **or** 20%	The proposed development is within 800 metres[a] of a rail station; or The proposed development is within 400 metres[a] of a rail station.	
10% **or** 15%	The proposed development is within 400 metres[a] of a stop on a high frequency bus route or a bus station[b]; or The proposed development is within 200 metres[a] of a stop on a high frequency bus route or a bus station[b].	• Childcare Premises • Consulting Rooms • Medical Centre • Place of Worship • Small Bar • Tavern
5% **or** 10% **or** 15%	The proposed development provides an additional number of bicycle bays that is at least 10% more than the total required by the Bicycle Parking Ratio; or Where the above concession is sought, and 'end-of-journey' facilities are provided as per the Bicycle Parking requirements. or Where the above two concessions are sought, and the proposed development is within 500 metres[a] of a constructed Principal Shared Path (PSP) or Perth Bicycle Network (PBN) – Continuous Signed Route identified by the State Government[c].	• Childcare Premises • Consulting Rooms • Medical Centre • Place of Worship • Small Bar • Tavern
10%	The proposed development is within a Regional Centre, District Centre or Neighbourhood Centre as detailed in the City's Local Planning Strategy.	
10%	Where the building/place is listed on the City's Heritage List, Heritage Survey, or the State Register of Heritage Places (subject to the building being appropriately conserved).	

Notes:

a) Distances is measured in a straight line from any part of the lot.

b) Information regarding high frequency Bus Routes and Bus Stations can be found at: www.transperth.wa.gov.au

c) Information regarding Principal Shared Paths and the Perth Bicycle Network can be found at www.transport.wa.gov.au/cycling

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6.5 SHARED PARKING ARRANGEMENTS

The City may consider shared parking arrangements for developments where Table 2 applies. In assessing whether shared parking is appropriate whether the parking facilities are conveniently and safely located, and accessible for both developments and provide sufficient parking during times of shared parking. The City may consider the following shared parking arrangements:

a) up to 90%of the parking requirement specified, where there is minimal overlap (less than 30 minutes) in the operating times of uses; or

b) up to 50% of the parking requirement specified, where there is partial overlap (not more than 50 percent) in operating times of the uses.

6.6 FURTHER REDUCTION OF CAR PARKING BAYS

The matters of the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 Part 9A Cl. 77D are to be satisfied for the local government to reduce the required car parking ratio to match the proposed number of car bays so that a shared parking arrangement and payment in lieu is not necessary.

7. BICYCLE AND MOTORCYCLE PARKING FACILITIES

This section outlines how many bicycle and motorcycle parking bays are required in a development. These requirements for non-residential components of developments are in addition to requirements in the State Planning Policy 7.3 Residential Design Codes for residential components.

7.1 MOTORCYCLE PARKING RATIOS

All non-residential developments with 500m² or more of gross floor area, shall provide one motorcycle parking space for every 1,000m² of gross floor area.

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7.2 BICYCLE PARKING

7.2.1. BICYCLE PARKING RATIOS

All non-residential developments with 400m² or more of gross floor area shall provide bicycle parking spaces in accordance with Table 4 as following.

Table 4: Bicycle Parking Ratios

ACTIVITY / USE	NUMBER OF BICYCLE PARKING SPACES
• Educational Establishment	Pre-primary / Primary - 1 space per 5 students (over year 4) Secondary - 1 space per 5 students Tertiary / Technical - 1 space per 20 students
Retail • Convenience Store • Personal Care Services • Personal Services • Shop	0 – 5000m² - 1 space per 150m² of GFA 5000m² – 10,000m² - 1 space per 175m² of GFA 10,000m² plus - 1 space per 200m² of GFA
All other uses	1 space per 400m² of gross floor area (GFA)

7.2.2. END OF JOURNEY FACILITIES

End of Journey facilities support the use of bicycle transport by allowing cyclists the opportunity to shower and change at the beginning or end of their journey to and from work. The following facilities shall be provided for all developments that are required to provide 10 or more bicycle parking spaces:

a) There shall be a minimum of one female and one male shower, located in separate changing rooms (The changing rooms shall be secure facilities capable of being locked);

b) Additional shower facilities shall be provided at rate of 1 female and 1 male shower for every additional 10 bicycle parking spaces, to a maximum of five male and five female showers per building; and

c) A locker shall be provided for every bicycle parking space provided (only if 10 or more spaces provided). Lockers shall be well ventilated and be of a size sufficient to allow the storage of cycle attire and equipment.

7.2.3. LOCATION OF BICYCLE PARKING FACILITIES

All bicycle parking spaces, and end of trip facilities shall comply with the following:

a) Bicycle parking spaces and end of trip facilities are to be within close proximity to each other, with easy navigation between;

b) Parking facilities shall be located at ground floor level and not require access via steps;

c) Parking facilities shall be located as close as possible to main entrance points;

d) Parking facilities shall be located in an area that allows informal surveillance of the facility to occur wherever possible; and

e) Parking facilities shall be located away from areas of high pedestrian activity in order to minimise inconvenience or danger to pedestrians.

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8. RESIDENTIAL PARKING DESIGN

The State Planning Policy 7.3 Residential Design Codes requires car parking and vehicle access to be as per the Australian Standards AS 2890.1 on the property. The following provide clarification around the relevant standards.

8.1 RESIDENTIAL TURNING CIRCLES (MANOEUVRING)

As per the Australian Standards AS 2890.1, a manoeuvring depth of:

a) 6.0 metres is required for single vehicle garages or multiple vehicles garages containing internal walls and/or obstructions between vehicles.

b) 5.8 metres may be considered for multiple vehicle garages with no internal walls and/or obstructions between vehicles.

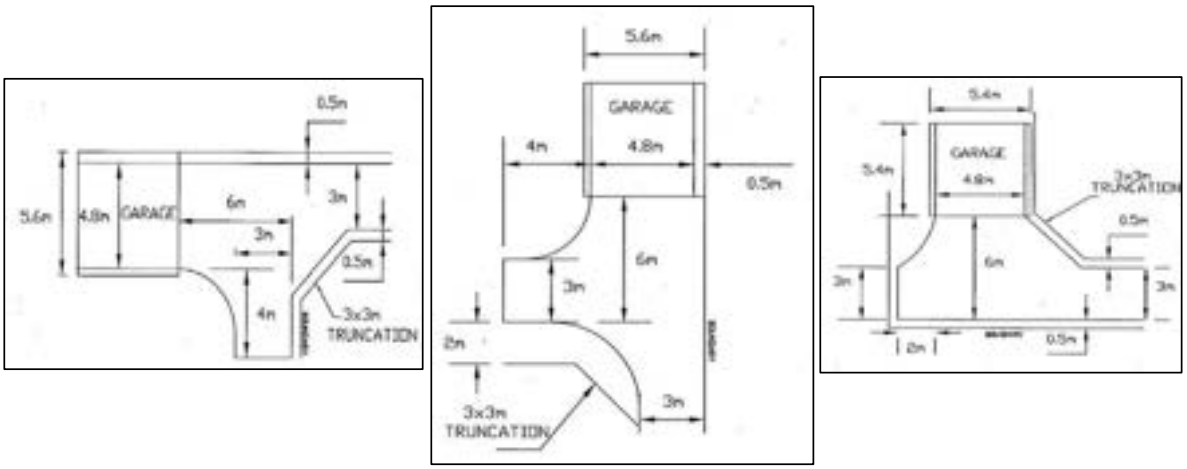


Figure 2 – Turning Circles

8.2 RESIDENTIAL DRIVEWAY TAPER

As per the Australian Standards AS 2890.1, to ensure vehicles can traverse a driveway:

a) A maximum internal driveway taper of 1:5 is permitted; and

b) A decrease in the internal driveway tapers must comply with the "Standard single turn swept path templates" as detailed in Australian Standard AS 2890.1.

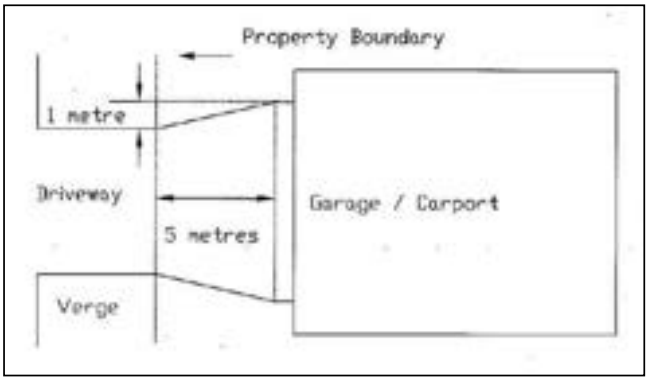


Figure 3 - Driveway Taper

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8.3 RESIDENTIAL DRIVEWAY GRADIENTS

As per the Australian Standards AS 2890.1, a longitudinal section may be required to demonstrate compliance for driveway gradients.

8.4 RESIDENTIAL VERGE AREA

The following requirements apply to works in the verge area:

a) Any redundant crossover is to be removed, and the verge and kerb are to be reinstated to the City's requirements at the applicant's expense;

b) Crossovers are to be setback from street trees as per Local Planning Policy 6.11 - Trees and Development;

c) Existing verge levels are not to be modified unless determined necessary by the City due to topography considerations; and

d) Where a loss of constructed on-street parking occurs due to new vehicular access arrangements, the applicant must either replace or pay for the replacement of the parking at an appropriate location off-site.

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9. NON-RESIDENTIAL PARKING DESIGN

All car parking and manoeuvring areas for non-residential developments are to be designed in accordance with the Australian Standards AS 2890.1 and the provisions set out hereunder:

9.1 NON-RESIDENTIAL PARKING LAYOUT AND DESIGN

Parking areas for all non-residential development:

a) Shall be sealed, drained, marked and maintained thereafter to the satisfaction of the City;

b) Shall be designed so as to enable all vehicles to return to the street in forward gear;

c) Shall have entry and exit points and vehicle circulation patterns that are clearly indicated;

d) That include Universal Access parking bays, are required to be provided in accordance with Australian Standard AS 2890.6 (as amended);

e) That include tandem car parking bays, shall be a minimum length of 5.4 metres for each bay;

f) That include car stacking systems or other such systems, may be supported subject to the submission on an acoustic report and parking management plan detailing the operation and specification of the system to the satisfaction of the City; and

g) That include visitor parking which is to be outside any security barriers during operating hours and is to be clearly identifiable from the driveway or have signage as per the Australian Standards AS 1742 where necessary.

9.2 NON-RESIDENTIAL ACCESS

Access to non-residential parking areas shall be provided in accordance with the provisions set out hereunder:

a) Be provided at a rate of no greater than one per street frontage;

b) Be no less than 6.0 metres in width and no greater than 10 metres in width;

c) Be no closer than 1.5 metres to a side boundary and no closer than 0.5 metres to street poles;

d) Be aligned at right angles to the street and parallel in width;

e) Be provided with sight line truncations as per Australian Standards AS1890.1

f) Be designed so as to minimise traffic or pedestrian hazards, conflict with pedestrian/cyclist pathways and interference with public transport facilities;

g) Be designed in accordance with Australian Standard AS 1742 and AS 2890.1;

h) Be designed to accommodate the relevant sized vehicle turning radius associated with loading of waste and unloading of goods for the land use, as per current Austroads and Australian Standards;

i) Be subject to Main Roads WA approval where they connect onto roads under Main Roads WA control such as, but not limited to, Primary Distributor Roads, roads designated as truck haulage routes and properties that abut traffic lights; and

j) Be accessed from a local road in cases where a lot has access to both a Distributor Road and Local Road unless it can be demonstrated that access from the Distributor Road is safer.

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9.3 NON-RESIDENTIAL SERVICE ACCESS

Service Access shall be provided to the rear of a shop, showroom, restaurant, warehouse or other commercial use for the purpose of loading and unloading of goods unless, in the opinion of the City, the circumstances do not warrant the provision of such access. Where alternative service access is provided, and such access is considered acceptable by the City, the City may waive the requirement of this Clause. Service Access shall be provided in accordance with the provisions set out hereunder:

a) The service access shall be constructed such that vehicles using it may return to a street in forward gear;

b) If a Right of Way is located to the rear of the lot, an area shall be paved on the lot so that vehicles when loading or unloading shall not remain on the right of way. The paved area shall be of such a size that if no alternative route exists, vehicles may manoeuvre so as to return to the street in forward gear;

c) The service access shall not be less than 6.0 metres in width. If the size of the lot makes the provision of a 6.0 metre wide access way impracticable or unreasonable, the City may permit a service access of a lesser width, but in no case, less than 3.0 metres in width;

d) The service access as required above shall be designed so as to segregate vehicles, both moving and stationary, from parking areas and access ways provided for customer parking;

e) Loading/unloading areas should not be located within close proximity to any adjoining residential uses; and

f) The service access shall be so designed to accommodate vehicle movement and turning for waste pick up and deliveries.

9.4 NON-RESIDENTIAL VERGE AREA

The following requirements apply to works in the verge area:

a) Any redundant crossover is to be removed, and the verge and kerb are to be reinstated to the City's requirements at the applicant’s expense;

b) Crossovers are to be setback from street trees as per Local Planning Policy 6.11 - Trees and Development;

c) Existing verge levels are not to be modified unless determined necessary by the City due to topography considerations; and

d) Where a loss of constructed on-street parking occurs due to new vehicular access arrangements, the applicant must either replace or pay for the replacement of the parking at an appropriate location off-site.

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10. TRANSPORT ANALYSIS

The City requires the submission of a transport analysis for certain developments as outlined below or where deemed necessary. The level of assessment required will be determined by reference to the Transport Impact Assessment Guidelines published by the Western Australian Planning Commission.

10.1 BRIEF TRANSPORT ANALYSIS STATEMENT

A Brief Transport Analysis (non-technical report) is required to be submitted for:

a) Child Care Centres, Education Establishments and non-residential developments fronting a District Distributor Road or above or;

b) a proposal seeking payment in lieu or shared parking arrangements as per the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Part 9A.

The Brief Transport Statement shall include but not be limited to:

a) Description of the development;

b) Vehicle access and parking arrangement;

c) Provisions for service vehicles;

d) Hours of operation;

e) Estimate of daily traffic volumes and type of vehicles (staff & customers);

f) Location of nearest bus stops, train stations and level of accessibility;

g) Pedestrian access / facilities (footpaths);

h) Cycle access / facilities (bike paths); and

i) Survey of existing car parking usage in the locality.

10.2 FULL TRANSPORT ANALYSIS REPORT

A full Transport Analysis (prepared by a qualified Traffic Engineer) is required to be submitted for developments requiring (after factoring in any reductions) and / or proposing more than 50 parking spaces and shall include, but not be limited to:

a) Assessment of impact of vehicular movements upon surrounding roads and intersections;

b) Description of the development;

c) Assessment of the likely parking demand;

d) Consideration of nearby developments including those with valid approvals which are yet to be constructed;

e) Assessment of accessibility to the site by non-car modes;

f) Assessment of the impact of the development on existing shared path and public transport networks; and

g) Assessment of the potential impact on the amenity of the surrounding area.

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11. PARKING MANAGEMENT PLAN

The City may require the submission of a Parking Management Plan for certain developments where deemed necessary. A Parking Management Plan shall include but not be limited to:

a) Property details;

b) Description of the development;

c) Who is responsible for managing the parking;

d) Parking allocation;

e) Way finding measures; and

f) Promotion of alternative modes of transport.

12. RELEVANT POLICIES, MANAGEMENT PRACTICE AND DOCUMENTS

a) Street and Reserve Trees Policy

b) Crossover Policy

c) Guidelines and Technical Specification for Crossovers

d) Modification of Traffic Management Treatments for Property Access Policy

e) Verge Treatment Policy

f) Local Planning Policy 6.6 - Landscaping

g) Local Planning Policy 6.11 - Trees and Development

13. VARIATIONS

Applications seeking variations to this Policy shall be determined by the City in accordance with the objectives of this Policy. This may result in the City seeking the comments of adjoining or nearby neighbours in accordance with Local Planning Policy 6.18 – Public Consultation.

OFFICE USE ONLY:

Local Planning Scheme No.3 - Local Planning Policy History:

Action	*Council Date*	*Resolution No.*	*Effective Date*
6.7 Parking - Revoked	*10 July 2012*	*0712/005*	*7 Aug 2012*
6.7 Parking and Access - Adopted	*10 July 2012*	*0712/005*	*7 Aug 2012*
Modified	*20 Feb 2018*	*0218/037*	*15 May 2018*
Modified	*25 Feb 2019*	*0219/037*	*12 Mar 2019*
Modified	*19 Nov 2019*	*0119/004*	*19 Dec 2019*
Modified	*-*	*-*	*dd/mm/yyyy*

Local Planning Policy 6.7 – Parking and Access

4. Procedure for making local planning policy

1) If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —
   a) publish in accordance with clause 87 the proposed policy and a notice giving details of —
      I. the subject and nature of the proposed policy; and
      II. the objectives of the proposed policy; and
      III. how the proposed policy is made available to the public in accordance with clause 87; and
      IV. the manner and form in which submissions may be made; and
      V. the period for making submissions and the last day of that period;
   b) if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;
   c) give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.

2) The period for making submissions specified in a notice under subclause (1)(a)(v) must not be less than the period of 21 days after the day on which the notice is first published under subclause (1)(a).

3) After the expiry of the period within which submissions may be made, the local government must —
   a) review the proposed policy in the light of any submissions made; and
   b) resolve to —
      I. proceed with the policy without modification; or
      II. proceed with the policy with modification; or
      III. not to proceed with the policy.

3A) The local government must not resolve under subclause (3) to proceed with the policy if —
   a) the proposed policy amends or replaces a deemed-to-comply provision of the R-Codes; and
   b) under the R-Codes, the Commission's approval is required for the policy; and
   c) the Commission has not approved the policy.

4) If the local government resolves to proceed with the policy, the local government must publish notice of the policy in accordance with clause 87.

5) A policy has effect on publication of a notice under subclause (4).

6) The local government must ensure that an up-to-date copy of each local planning policy made under this Scheme that is in effect is published in accordance with clause 87. (7) Subclause (6) is an ongoing publication requirement for the purposes of clause 87(5)(a).

5. Procedure for amending local planning policy

1) Clause 4, with any necessary changes, applies to the amendment to a local planning policy.

2) Despite subclause (1), the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.

Local Planning Policy 6.2 – Bicycle Parking

6. Revocation of local planning policy A local planning policy may be revoked —

a) by a subsequent local planning policy that —
   I. is prepared in accordance with this Part; and
   II. expressly revokes the local planning policy; or

b) by a notice of revocation —
   I. prepared by the local government; and
   II. published by the local government in accordance with clause 87.

12.2/PRSE1 SUBLEASE BETWEEN SCARBOROUGH SPORTSMENS CLUB INCORPORATED AND BEACH TENNIS WEST INCORPORATED

Report Information

Location:	Portion of Lot 1001 on Diagram 14287, Lot 1001 Deanmore Road, Scarborough and portion of Lot 1000 on Diagram 11564, House Number 105, Deanmore Road, Scarborough
Applicant:	Scarborough Sportsmens Club Incorporated
Reporting Officer:	Director Corporate Services
Business Unit:	Property and Commercial Services
Ward:	Coastal
Suburb:	Scarborough

Authority/Discretion

Definition

☐	Advocacy	*when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☒	Executive	*the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☐	Legislative	*includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.*
☐	Quasi-Judicial	*when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*
☐	Information Purposes	*includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').*

Council Resolution

1122/015

Moved Councillor Migdale, seconded Councillor Proud

1. That Council APPROVES a sublease between Scarborough Sportsmens Club Incorporated and Beach Tennis West Incorporated over portion of Lot 1001 on Diagram 14287, Lot 1001 Deanmore Road, Scarborough, and portion of Lot 1000 on Diagram 11564, House Number 105, Deanmore Road, Scarborough with the following essential terms:

a. An initial term commencing on 1 January 2023 and expiring on 30 March 2024;

b. A further term of five years commencing on 1 April 2024, subject to the parties' agreement, at the City's absolute discretion;

c. Annual rent to be set at $400 per annum plus GST; and

d. Rent to be reviewed annually and adjusted in accordance with movements in CPI, except on the commencement of the further term, when the new rent will be as agreed between Scarborough Sportsmens Club Incorporated and Beach Tennis West Incorporated.

2. That AUTHORITY be given to the Mayor and Chief Executive Officer to sign and affix the Common Seal to the necessary documentation to effect the new sublease between Scarborough Sportsmens Club Incorporated and Beach Tennis West Incorporated.

3. That Council APPROVES that the Chief Executive Officer be granted delegated authority to approve any renewal of the sublease and any variation or extension between Scarborough Sportsmens Club Incorporated and Beach Tennis West Incorporated for the premises known as portion of Lot 1001 on Diagram 14287, Lot 1001 Deanmore Road, Scarborough, and portion of Lot 1000 on Diagram 11564, House Number 105, Deanmore Road, Scarborough.

The motion was put and declared CARRIED (13/0) by an Absolute Majority by exception resolution.

For: Councillors Creado, Farrelly, Ferrante, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Sandri, Thornton and Mayor Irwin.
Against: Nil.

Committee Recommendation

1. That Council APPROVES a sublease between Scarborough Sportsmens Club Incorporated and Beach Tennis West Incorporated over portion of Lot 1001 on Diagram 14287, Lot 1001 Deanmore Road, Scarborough, and portion of Lot 1000 on Diagram 11564, House Number 105, Deanmore Road, Scarborough with the following essential terms:

    a. An initial term commencing on 1 January 2023 and expiring on 30 March 2024;

    b. A further term of five years commencing on 1 April 2024, subject to the parties' agreement, at the City's absolute discretion;

    c. Annual rent to be set at $400 per annum plus GST; and

    d. Rent to be reviewed annually and adjusted in accordance with movements in CPI, except on the commencement of the further term, when the new rent will be as agreed between Scarborough Sportsmens Club Incorporated and Beach Tennis West Incorporated.

2. That AUTHORITY be given to the Mayor and Chief Executive Officer to sign and affix the Common Seal to the necessary documentation to effect the new sublease between Scarborough Sportsmens Club Incorporated and Beach Tennis West Incorporated.

3. That Council APPROVES that the Chief Executive Officer be granted delegated authority to approve any renewal of the sublease and any variation or extension between Scarborough Sportsmens Club Incorporated and Beach Tennis West Incorporated for the premises known as portion of Lot 1001 on Diagram 14287, Lot 1001 Deanmore Road, Scarborough, and portion of Lot 1000 on Diagram 11564, House Number 105, Deanmore Road, Scarborough.

NB: Absolute Majority Vote required at Council.

Officer's Recommendation

1. That Council APPROVES a sublease between Scarborough Sportsmens Club Incorporated and Beach Tennis West Incorporated over portion of Lot 1001 on Diagram 14287, Lot 1001 Deanmore Road, Scarborough, and portion of Lot 1000 on Diagram 11564, House Number 105, Deanmore Road, Scarborough with the following essential terms:

    a. An initial term commencing on 1 January 2023 and expiring on 30 March 2024;

    b. A further term of five years commencing on 1 April 2024, subject to the parties' agreement, at the City's absolute discretion;

    c. Annual rent to be set at $400 per annum plus GST; and

    d. Rent to be reviewed annually and adjusted in accordance with movements in CPI, except on the commencement of the further term, when the new rent will be as agreed between Scarborough Sportsmens Club Incorporated and Beach Tennis West Incorporated.

2. That AUTHORITY be given to the Mayor and Chief Executive Officer to sign and affix the Common Seal to the necessary documentation to effect the new sublease between Scarborough Sportsmens Club Incorporated and Beach Tennis West Incorporated.

3. That Council APPROVES that the Chief Executive Officer be granted delegated authority to approve any renewal of the sublease and any variation or extension between Scarborough Sportsmens Club Incorporated and Beach Tennis West Incorporated for the premises known as portion of Lot 1001 on Diagram 14287, Lot 1001 Deanmore Road, Scarborough, and portion of Lot 1000 on Diagram 11564, House Number 105, Deanmore Road, Scarborough.

NB: Absolute Majority Vote required at Council.

Report Purpose

To seek Council's approval of a new sublease of the 'C' green at portion of Lot 1001 on Diagram 14287, Lot 1001 Deanmore Road, Scarborough, and portion of Lot 1000 on Diagram 11564, House Number 105, Deanmore Road, Scarborough between Scarborough Sportsmens Club Incorporated and Beach Tennis West Incorporated.

Relevant Documents

Attachments

Attachment 1 - Sublease Premises Plan ⇩

Attachment 2 - Aerial image ⇩

Available for viewing at meeting

Nil

Background

Lot 1001 on Diagram 14287, 1001 Deanmore Road, Scarborough and Lot 1000 on Diagram 11564, House Number 105, Deanmore Road, Scarborough are owned by the City of Stirling.

The City currently leases a portion of the land to Scarborough Sportsmens Club Incorporated (SSC) for the purpose of a sports and community club and ancillary uses to sports and community club.

Details of the terms and conditions of the lease between the City and SSC are as follows:

Initial Term	Five years
Commencement Date	1 April 2019
Further Term	Five years commencing 1 April 2024
Rent	$136.29 (plus GST) per annum payable annually in advance
Outgoings	Water consumption, gas, electricity, telephone, waste removal and any other services to the premises.

The City has received a request from SSC seeking approval to enter into a sublease over part of SSC's leased premises. The area proposed to be subleased is one of SSC's bowling greens known as the 'C' green (as shown in Attachment 1, hatched red and Attachment 2 aerial view). The proposed sublease is to Beach Tennis West Incorporated (BTWA) which intends to operate a beach tennis facility from the subleased premises.

Comment

SSC leases bowling greens known as 'C' green and 'D' green from the City. 'D' green is used for social bowls and community events. 'C' green has been unused for approximately 10 years, and SSC is looking at ways to activate this area. SSC considers that a beach tennis facility would complement SSC and complement any proposed redevelopment of the site in the future. The sublease to BTWA will enable SSC to continue to provide space for additional recreational and sporting amenities and assist with increased projected social membership.

BTWA is an incorporated association that intends to provide Australia's first dedicated beach tennis and multi-sport facility, comprising six sand courts, scoring systems and lighting, and a temporary site office subject to further planning approvals.

The facility will be a full-service centre and will provide court hire, permanent competition grade courts, outdoor fitness facilities, equipment sales, hire and repair, storage facilities, group classes and individual coaching.

The facility will have capacity for over 30 recreational or competitive athletes at any one time, and equipment hire for up to 50 participants for classes, schools and corporate events.

BTWA's focus will be on beach tennis, but BTWA will provide facilities for other sports in off-peak periods.

BTWA will utilise SSC's changerooms, toilets, car parking, kitchen and meeting rooms as part of its operations. BTWA members will also be general members of SSC.

BTWA proposes to undertake improvements to 'C' green to facilitate beach tennis. These works will initially include the installation of sand and nets to create six beach tennis courts as well as an upgrade to the current fencing to the green. BTWA would also like to install a temporary site office to act as a Club house allowing patrons to register and hire equipment. In addition, BTWA would like to install lighting to the green at a later date, enabling matches to be played in the evenings.

Preliminary advice has been sought from the City's Development Services Business Unit on BTWA's proposed improvements as follows:

- The installation of sand and nets do not require Development Approval;
- External fence improvements will require Development Approval which could be provided under delegated authority;
- A temporary site office could be installed without the requirement for Development Approval, provided it was for a period of no more than 12 months; and
- The installation of lighting may require community consultation as part of any Development Application to ensure that any impacts on amenity of neighbouring residents are appropriately considered.

BTWA has been advised that the City's approval as head lessor for the improvements cannot be provided until after the sublease is in place. They will also need to undertake any additional applications for Development Approval which may be required.

BTWA has advised that the improvements essential to allow its proposal to proceed are the installation of the sand, nets and fencing and it intends to undertake this work as soon as possible, should the sublease be approved.

BTWA has identified a significant gap in the market and demand for high quality training and interaction facilities for beach tennis around Perth. Existing beach tennis facilities are low quality, temporary facilities with limited opening hours, and none of the existing facilities have official court sizes.

BTWA intends to follow the business model adopted by successful overseas outdoor clubs in similar markets to deliver a high standard beach tennis experience for novices through to Olympians.

The founders of BTWA are international athletes and coaches who have been heavily involved in the sports sector, and in bringing beach tennis to Australia. They have existing links with Tennis Australia and Tennis West, the International Tennis Federation and International Wheelchair and Amputee Sports Federation, including in board and operational roles. Through their club links, they have coaching arrangements with schools, and intend to continue to work with the Department of Local Government, Sport and Cultural Industries and the Department of Education to attract schools into the facility at the SSC complex. They are also planning to bring an ITF Beach Tennis Tour event (which is a professional tour event) to City Beach in 2022/2023.

Sublease Terms

SSC has requested the City's approval of the new sublease arrangement as required under their lease with the City. SSC is proposing the following sublease terms which have been negotiated with BTWA:

Head lessor	City of Stirling
Lessor	Scarborough Sportsmens Club Incorporated
Lessee	Beach Tennis West Incorporated
Sublease purpose	Beach tennis facility
Annual commencing rent	$400 per annum payable quarterly
Initial Term	Up to 30 March 2024 (in line with the head lease)
Further Term	Five years, commencing on 1 April 2024 and expiring on 30 March 2029, subject to the extension of SSC's lease, and the parties agreement to the extension of the sublease for the further term.
Commencement Date	1 January 2023
Outgoings	Power, water, gas, cleaning, rubbish removal, routine maintenance

BTWA members will be general members of SSC, which will provide BTWA members access to and use of the SSC café, bar and other amenities while using the BTWA facility.

The City has reviewed the new sublease terms which comply with the current lease that SSC has with the City. The further term of five years will be subject to SSC exercising its option to extend its lease with the City. Based on the above, the City considers it appropriate to approve the sublease.

Consultation/Communication Implications

Should BTWA submit a Development Application for lighting in the future then community consultation may be required as part of the assessment process.

Policy and Legislative Implications

Nil.

Financial Implications

Approval of the sublease will provide a rental income to SSC of at least $400 annually. It is expected that the SSC would review a more appropriate rental rate moving forward should they wish to extend the sublease after the initial period ending 30 March 2024.

The activation of the currently unused 'C' green by BTWA is anticipated to deliver greater patronage and membership for SSC providing increased economic sustainability of SSC.

The City will instruct its lawyers to prepare the sublease and any subsequent amendments at SSC's cost. They may choose to recoup part or all of these costs from BTWA.

Strategic Implications

Key Result Area: Our community

Outcome: An active and healthy City

Sustainability Implications

The following tables outline the applicable sustainability issues for this proposal:

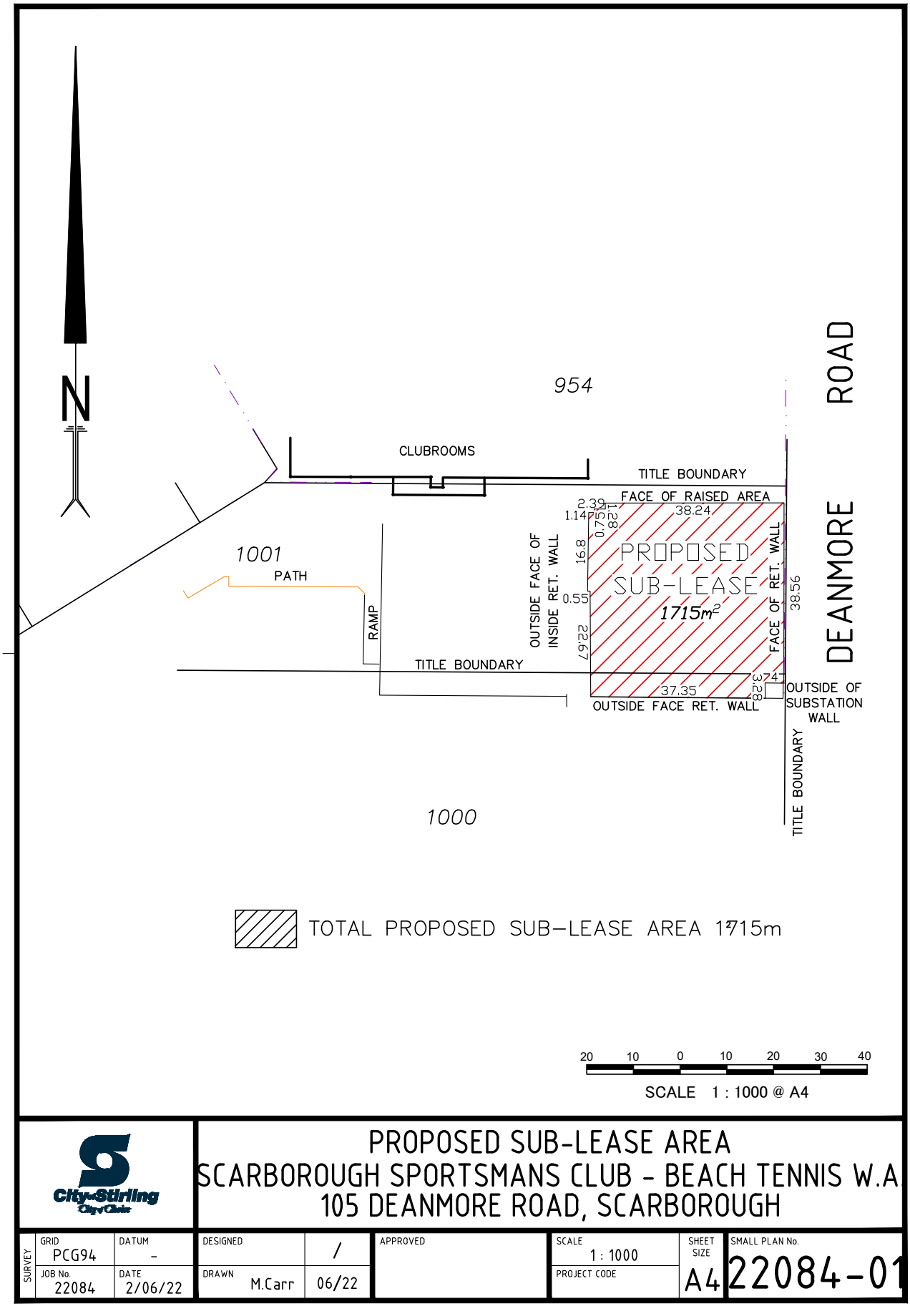
ENVIRONMENTAL	
Issue	**Comment**
Nil.	

SOCIAL	
Issue	**Comment**
Amenity	Providing further amenity to Scarborough Sportsmens Club thus enhancing the offering for the local community.
Community services	Integrating and providing additional sporting opportunities for the local community and encourage partnerships between community clubs.

ECONOMIC	
Issue	**Comment**
Dvlpmt of key business sectors	The addition of a new beach tennis operation will enable Scarborough Sportsmens Club to provide additional recreation and sporting amenities and assist in increasing projected social membership.

Conclusion

The proposed new sublease over portion of Lot 1001 on Diagram 14287, Lot 1001 Deanmore Road, Scarborough, and portion of Lot 1000 on Diagram 11564, House Number 105, Deanmore Road, Scarborough to Beach Tennis West Incorporated will ensure provision of additional sporting recreation facilities and promote self-sufficiency through income generated from the sublease and potential additional membership. It is therefore recommended to approve a new sublease between Scarborough Sportsmens Club Incorporated and Beach Tennis West Incorporated.


N
954
ROAD
DEANMORE
CLUBROOMS
TITLE BOUNDARY
FACE OF RAISED AREA
2.39
1.14
1.25
0.75
1.28
38.24
1001
PATH
RAMP
OUTSIDE FACE OF INSIDE RET. WALL
16.8
0.55
22.67
PROPOSED
SUB-LEASE
1715m²
FACE OF RET. WALL
38.56
TITLE BOUNDARY
37.35
3.28
4
OUTSIDE FACE RET. WALL
OUTSIDE OF SUBSTATION WALL
TITLE BOUNDARY
1000
TOTAL PROPOSED SUB-LEASE AREA 1715m²
20 10 0 10 20 30 40
SCALE 1 : 1000 @ A4
PROPOSED SUB-LEASE AREA
SCARBOROUGH SPORTSMANS CLUB - BEACH TENNIS W.A
105 DEANMORE ROAD, SCARBOROUGH
SURVEY
GRID PCG94
DATUM -
JOB No. 22084
DATE 2/06/22
DESIGNED
DRAWN M.Carr
/
06/22
APPROVED
SCALE 1 : 1000
PROJECT CODE
SHEET SIZE A4
SMALL PLAN No. 22084-01

BEACH TENNIS WA

Beach Arena Proposal



Beach Tennis WA, Scarborough Sportsman & Community Club,
Tennis West and City of Stirling.

Beach Tennis WA are proposing to sublease Bowling Green “C” in the top right of the above image.

13. REPORTS FOR CONSIDERATION IN ACCORDANCE WITH CLAUSE 4.2(4) OF THE MEETING PROCEDURES LOCAL LAW 2021

In accordance with Clause 4.2(4) of the City of Stirling Meeting Procedures Local Law 2021, the Chief Executive Officer may include on the agenda of a Council meeting; in an appropriate place within the order of business; any matter which must be decided, or which he considers is appropriate to be decided, by that meeting.

Mayor Mark Irwin disclosed an Impartial Interest in Item 13.1 as he is a State Councillor.

Councillor David Lagan disclosed an Impartial Interest in Item 13.1 as he is the Chair of WALGA North-Metropolitan Zone.

13.1 WALGA BEST PRACTICE GOVERNANCE REVIEW

Report Information

Location:	Not Applicable
Applicant:	Not Applicable
Reporting Officer:	Manager Governance
Business Unit:	Governance
Ward:	City Wide
Suburb:	Not Applicable

Authority/Discretion

Definition

☒	Advocacy	*when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☐	Executive	*the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☐	Legislative	*includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.*
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☐	Information Purposes	*includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').*

Council Resolution

1122/016

Moved Councillor Lagan, seconded Councillor Proud

That Council advises the Western Australian Local Government Association that it:

a. DOES NOT ENDORSE any of the models proposed by the Best Practice Governance Review; and

b. REQUESTS that the Best Practice Governance Review be conducted again by an independent consultant and further requests that:

i. The Terms of Reference and timeframe for an independent review of the Best Practice Governance Review be established by 31 December 2022 to enable the review to commence as soon as possible in 2023; and

ii. That the cost of an independent review be met by the Western Australian Local Government Association from reserves or auditing funds.

The motion was put and declared CARRIED (13/0).

For: Councillors Creado, Farrelly, Ferrante, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Sandri, Thornton and Mayor Irwin.
Against: Nil.

Recommendation

That Council advises the Western Australian Local Government Association that it:

a. DOES NOT ENDORSE any of the models proposed by the Best Practice Governance Review; and

b. REQUESTS that the Best Practice Governance Review be conducted again by an independent consultant.

Report Purpose

To provide member feedback to the Western Australian Local Government Association (WALGA) on the governance model options that form part of WALGA's Best Practice Governance Review.

Relevant Documents

Attachments

Attachment 1 - WALGA Best Practice Governance Review - Background Paper ⇩

Attachment 2 - WALGA Best Practice Governance Review - Model Options ⇩

Available for viewing at meeting

Nil

Background

WALGA is undertaking a Best Practice Governance Review to ensure its governance model is contemporary, flexible and maximises engagement with members. A summary of the work undertaken to date by the Project's Steering Committee is contained within the Background Paper (refer Attachment 1).

WALGA is seeking a resolution, no later than 23 December 2022, from each member Council on its preferred model option. There are five model options (refer Attachment 2).

Comment

In conducting the review, WALGA identified 10 governance principles to guide the assessment of the various proposed models. The first principle, 'composition', appears to be a key driver behind the development of each of the proposed models. This principle is described as having the following implications - "the governing body will maintain equal country and metropolitan local government representation."

The paper then examines the jurisdictional equivalents to WALGA (the similar organisations in each other State and Territory) as well as six comparator organisations.

The WALGA Best Practice Governance Review does not analyse whether any of the seven other jurisdictional equivalents or six comparator organisations operate under the 'composition' principle of equal country and metropolitan representation.

Each of the five proposed models identifies equal governing board representation from country and metropolitan local governments. The only exception to this is where a model includes additional independent skills-based members to supplement the governing body representation. In these circumstances, the board will have equal representation from country and metropolitan local governments save for the independent members.

At the 2021 Census, 2.7 million people were counted as usual residents of Western Australia with four out of five people living in the capital city area of Greater Perth (2.1 million).

Consultation/Communication Implications

WALGA will seek to undertake independent consultation with Chief Executive Officers and Elected Members from each member Council. In coming weeks, WALGA will issue further details and a link to an online survey.

Policy and Legislative Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Key Result Area: Our leadership

Outcome: A well-governed City

Sustainability Implications

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	**Comment**
Nil.	

SOCIAL	
Issue	**Comment**
Community engagement	WALGA advocates on behalf of Western Australia's 139 local governments and the communities that they represent.

ECONOMIC	
Issue	**Comment**
Nil.	

Conclusion

WALGA's Best Practice Governance Review does not analyse the first named principle, 'composition', which is the apparent key driver behind each of the various proposed models. As a result, the City recommends a further review by a suitably qualified and independent consultant.

Best Practice Governance Review

Background Paper

Contents

Item	Section	Page
1	Background, Approach and Timeline	3
2	Jurisdictional Analysis	6
3	Comparator Organisations	9
4	Governance Principles	17

Best Practice Governance Review

1. Background, Approach and Timeline

Background and Approach

Background and approach that led to the development of the governance principles for the Best Practice Governance Review.

Background

The Western Australian Local Government Association (WALGA) developed it's Corporate Strategy 2020-25, and in doing so identified a key strategic priority, to undertake a Best Practice Governance Review. The objective of the review is to ensure WALGA's governance and engagement models are contemporary, agile, and maximise engagement with members. Other drivers for the review included:

- Misalignment between key governance documents; Constitution, Corporate Governance Charter, State Council Code of Conduct, and Standing Orders – stemming from varying amendments.
- State Council's 3 September 2021 resolution requesting amendment to the Constitution to "*deal with matters related to State Councillors' Candidature for State and Federal elections*".
- Proposed legislative reforms to remove WALGA from being constituted under the *Local Government Act 1995* (WA).
- Constitutional requirements for WALGA to become a registered organisation under the *Industrial Relations Act 1979* (WA), which would enable WALGA to make applications in its own right to the Western Australian Industrial Relations Commission

In March 2022 State Council commissioned the Best Practice Governance Review (BPGR) and established a Steering Committee to guide the Review.

The BPGR Steering Committee had its first meeting on 5 May 2022. There was wide-ranging discussion on WALGA's current governance model, the need to engage broadly with the membership, and opportunities for change. At the meeting, five comparator organisations were identified to be used in a governance model comparative analysis. Steering Committee meetings 2 to 5 had a focus on the development of governance model principles.

This document

This document presents the key insights from the jurisdictional and comparator organisation analysis that supported the development of the governance principles. The final section presents the endorsed governance principles.

Jurisdictional Analysis – This section compares WALGA to equivalent jurisdictional associations (e.g. LGASA). This provides key insights into the size and election processes of WALGA compared to equivalent associations.

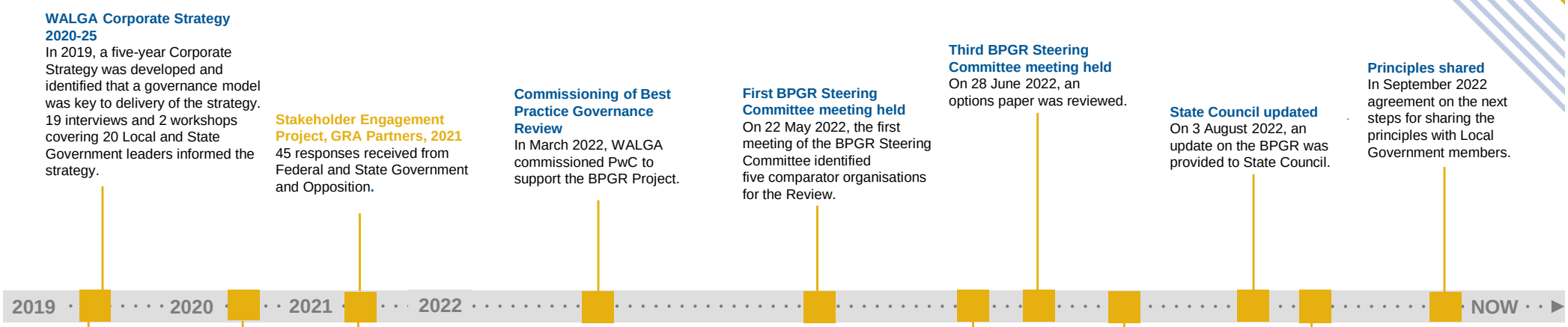
Comparator Organisations – This section compares WALGA's governance arrangements to five comparator organisations that were agreed a the BGPR Steering Committee meeting 1. This provides key insights into the size, election processes and recent governance changes of these five comparator organisations.

Governance Model Principles – The governance model principles were developed through BPGR Steering Committee meetings 2 to 5. This provides a structure for understanding how the current governance model of WALGA and any future governance model aligns to these principles.

The following slide outlines the timeline of key events and meetings that formed part of the BPGR.

Timeline

Timeline of key events with a focus on the BPGR Steering Committee meetings throughout May to August 2022



WALGA Corporate Strategy 2020-25
In 2019, a five-year Corporate Strategy was developed and identified that a governance model was key to delivery of the strategy. 19 interviews and 2 workshops covering 20 Local and State Government leaders informed the strategy.

2019 Governance Review
A governance review was undertaken in 2019 that led to numerous process changes.

State Council Performance Assessment, 2020
17 survey responses and comments received from State Councillors.

Stakeholder Engagement Project, GRA Partners, 2021
45 responses received from Federal and State Government and Opposition.

WALGA Stakeholder Engagement Project, Marketforce 2021
105 survey responses and 42 interviews were facilitated across 95 Local Governments.

Commissioning of Best Practice Governance Review
In March 2022, WALGA commissioned PwC to support the BPGR Project.

First BPGR Steering Committee meeting held
On 22 May 2022, the first meeting of the BPGR Steering Committee identified five comparator organisations for the Review.

Second BPGR Steering Committee meeting held
On 8 June 2022, the initial draft of comparator organisations was presented and assessment criteria was identified.

Third BPGR Steering Committee meeting held
On 28 June 2022, an options paper was reviewed.

Fourth BPGR Steering Committee meeting held
On 18 July 2022, core principles were decided to guide the BPGR.

State Council updated
On 3 August 2022, an update on the BPGR was provided to State Council.

Fifth BPGR Steering Committee meeting held
On 10 August 2022, core principles for the BPGR were finalised.

Principles shared
In September 2022 agreement on the next steps for sharing the principles with Local Government members.

WALGA

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Best Practice Governance Review

2. Jurisdictional Analysis

Analysis: Jurisdictional equivalents to WALGA

Jurisdictional equivalents of WALGA have been analysed according to their size and election methods.

Background

Prior to the BPGR Project commencing in March 2022, work was undertaken to understand governance arrangements in other jurisdictions. The focus of this work was on associations from other Australian states, as well as New Zealand.

The full list of associations are:

- Local Government NSW (LGNSW)
- Municipal Association Victoria (MAV)
- Local Government Association of Tasmania (LGAT)
- Local Government Association of South Australia (LGASA)
- Local Government Association of Queensland (LGAQ)
- Local Government Association of Northern Territory (LGANT)
- Local Government Association of New Zealand (LGNZ)

The assessment of these associations focused on providing insights into the following domains:

- **Size of Board:** How many board members are there in comparison to the 25 WALGA board members?
- **Method of Election of President:** How is the President elected to the board?
- **Method of Election of Board Members:** How are board members elected?

Key Insights

Key insights following the comparison of WALGA to equivalent associations are outlined below:

- **Size of Board** – while WALGA's board (State Council) contains the largest number of representatives, it can be seen that boards of Local Government Associations tend to be relatively large. The average board size (using ueensland's policy executive, not board) is 15.4.
- **Method of Election of President** – WALGA is an outlier: all other Presidents are elected directly by the membership. Perhaps this is a reflection of the prevalence of Council elected Mayors and Presidents in WA.
- **Method of Election of Board Members** – The majority of associations use regional groupings (equivalent to our Zones) to elect board members. The New Zealand hybrid model of electing representatives from geographic zones and sector groups (metro, provincial, rural, regional) is of interest.

The following slide presents this information for each of the seven associations.

WALGA

7

Summary: Jurisdictional equivalents to WALGA

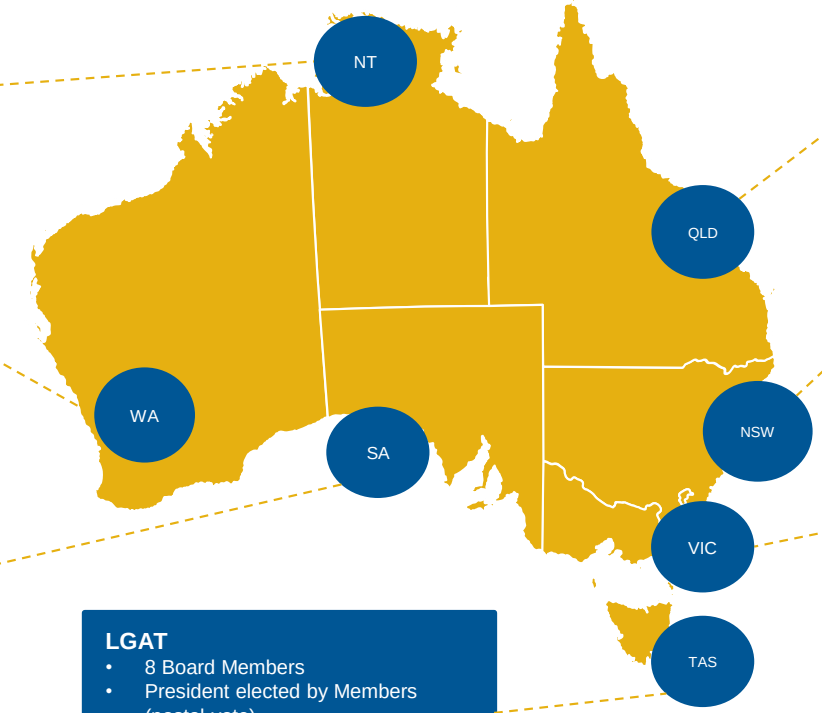
Summary of jurisdictional analysis of WALGA equivalents in relation to their Board membership, election methods and number of Local Governments.

LGANT
- 9 Board Members
- President elected by Members (AGM)
- Board Members elected by Members
- 22 Local Governments

WALGA
- 25 Board Members
- President elected by the Board
- Board Members elected by Zones
- 139 Local Governments

LGASA
- 10 Board Members
- President elected by Members (postal vote)
- Board Members elected by Regional Organisations
- 74 Local Governments

LGAT
- 8 Board Members
- President elected by Members (postal vote)
- Board Members elected by Zone equivalent
- 29 Local Governments



LGAQ
- 4 Board Members / 16 Policy Executive
- President elected by Members (AGM)
- Board Members elected by and from Policy Executive
- Policy Executive elected by Zone equivalent
- 78 Local Governments

LGNSW
- 19 Board Members
- President elected by Members (AGM)
- Board Members elected by Members
- 128 Local Governments

MAV
- 13 Board Members
- President elected by Members (AGM)
- Board Members elected by Zone equivalent
- 89 Local Governments

LGNZ
- 18 Board Members
- President elected by Members (AGM)
- Board Members elected by Zones and Sector Groups
- 78 Local Governments

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3. Comparator Organisations

Comparator organisations

Comparison of WALGA's governance model to the governance models of five comparator organisations.

Background

The BPGR Steering Committee had its first meeting on the 5 May 2022. There was wide-ranging discussion on WALGA's current governance model, the need to engage broadly with the membership, and opportunities for change.

At the meeting, five comparator organisations were identified to be used in a governance model comparative analysis. The organisations were selected on the basis of their similarity to WALGA as WA member-based peak industry organisations.

The selected organisations were: Australian Medical Association (AMA) WA, Chamber of Commerce and Industry (CCI) WA, Chamber of Minerals and Energy (CME), Australian Hotels Association (AHA) WA and Pharmacy Guild (PG) WA Branch.

Process

WALGA supplied a range of background documents to assist in undertaking the initial desktop comparison. This included the Constitution, Corporate Governance Charter, Corporate Strategy 2020-2025, Standing Orders, Elected Member Prospectus, Flow Chart – WALGA Zone and State Council Process, Final Report – State Councils and Zone Structure and Process Working Group.

The documentation used for the comparator organisations were typically the:

- Constitution – which serves as the instrument for establishment of the association;
- Annual reports – which contains information about an association's performance over a 12-month period; and
- Organisational website – which may outline the structure and current composition of the board, council and the leadership team of the organisations.

Interviews were successfully arranged with three of the five organisations. They were AMA WA, CCI WA and CME WA. The document analysis and interviews provided insights into the size, election methods and recent changes within these organisations.

Key insights

Key insights through the comparison of WALGA to the five comparator organisations are outlined below:

- **Size of Board** – WALGA's board (State Council) was larger than all other comparator organisation's boards.
- **Election methods** – election methods varied across the comparator organisations but many involved election through the membership.
- **Change** – three of the five organisations had recently undergone changes or reviews of their governance structures. There were a range of drivers for this change including: to increase the decision making ability of the board; to use specific working groups to focus on specific topics of interest and to increase representativeness of specific groups (e.g. Aboriginal and Torres Strait Islanders).

The following slide presents summary information on the size and election methods of the five comparator organisations. This is then followed by more detailed background into each organisation, their governance structure and any outcomes from conversations with these organisations.

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Summary: Governance structure analysis

WALGA's governance structure was analysed in comparison to five comparator organisations

Organisational Comparisons	Number of Board Members	President Elected by	Board Members elected by
WA Local Government Association (WALGA)	25	The Board	Zones
Australian Medical Association (AMA)	9	AMA WA Members	Members of the Association
Chamber of Commerce and Industry WA (CCIWA)	7 to 10	The Board	• Up to 12 elected by Members • Up to 8 appointed by the Board • Up to 8 appointed by the Council
Chamber of Minerals and Energy (CME)	6 to 11	Ordinary Members	Executive Councillors
Australian Hotels Association (AHA) WA	17	The Branch Committee of Management	The Branch Committee of Management
Pharmacy Guild (PG) – WA branch	16 to 22	The Branch	Financial Members from the same region as the Branch

Note: The Council, Branch, or Board chosen from the organisations above were chosen for how appropriate their structure is as a comparison to the WALGA State Council.

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Organisational Analysis: Australian Medical Association (AMA) WA

With over 5,000 members, the AMA (WA) is the largest independent professional organisation for medical practitioners and medical students in the State. Total revenue and other income for AMA nationally in 2020 was reported as $21,928,000.

Organisational Information

The AMA (WA) Board was created in 2017 and is comprised of the President, Immediate Past President, two Vice Presidents and five members of Council who are elected to sit on the Board (9 in total).

The AMA (WA) Council consists of four office bearers (President, Immediate Past President, two Vice Presidents). Additionally, there are the Specialty Group Representatives (e.g. General practice, surgery); Practice Group Representatives (e.g. rural doctors, public hospital doctors); Ordinary Council Members; and, Co-opted Council Members. Majority of the representatives and members represent their specialty (e.g. anesthetics) or group of representative (e.g. medical student society).

The AMA Federal Council meets quarterly and is the AMA's main policy-making body. It is a forum to identify and debate emerging issues of relevance to the membership. The Federal Council's primary role is to: Form the policy of the AMA; Propose changes to existing policy; and Elect representatives to roles and committees. There is one State and one Area nominee from WA on the Federal Council.

The Leadership team consists of seven staff. CEO, CFO, COO, General Manager Training and Recruitment, Operations Manager, General Manager Financial Services and an HR manager.

Governance Structure*

The Board comprises of approximately 9 members.

The Board focuses on governance, managing the Association's conduct and business, and ensuring conformity with the constitution.

The Board may increase or decrease the number of Advisory Council members as needed. However, it currently has 4 members.

The General Council focuses on advocacy, policy making, and representation of the association.

The Board and Council is also supported by Specialty Group Representatives, Practice Group Representatives, Ordinary Council Members, and Co-Opted Council Members.

Outcomes of Organisation Discussion

- **Governance Review:** The 2020 annual report mentions that an organisation-wide review was undertaken with the transformation in the process of being implemented until March 2020 (COVID).
- **Representation:** It is more important to restrict the number of Board members than Councillors. Board members are involved in making policy and governance decisions, requiring a greater decision-making capability; Councillors are more involved in stakeholder engagement and solving specific issues through working groups, therefore Council size has less impact to efficiency and effectiveness of the model.
- **Engagement:** The president is the spokesperson when it comes to policy issues. Councillors represent the views of Specialty Groups, Practice Groups, and the medical profession as a whole.
- **Feedback on the current model:** Board members have previously taken the role because they are passionate, but do not necessarily have the right expertise, resulting in poor governance. Board members who have leadership and governance experience have proven to be effective in the updated model. The Board would benefit from an independent audit partner and increased diversity in specialty, a simplified purpose of the Board and Council Advisory, and a reduced number of meetings each year.

**The AMA WA Constitution does not specify the number of Board or Council members. Member numbers are indicative and have been taken from the current Board & Council.*

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Organisational Analysis: Chamber of Commerce and Industry (CCI) WA

CCIWA is a not-for-profit member organisation providing information, professional services and support for businesses in Western Australia, with over 2,000 WA members. Total revenue and other income for 2021 was reported as $34,270,130.

Organisational Information

The CCIWA operates as a company limited by guarantee. This came into effect on 11 January 2019. The change in status means that CCIWA is now incorporated under the *Corporations Act 2001* (Cth) rather than the State legislation covering incorporated associations.

Based on the constitution, the number of board members can be between 9-12 (including President & Vice President). The current board has only 6 members including the President and Vice President.

There is a General Council. The constitution states that Councillors can be up to certain numbers depending on who they were elected by. The resulting effect is a council that does not have consistent numbers of members and does not need to fill all positions. This is unlike WALGA's governance model where representatives are elected by zones.

The Board is responsible for the sound governance of the organisation, whereas the General Council provides input to the organisations policy; provides advice to the Board; acts as a point of interface; elects and appoints Council Elected Directors; and passes resolutions relating to specific handling of assets and raising and borrowing funds.

Governance Structure

The Board comprises of 9 – 12 members.

The Board focuses on strategic priorities, financial performance and compliance issues.

The General Council consists of up to 28 Councillors.

The General Council focuses on developing and being spokespersons on public policy frameworks and positions.

The governance structure is supported by bespoke working groups, formed from Councillors as relevant for specific strategic and policy issues.

Outcomes of Organisation Discussion

- **Governance Review:** CCIWA conducted a review of their 2018 Constitution, resulting in changes contained in the 2021 Constitution, including: The governance model was revised to increase the decision-making capability of the board; The structure of the General Council was determined to be too generic causing low Councillor attendance. After the review, Councillors were split into bespoke working groups for specific policy issues for the upcoming 12-month period. This resulted in higher councillor attendance, than the previous governance model.
- **Representation:** In the new revision of the constitution, two new types of Councillors were included to increase representation for their respective groups. Future Leader Councillors, from members of University business schools; and First Nations Business Councillors, elected from First Nations Members.
- **Feedback on the current model:** In the current governance model, when a board member leaves, a temporary team member is appointed since board members can only be elected in general meetings.

Organisational Analysis: The Chamber of Minerals and Energy (CME) WA

CME WA is the peak resources sector representative body in Western Australia whose member companies generate 95% of all mineral and energy production and employ 80 of the sector's workforce in the State.

Organisational Information

The Corporate Governance Charter (Charter) provides guidance on the respective roles, responsibilities and authorities of members of the Executive Council (Executive Councillors) and members of the Advisory Board (Advisory Board Members) in setting the direction, management and control.

The number of Vice Presidents is determined by the Executive Council, the constitution contains no limit on the number of Vice Presidents and so the number of Vice Presidents is excluded from the diagram to the right.

Executive Councillors are elected by Ordinary Members, and there can be no less than 10.

The Role of the Advisory Board is to act as a traditional board providing strategic oversight on behalf of the Chamber. Key interface with the Executive Management Team on organisational matters, including strategy, operating accounts, governance and risk.

Governance Structure

Advisory Board comprises of 5-10 members.	The Advisory Board provides strategic oversight and acts as the key interface with the Executive Management team on strategy, operating accounts, governance and risk.
Executive Council (10+ members).	The Executive Council most senior interface to guide and prioritise the agenda of the Chamber and its respective committees and holds final decision-making authority re: annual financial reports/statements.

The governance structure is supported by committees including bespoke working groups, appointed by Executive Council as relevant for specific strategic and policy issues.

Outcomes of Organisation Discussion

- **Governance Review:** CME recently engaged in a governance review. In April 2020, CME put in place a governance charter. This codified processed and structures, clarified lines of accountability and included a director's code of conduct.
- **Representation:** Members who express an interest, get a seat at the table for the Executive Council. There are approximately 60 ordinary members with 16-20 regularly attending council meetings. This group is intended to provide a litmus check that the broader membership needs are being met.
- **Engagement:** Although the board is strongly engaged in the work and responsibilities it holds, there is the varying engagement of the executive council – this is broadly because due to the large array of issues it covers – the organisation would love to see stronger engagement in this area.
- **Feedback on the current model:** Based on the age of the organisation, the current pyramid structure works. This is successful largely due to the governance charter which provides clarity in role and structure for the organisation.

Organisational Analysis: Australian Hotels Association (WA)

The Australian Hotels Association (AHA) represents more than 5,000 members across Australia serviced by a network of branches based in every state and territory, plus a Canberra-based National Office. Total revenue and other income for AMA nationally in 2020 was reported as $2,257,963.

Organisational Information

AHA was founded in 1892 and now represents more than 80% of the Western Australian hotel and hospitality industry.

The organisation has a branch in each state and territory, including a division in each branch known as the National Accommodation Hotels Division. The organisation and each of its branches have their own set of rules by which they are governed. However, ultimate authority is deferred to the National Board of the organisation.

All issues and opportunities are addressed by The Branch Committee of Management (The Branch). Consisting of six ordinary members, elected by members of the branch, and the president from each of the Territorial and Non-Territorial Divisions of the Branch. This includes a President, Senior Vice President, Vice President, Treasurer, Accommodation President and Country Representative. The President, Senior Vice President (SVP) and Vice President (VP) are elected by The Branch.

AHA developed a subsidiary known as 'Tourism Accommodation Australia (TAA)'. TAA publicly represents and lobbies specifically for accommodation hotels separately from the AHA's general hospitality members. However, membership to both AHA and TAA is granted to accommodation properties. There are 11 Divisional Presidents – 7 represent different Areas/Regions and 4 represent different membership groups.

Governance Structure*

Branch Committee of Management has 6 Ordinary members & the president of each Territory/Non-Territory Division (11).

Focuses on staff remuneration/conditions, branch transactions, disbursements, funds and resolves delegated Commonwealth industrial disputes.

There is no council or other governing entity to provide support to the Branch Committee of Management.

Relevance to WALGA BPGR

AHA was contacted to schedule an interview; however, there was no response following multiple requests. The following insights have been made by research on their publicly available governance information and documentation.

- **Composition:** Similar to WALGA's State Council, the AHA Governance structure only has one governing entity, The Branch Committee of Management. The number of branch members (17) is smaller than WALGA (25).
- **Responsibilities:** The AHA Branch Committee of Management is responsible for financial activities; however, the Rules document does not mention that they are responsible for activities that other comparator organisations governing entities are, such as policy creation or ensuring compliance.
- **Lack of compliance with constitution:** The Rules of the AHA WA Branch document acts as the Association's constitution. However, there are many conflicts between the governance structure in the Branch Rules document, and the governance structure depicted on AHA WA's website. For example, in the document the supreme governing body of the Branch is the Branch Committee of Management, whereas on the website it is the Executive Management team. Additionally, there is no mention of a board in the Rules document, but there is a Board of Management on the website.

**The governance structure has been taken from the Rules of the AHA WA Branch document instead of the current governance structure depicted on the website, due to conflicting information.*

Organisational Analysis: Pharmacy Guild (WA Branch Focus)

Pharmacy Guild supports over 5,800 pharmacies across Australia. It is broken up into Territory Branches with more than 600 pharmacies as members in WA (est. 2017).

Organisational Information

The Pharmacy Guild's WA Branch's Annual Report can only be viewed by Members of the Organisation.

The Branch consists of the Branch Executive, and the Branch Committee. Where the Branch Executive consists of the Branch President, Branch Vice President(s) and the National Councillor(s). Additionally, in the Branch Executive, the position of Branch President and Vice President can also be held by a National Councillor, resulting in different numbers of Branch Executives between states.

The National council has the power to determine and direct policy, settle disputes, control the national fund, appoint an auditor and other activities relating to being the supreme governing entity.

The constitution does not specify who exactly elects the Branch President, or the Branch Vice Presidents, only that they are elected from the Branch. Whereas Branch Committee Members are elected by financial members in that region.

The Branch and the National Council shall appoint their own auditor. Resulting in potential conflicts of interest, as hypothetically the Branch and the National Council can appoint an auditor who audits in their favour.

Governance Structure*

Branch Executive consists of 2 – 6 Executive Members.	All powers and functions of the Branch Committee between meetings of the Branch Committee.
Branch Committee consists of 7 - 14 committee members (excluding the Branch executive).	Control the Branch fund, decide the agenda for and attend special meetings.

There is only one governing entity in WA for Pharmacy Guild, however the WA Branch consists of National Councillors, from the National Council which is the supreme governing body for the Pharmacy Guild. However, the Branch Committee can create subcommittees to carry out particular functions.

Relevance to WALGA BPGR

Pharmacy Guild WA was contacted to schedule an interview; however, they responded that they do not have time to discuss their governance model. The following insights have been made by research on their publicly available governance information and documentation.

- **Representation:** The interests of members are represented by the Branch Committee Members who are elected by the financial members of the same regions. Additionally, the interests of the National Council are represented in Branches by the National Councillors appointed in each Branch.
- **Composition:** The governance structure of the Branches of the Pharmacy Guild is adaptable to the needs of the Branch. Since the Branch Committee members can decide the number of Committee members needed in their branch, they can do so based on the needs of the Branch at any point in time, making the composition and size of the Branch adaptable to emerging needs. Also, the creation of additional branches and amalgamations of current branches is up to the decision of the National Council, enabling the National Council to alter the composition of the governance model nation-wide as needed. Branches can also create subcommittees as needed.

**Since the number of members in governance entities is mentioned in the Constitution, the numbers have been estimated based on the current membership as per the Guild's website.*

Best Practice Governance Review

4. Governance Principles

Development of Governance Principles

BPGR Steering Committee (SC) meetings and how they lead to the development of the proposed governance principles.

BPGR Steering Committee meetings

The BPGR Steering Committee (SC) was established by State Council to guide the review. SC Meetings 2 through to 5 acted as key inputs into the development of the Governance Model principles. The focus of SC Meetings two through to five led to the development of the governance principles.

SC Meeting 2 - On 8 June 2022, the initial draft of the comparator organisations and their governance structures was presented. The SC identified four assessment criteria for the purposes of assessing potential governance models. The assessment criteria were: (1) representation, (2) efficiency, (3) contemporary, and (4) sustainable. An Options Paper was then developed, using the assessment criteria against two governance model options.

SC Meeting 3 - On 28 June 2022, a discussion of the DRAFT Options Paper took place. The SC decided that a workshop was required to take a step back and develop the core governance principles (rather than assessment criteria) that needed to underpin any future governance model for WALGA.

SC Meeting 4 - On 18 July 2022, the SC discussed the principles and identified four principles that should guide WALGA's governance. They were Representative, Responsive, Results Oriented and Renewal. Renewal was the principle that some SC members deemed as optional and is not included as a separate principle. Some elements of renewal are incorporated into the other three principles.

SC Meeting 5 - On 10 August 2022, the SC discussed and finalised the proposed principles. Discussion focused on the principle components and their likely governance implications. Several activities also occurred around this SC meeting. This include an update to State Council at the Information Forum on 3 August 2022, finalisation of principles on 17 August 2022 to inform AGM Item and finalisation of Agenda Item for 2022 AGM, including approval by State Council.

Key outcomes

The SC agreed on the proposed governance model principles, their component parts and the implications of these principles. Specifically:

- **Principle definition** – the definition of each of the three principles.
- **Principle component** – the key component parts of each principle.
- **Principle component description** – a description of each principle component.
- **Governance implications** – the governance implications of each of the principle components.

The following slide presents the principles, their components and a description and their governance implications.

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Endorsed Governance Principles

The principles for assessing WALGA's governance model options and governance implications

Principle	Principle component	Component description	Governance implications
Representative: WALGA unites and represents the entire local government sector in WA and understands the diverse nature and needs of members, regional communities and economies.	Composition	The composition of WALGA's governance model represents Local Government members from metropolitan and country councils.	The governing body will maintain equal country and metropolitan local government representation.
	Size	An appropriate number of members/representatives oversees WALGA's governance.	Potential reduction in the size of the overarching governing body.
	Diversity	WALGA's governance reflects the diversity and experience of its Local Government members.	Potential for the introduction of a mechanism to ensure the governance model comprises an appropriate diversity of skills and experience.
	Election Process	Considers the processes by which WALGA's governance positions are elected and appointed.	Consideration of alternative election and appointment arrangements, with the President to be elected by and from the governing body.
Responsive: WALGA is an agile association which acts quickly to respond to the needs of Local Government members and stakeholders.	Timely Decision Making	WALGA's governance supports timely decision making.	WALGA's governance model facilitates responsive decision making.
	Engaged Decision Making	WALGA's Local Government members are engaged in decision making processes.	WALGA's governance model facilitates clear and accessible processes for Local Government members to influence policy and advocacy with consideration to alternatives to the existing zone structure.
	Agility	Considers the flexibility of WALGA's governance to adapt to changing circumstances.	WALGA's governance model is agile and future proofed for external changes.
Results Oriented: WALGA dedicates resources and efforts to secure the best outcomes for Local Government members and supports the delivery of high-quality projects, programs and services.	Focus	Considers the clarity and separation of responsibilities and accountabilities of WALGA's governance.	Governance bodies have clearly defined responsibilities and accountabilities, with the capacity to prioritise and focus on strategic issues.
	Value Added Decision Making	Facilitates opportunities for value to be added to decision making.	Adoption of best practice board processes, and introduction of governance structures that are empowered to inform decisions.
	Continuous Improvement	Considers regular review processes for components of the governance model, their purpose and achieved outcomes.	WALGA's governance is regularly reviewed every 3 to 5 years to ensure the best outcomes are achieved for Local Government members.

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Thank you

For more information, visit our website or contact Tim Lane, Manager Association and Corporate Governance, at tlane@walga.asn.au or 9213 2029.

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Best Practice Governance Review

Consultation Paper – Model Options

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Best Practice Governance Review

1. Introduction

Introduction

Background

The Western Australian Local Government Association (WALGA) developed it's Corporate Strategy 2020-25, and in doing so identified a key strategic priority, to undertake a Best Practice Governance Review. The objective of the review is to ensure WALGA's governance and engagement models are contemporary, agile, and maximise engagement with members.

Other drivers for the review included: misalignment between key governance documents; constitution amendments for State Councillors' Candidature for State and Federal elections; and legislative reforms for the *Local Government Act 1995*, and for the *Industrial Relations Act 1979*.

In March 2022, State Council commissioned the Best Practice Governance Review (BPGR) and established a Steering Committee to guide the Review.

The BPGR Steering Committee had five meetings between 5 May 2022 and 10 August 2022. There was wide-ranging discussion on WALGA's current governance model, the need to engage broadly with the membership, and opportunities for change. Key outputs from the BPGR Steering Committee meetings included:

- Agreement on five comparator organisations – Australian Medical Association (AMA) WA, Chamber of Commerce and Industry (CCI) WA, Chamber of Minerals and Energy (CME), Australian Hotels Association (AHA) WA and the Pharmacy Guild (PG).
- Review of governance models of Local Government Associations in other Australian States and Territories, and New Zealand.
- Drafting of governance principles that will underpin future governance models.
- Finalisation of governance principles and principle components across the domains of: **Representative, Responsive and Results Oriented**.

These activities are outlined in more detail in the Background Paper.

This document

This document outlines:

Principles: The governance model principles and principle components across the domains of: Representative, Responsive and Results Oriented. The principles were endorsed at the WALGA AGM on 3 October 2022.

Governance model options: Presents four potential governance model options and the structure and roles associated with each option. The four options are:

- **Option 1:** Two tier model, existing zones
- **Option 2:** Board, regional bodies
- **Option 3:** Board, amalgamated zones
- **Option 4:** Member elected board, regional groups
- **Option 5:** Current model

Alignment to principles: Each of these options are then assessed as to whether they align with the principles and their components. The assessment considers the option and whether it meets, partially meets or does not meet the principle component. Alongside this assessment are some discussion points. An example of this relates to diversity.

Diversity is a component of the governance model being representative. Diversity here may include consideration of whether the governance model comprises an appropriate diversity of skills and experience. It also provides opportunity to consider whether the governance model provides opportunity for members of diverse backgrounds e.g. people of Aboriginal and Torres Strait Islander descent, people with Culturally and Linguistically Diverse backgrounds.

Within all the model options, direct relationship with WALGA and regional / subregional collaboration would continue to be encouraged.

Best Practice Governance Review

2. Governance Principles

Governance Principles

The following Governance Principles were endorsed by members at the 2022 AGM

Principle	Principle component	Component description	Governance implications
Representative WALGA unites and represents the entire local government sector in WA and understands the diverse nature and needs of members, regional communities and economies.	Composition	The composition of WALGA's governance model represents Local Government members from metropolitan and country councils.	The governing body will maintain equal country and metropolitan local government representation.
	Size	An appropriate number of members/representatives oversees WALGA's governance.	Potential reduction in the size of the overarching governing body.
	Diversity	WALGA's governance reflects the diversity and experience of its Local Government members.	Potential for the introduction of a mechanism to ensure the governance model comprises an appropriate diversity of skills and experience.
	Election Process	Considers the processes by which WALGA's governance positions are elected and appointed.	Consideration of alternative election and appointment arrangements, with the President to be elected by and from the governing body.
Responsive WALGA is an agile association which acts quickly to respond to the needs of Local Government members and stakeholders.	Timely Decision Making	WALGA's governance supports timely decision making.	WALGA's governance model facilitates responsive decision making.
	Engaged Decision Making	WALGA's Local Government members are engaged in decision making processes.	WALGA's governance model facilitates clear and accessible processes for Local Government members to influence policy and advocacy with consideration to alternatives to the existing zone structure.
	Agility	Considers the flexibility of WALGA's governance to adapt to changing circumstances.	WALGA's governance model is agile and future proofed for external changes.
Results Oriented WALGA dedicates resources and efforts to secure the best outcomes for Local Government members and supports the delivery of high-quality projects, programs and services.	Focus	Considers the clarity and separation of responsibilities and accountabilities of WALGA's governance.	Governance bodies have clearly defined responsibilities and accountabilities, with the capacity to prioritise and focus on strategic issues.
	Value Added Decision Making	Facilitates opportunities for value to be added to decision making.	Adoption of best practice board processes, and introduction of governance structures that are empowered to inform decisions.
	Continuous Improvement	Considers regular review processes for components of the governance model, their purpose and achieved outcomes.	WALGA's governance is regularly reviewed every 3 to 5 years to ensure the best outcomes are achieved for Local Government members.

Best Practice Governance Review

3. Options and Current Model

Options and Current Model

Five options, including the Current Model, with details of each of their key governance bodies

Option 1 – Two tier model, existing Zones	Option 2 – Board, Regional Bodies	Option 3 – Board, Amalgamated Zones	Option 4 – Member elected Board, Regional Groups	Option 5 – Current Model
Board (11 members) 8 elected from Policy Council, incl. Board elected President Up to 3 independents	Board (11 members) 8 elected from Regional Bodies, incl. Board elected President Up to 3 independents	Board (15 members) 12 elected from Zones, incl. Board elected President Up to 2 independents	Board (11 members) 8 elected via direct election, incl. Board elected President Up to 3 independents	State Council (25 members) 24 State Councillors 1 President
Policy Council (25 members) 24 members plus President	Regional Bodies (4 metro, 4 country)	Zones (6 metro, 6 country)	Policy Teams / Forums / Committees	Zones (5 metro, 12 country)
Zones (5 metro, 12 country)	Policy Teams / Forums / Committees	Policy Teams / Forums / Committees	Regional Groups	Policy Teams / Forums / Committees

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Option 1 – Two Tier Model, Existing Zones

A description of the governance body structure and role for Option 1

Governance Body	Structure	Role
Board	11 members: 8 representative members elected from and by the Policy Council (4 Metro, 4 Country). The Board then elect the President from the representative members. The Board will appoint up to 3 independent, skills or constituency directors.	Meet 6 times per year. Responsible for governance of WALGA including strategy, financial oversight, policy development and endorsement, advocacy priorities, employment of CEO, etc.
Policy Council	24 members plus President. Members elected by and from the Zones (12 from 5 Metro Zones, 12 from 12 Country Zones).	Meet at least 2 times per year to contribute to policy positions and advocacy for input into Board, and to liaise with Zones on policy and advocacy. The Policy Council can form Policy Teams, Policy Forums and Committees, which would have responsibility for specific functions, such as policy development.
Zones	5 Metro, 12 Country.	Meet at least 2 times per year to raise policy issues, elect representatives to the Policy Council, and undertake regional advocacy and projects as directed by the Zone.

Option 2 – Board, Regional Bodies

A description of the governance body structure and role for Option 2

Governance Body	Structure	Role
Board	11 members: 8 representative members elected from and by the Regional Bodies (4 Metro, 4 Country). The Board then elect the President from the representative members. The Board will appoint up to 3 independent, skills or constituency directors.	Meet 6 times per year responsible for governance of WALGA including strategy, financial oversight, policy development, advocacy priorities, employment of CEO, etc.
Regional Bodies	Metro: North, South, East and Central. Country: Mining & Pastoral, Agricultural, Peel/ South West/Great Southern, Regional Capitals. *Note: Local Governments can nominate their preferred regional body, with membership of the regional bodies to be determined by the board.*	Meet at least 2 times per year to contribute to policy development and advocacy, and to elect Board members (1 from each of the Metro Regional Bodies and 1 from each of the Country Regional Bodies).
Policy Teams / Forums / Committees	Membership drawn from the Board and Regional Bodies with some independent members.	Responsible for specific functions – such as policy development – as determined by the Board.

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Option 3 – Board, Amalgamated Zones

A description of the governance body structure and role for Option 3

Governance Body	Structure	Role
Board	15 members: 12 elected from the Zones (6 from Metro/Peel, 6 from Country). President to be elected by the Board. The Board will appoint up to 2 independent, skills or constituency directors.	Meet 6 times per year. Responsible for the governance of WALGA including strategy, financial oversight, policy development and endorsement, advocacy priorities, employment of CEO, etc.
Zones	Metro/Peel: • Central Metropolitan • East Metropolitan • North Metropolitan • South Metropolitan • South East Metropolitan • Peel Country*: • Wheatbelt South • Wheatbelt North • Mid West / Murchison / Gascoyne • Pilbara / Kimberley • South West / Great Southern • Goldfields / Esperance **indicative, re-drawing required*	Meet at least 2 times per year to contribute to policy development and advocacy, and to elect Board members.
Policy Teams / Forums / Committees	Membership drawn from Board with some independent members.	Responsible for specific functions – such as policy development – as determined by the Board.

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Option 4 – Member Elected Board, Regional Groups

A description of the governance body structure and role for Option 4

Governance Body	Structure	Role
Board	11 members: 8 representative members elected via direct election, with each member Local Government to vote (4 elected by and from Metropolitan Local Governments, 4 elected by and from Country Local Governments). President elected by the Board from among the representative members. The Board will appoint up to 3 independent, skills or constituency directors.	Meet 6 times per year and responsible for governance of WALGA including strategy, financial oversight, policy development and endorsement, advocacy priorities, employment of CEO, etc.
Policy Teams / Forums / Committees	Membership drawn from Board with some independent members.	Meet at least 2 times per year. Responsible for specific functions – such as contributing to policy development – as determined by the Board.
Regional Groups	Determined by members to suit needs. E.g. Regional Capitals, GAPP, VROCs, CEO Group, existing Zones.	Feed into policy development processes and undertake advocacy and projects as determined by the groups.

WALGA

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Option 5 – Current Model

A description of the governance body structure and roles for the Current Model

Governance Body	Structure	Role
State Council	24 members plus the President. Members elected by and from the Zones (12 from 5 Metropolitan Zones, 12 from 12 Country Zones).	Responsible for the governance of WALGA including strategy, financial oversight, policy development and endorsement, advocacy, employment of CEO, etc.
Zones	5 Metro, 12 Country.	Consider the State Council Agenda, elect State Councillors, and undertake regional advocacy / projects as directed by the Zone.
Policy Teams / Forums / Committees	Membership drawn from State Council with some independent members.	Responsible for specific functions – such as contributing to policy development, financial oversight etc. – as determined by State Council.

WALGA

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Best Practice Governance Review

4. Alignment to Principles

Option 1 – Two Tier Model, Existing Zones

Option 1 and its alignment to the principles

Option 1 – Two tier model, existing Zones

Board
(11 members)
8 elected from Policy Council, incl. Board elected President
Up to 3 independents

Policy Council
(25 members)
24 members plus President

Zones
(5 metro, 12 country)

Principle & component		Principle alignment (Meets, partial, does not meet)	Discussion points
Representative	Composition	Meets	• Board will have equal metropolitan and country membership
	Size	Meets	• Board is smaller
	Diversity	Meets	• Consideration of appointment processes for independent members
	Election Process	Meets	• Board to be elected from Policy Council
Responsive	Timely Decision Making	Meets	• Meeting frequency aligned to governing body roles
	Engaged Decision Making	Meets	• Board meetings are not dependent on other governing body meetings
	Agility	Partial	• Board is future-proofed from external changes • Zone structures still underpin Council
	Focus	Partial	• Prioritisation and focus may be a challenge
Results Oriented	Value Added Decision Making	Meets	• Best practice board approaches will be adopted
	Continuous Improvement	Meets	• Board would be responsible for ongoing reviews of governance body roles in consultation with members

WALGA

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Option 2 – Board, Regional Bodies

Option 2 and its alignment to the principles

Option 2 – Board, Regional Bodies

Board
(11 members)
8 elected from Regional Bodies, incl. Board elected President
Up to 3 independents

Regional Bodies
(4 metro, 4 country)

Policy Teams / Forums / Committees

	Principle & component	Principle alignment (Meets, partial, does not meet)	Discussion points
Representative	Composition	Meets	• Board will have equal metropolitan and country membership • How to establish regional body membership is a consideration
Representative	Size	Partial	• Board is smaller • Number of regional bodies is a consideration
Representative	Diversity	Meets	• Consideration of appointment processes for independent members
Representative	Election Process	Meets	• Board election from regional bodies
Responsive	Timely Decision Making	Meets	• Meeting frequency aligned to governing body roles
Responsive	Engaged Decision Making	Meets	• Board meetings are not dependent on regional body meetings
Responsive	Agility	Meets	• Board and regional bodies are future proofed from external changes
Responsive	Focus	Partial	• There may be challenges defining accountabilities and responsibilities of regional bodies
Results Oriented	Value Added Decision Making	Meets	• Best practice board approaches will be adopted
Results Oriented	Continuous Improvement	Meets	• Board will be responsible for ongoing reviews of governing body roles in consultation with members

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Option 3 – Board, Amalgamated Zones

Option 3 and its alignment to the principles

Option 3 – Board, Amalgamated Zones

Board
(15 members)
12 elected from Zones, incl. Board elected President
Up to 2 independents

Zones
(6 metro, 6 country)

Policy Teams / Forums / Committees

Principle & component		Principle alignment (Meets, partial, does not meet)	Discussion points
Representative	Composition	Partial	• Board will have equal metropolitan and country membership • There may be composition challenges for amalgamated zones
Representative	Size	Partial	• Board is smaller • Amalgamation of zones to 12 in total
Representative	Diversity	Meets	• Consideration of appointment processes for independent members
Representative	Election Process	Meets	• Board election from zones
Responsive	Timely Decision Making	Meets	• Meeting frequency aligned to governing body roles
Responsive	Engaged Decision Making	Meets	• Board meetings are aligned to zone meetings
Responsive	Agility	Meets	• Board is future proofed from external changes
Results Oriented	Focus	Partial	• Prioritisation and focus may be a challenge
Results Oriented	Value Added Decision Making	Meets	• Best practice board approaches will be adopted
Results Oriented	Continuous Improvement	Meets	• The Board would be responsible for ongoing reviews of governance body roles in consultation with members

WALGA

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Option 4 – Member Elected Board, Regional Groups

Option 4 and its alignment to the principles

Option 4 – Member elected Board, Regional Groups



Board (11 members)
8 elected via direct election, incl. Board elected President
Up to 3 independents



Policy Teams / Forums / Committees



Regional Groups

	Principle & component	Principle alignment (Meets, partial, does not meet)	Discussion points
Representative	Composition	Partial	• Board will have equal metropolitan and country membership • Membership of regional groups dynamic and ad hoc
Representative	Size	Partial	• Board is smaller
Representative	Diversity	Meets	• Consideration of appointment processes for independent members
Representative	Election Process	Meets	• Board election from a general meeting
Responsive	Timely Decision Making	Meets	• Meeting frequency aligned to governing body roles
Responsive	Engaged Decision Making	Meets	• Board meetings are not dependent on policy teams / regional group meetings
Responsive	Agility	Meets	• Board is future-proofed from external changes
Results Oriented	Focus	Partial	• Policy teams / Regional Group meetings to influence priorities
Results Oriented	Value Added Decision Making	Meets	• Best practice board approaches will be adopted
Results Oriented	Continuous Improvement	Meets	• Board would be responsible for ongoing reviews of governing body roles in consultation with members

WALGA

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Option 5 – Current Model

Current model and its alignment to the principles

Option 5 – Current Model

State Council (25 members)
24 State Councillors
1 President

Zones (5 metro, 12 country)

Policy Teams / Forums / Committees

Principle & component		Principle alignment (Meets, partial, does not meet)	Discussion points
Representative	Composition	Meets	• State Council has equal metropolitan and country membership
	Size	Partial	• State Council will retain 25 members
	Diversity	Partial	• No control of diversity of State Council
	Election Process	Meets	• State Council election from zones
Responsive	Timely Decision Making	Partial	• Meeting frequency aligned to governing body roles
	Engaged Decision Making	Meets	• State Council meetings are aligned to zone meetings
	Agility	Partial	• State Council is not future proofed from external changes
Results Oriented	Focus	Partial	• Prioritisation and focus may remain a challenge
	Value Added Decision Making	Partial	• Best practice board approaches will not be adopted
	Continuous Improvement	Meets	• State Council would continue to be responsible for ongoing reviews of governance body roles in consultation with members

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Best Practice Governance Review

5. Consultation Process and Next Steps

WALGA Best Practice Governance Review

Consultation Process and Next Steps

Consultation Process

Council Position

Member Local Governments are asked to consider this paper and the governance model options put forward and provide a Council endorsed position to WALGA.

It is suggested that Councils endorse a preferred model (which could be the Current Model) and provide a ranking in terms of an order of preference.

Submissions to WALGA are sought by **23 December 2022**.

Supplementary Market Research

An independent market research company has been engaged to ascertain insights from Elected Members and Chief Executive Officers about WALGA's governance model. Qualitative interviews and a quantitative survey will be undertaken to supplement Council positions.

Workshops and Forums

Requests for presentations on the work undertaken by the Steering Committee and the model options, as well as facilitation of workshops and discussions will be accommodated where practicable.

Next Steps

Timetable

- Consultation and engagement with Members on this paper and governance model options will be undertaken from October 2022 until 23 December 2022.
- The Steering Committee will consider the outcomes of the consultation process during January 2023.
- A Final Report with a recommended direction will be the subject of a State Council Agenda item for the March 2023 State Council meeting.

WALGA

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Thank you

For more information, visit our website or contact Tim Lane, Manager Association and Corporate Governance, at tlane@walga.asn.au or 9213 2029.

13.2 USE OF CIVIC FACILITIES FOR CITIZENSHIP CEREMONIES 2023

Report Information

Location:	Not Applicable
Applicant:	Not Applicable
Reporting Officer:	Manager Governance
Business Unit:	Governance
Ward:	Not Applicable
Suburb:	Not Applicable

Authority/Discretion

Definition

☐	Advocacy	*when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☒	Executive	*the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☐	Legislative	*includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.*
☐	Quasi-Judicial	*when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*
☐	Information Purposes	*includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').*

Council Resolution

1122/017

Moved Councillor Proud, seconded Councillor Farrelly

That Council APPROVES the allocation of the 2023 Citizenship Ceremonies to Elected Members for the opening address.

The motion was put and declared CARRIED (13/0).

For: Councillors Creado, Farrelly, Ferrante, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Sandri, Thornton and Mayor Irwin.
Against: Nil.

Recommendation

That Council APPROVES the allocation of the 2023 Citizenship Ceremonies to Elected Members for the opening address.

Report Purpose

To report on the Citizenship Ceremonies to be held in 2023. This report seeks approval for the scheduled dates, which will enable adequate notification for Elected Members.

Relevant Documents

Attachments

Nil.

Available for viewing at meeting

Nil.

Background

The City has historically held Civic functions to:

- Engage with the community and stakeholders.
- Host networking events for Clubs, Organisations and Businesses.
- Recognise contributions made by members of the community, including volunteers.
- Conduct regular Citizenship Ceremonies.

These functions are held across the City's Civic Facilities. The Mayor approves Civic events under the City's policies. Whilst these events were previously approved by Council, the Mayor can now approve these events and formal approval is not required by Council.

This report now recommends the allocation of Citizenship Ceremonies for 2023.

Comment

Citizenship Ceremonies

The City receives requests from the Department of Home Affairs to host Citizenship Ceremonies. Formal ceremonies are held in the City's Reception Hall, processing up to 150 recipients at each ceremony. At each ceremony, members of Federal and State Parliament are invited to attend, along with Elected Members.

Details

Citizenship Ceremonies are predominately held on Wednesdays, unless stated otherwise. The proposed dates and Councillor allocation for the opening address are as follows:

Time:	Single Ceremonies: Ceremonies Commence at 6.00pm Double ceremonies: 1st Ceremony Commences at 5.30pm 2nd Ceremony commences at 7.30pm
Type of Function:	Finger food and non-alcoholic beverages are provided for guests.
Attendance:	Up to 150 recipients, plus Elected Members and guests.

To ensure a fair allocation of Citizenship Ceremonies to Elected Members, a schedule has been set for the opening address. Each 'even' year, the allocation will be by ward order alphabetically, and every 'odd' year, by reverse order.

A reserve list will be set up for those Elected Members who do not get a second opportunity within the year. The reserve list will be used when an Elected Member is unable to attend a ceremony. The opportunity will then be allocated to the Elected Members on the reserve list in the order in which they appear. For 2023 the reserve list will be as follows:

Proposed Citizenship Date	Opening Address	Note
Thursday, 26 January 2023	No opening address	'Australia Day'
Wednesday 8 February 2023	Councillor Thornton	
Wednesday 22 February 2023	Councillor Olow	
Wednesday 15 March 2023	Councillor Ferrante	
Wednesday 29 March 2023	Councillor Migdale	
Wednesday 12 April 2023	Councillor Lagan	
Wednesday 26 April 2023	Councillor Sandri	
Wednesday 24 May 2023	Councillor Hatton	Double Ceremony
Wednesday 7 June 2023	Councillor Perkov	
Wednesday 21 June 2023	Councillor Re	
Wednesday 26 July 2023	Councillor Farrelly	Double Ceremony
Wednesday 9 August 2023	Councillor Krsticevic	
Wednesday 30 August 2023	Councillor Elect - Balga Ward	Double Ceremony
Saturday 17 September 2023	Councillor Creado	'Citizenship Day'
Wednesday 22 November 2023	Councillor Thornton	
Wednesday 6 December 2023	Councillor Olow	Double Ceremony

2023 RESERVE LIST

- Councillor Ferrante
- Councillor Migdale
- Councillor Lagan
- Councillor Sandri
- Councillor Hatton
- Councillor Perkov
- Councillor Re
- Councillor Farrelly
- Councillor Krsticevic
- Councillor Elect - Balga Ward
- Councillor Creado
- Councillor Thornton
- Councillor Olow

Where Citizenship Ceremonies are unable to be held or are required to be rescheduled due to a lack of conferees or any other reason, the Mayor may shift the date.

Community Engagement Events

In accordance with the City's Events Policy, Community Engagement Events will be held throughout the year under the guidance and approval of the Mayor.

Consultation/Communication Implications

Nil.

Policy and Legislative Implications

The City's 'Civic Facilities Policy' and 'Elected Member and CEO Attendance at Events Policy' govern the approval of events.

Financial Implications

Citizenship Ceremonies are funded within existing budget allocations.

Strategic Implications

Key Result Area: Governance and Leadership

Outcome G1: Good governance

Sustainability Implications

The following tables outline the applicable sustainability issues for this proposal:-

ENVIRONMENTAL	
Issue	**Comment**
Nil.	

SOCIAL	
Issue	**Comment**
Community engagement	Hosting events allows the City to recognise and engage with a broad cross section of the City of Stirling community.

ECONOMIC	
Issue	**Comment**
Nil.	

Conclusion

It is recommended that the 2023 Citizenship Ceremony schedule be approved.

14. NOTICES OF MOTION FOR CONSIDERATION

'Notices of Motion for Consideration' include a brief report to assist Council in deciding to approve or not approve the Motion.

A further and more detailed report will be submitted at a future Ordinary Council meeting for Motions that are approved, in accordance with Clause 4.5(2)(c) of the City of Stirling Meeting Procedures Local Law 2021.

14.1 PROPOSED NOTICE OF MOTION - COUNCILLOR DAVID LAGAN - FEDERAL BUDGET IMPACTS ON LOCAL GOVERNMENT

Report Information

Location:	Not Applicable
Applicant:	Not Applicable
Reporting Officer:	Manager City Future
Business Unit:	City Future
Ward:	Not Applicable
Suburb:	City Wide

Council Resolution

1122/018

Moved Councillor Lagan, seconded Councillor Sandri

That a report is PRESENTED to Council outlining responses to the 2022/2023 Federal Budget with specific focus on local government impact and participation in the areas listed herein:

1. **Improving disaster prevention and resilience and supporting recovery efforts, specifically coastal erosion mitigation.**
2. **20,000 additional affordable homes delivered under the national Housing Accord, specifically local government participation and land releases or re-zoning.**
3. **30,000 affordable and social homes delivered via Housing Australia Future Fund returns, specifically local Council participation and or funding in the Social Housing Space.**

The motion was put and declared CARRIED (13/0).

For: Councillors Creado, Farrelly, Ferrante, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Sandri, Thornton and Mayor Irwin.
Against: Nil.

Notice of Motion Recommendation

That a report is PRESENTED to Council outlining responses to the 2022/2023 Federal Budget with specific focus on local government impact and participation in the areas listed herein:

1. Improving disaster prevention and resilience and supporting recovery efforts, specifically coastal erosion mitigation.
2. 20,000 additional affordable homes delivered under the national Housing Accord, specifically local government participation and land releases or re-zoning.
3. 30,000 affordable and social homes delivered via Housing Australia Future Fund returns, specifically local Council participation and or funding in the Social Housing Space.

Background

On 25 October 2022 the Federal Government handed down its 2022/2023 Budget, presented as a responsible Budget to deliver targeted cost of living relief and invest in Australia's future. The Budget included commitments to provide more affordable housing and to fund measures intended to prevent the impacts of natural disasters, such as floods and bushfires, details of which are summarised below.

Affordable Housing

The initiatives announced are intended to deliver 50,000 additional social and affordable housing properties over five years through several funding commitments including:

- Housing Australia Future Fund (HAFF) – 30,000 properties (20,000 social and 10,000 affordable) from 2024-2025. (HAFF capitalised with $10 billion).
- National Housing Infrastructure Fund (NHIF) – 10,000 affordable housing properties.
- State matching – 10,000 affordable housing properties.

A new national Housing Accord will be established to bring together States/Territories, Local Government, investors (such as superannuation funds) and representatives from the construction industry to facilitate delivery of one million new homes over five years from 2024.

The Housing Accord includes actions for all parties to support delivery of more affordable housing with an action for the Federal and State Government to identify suitable land to facilitate delivery of social and affordable housing opportunities in well located areas. The immediate action for the Australian Local Government Association is to work with State and Territory local government associations to advocate for a commitment from Australian Councils to support the delivery of social and affordable housing.

The City will liaise with the Western Australian Local Government Association to clarify the nature and form of commitment expected from Council and work with other local governments, developers and housing providers to investigate opportunities to facilitate delivery of affordable housing within the City.

Disaster Readiness

To better prepare for future disasters, the Federal Government will invest up to $200 million per year on prevention and resilience initiatives through the Disaster Ready Fund. The Fund will support projects such as flood levees, sea walls, cyclone shelters and fire breaks.

The City will investigate opportunities to apply for funding to undertake coastal defensive works in areas that have been the subject of coastal erosion over recent years. The City is preparing a Coastal Hazard Risk Management and Adaption Plan which will assist in identifying where these works are needed.

A report will be presented to a Community and Resources Committee meeting in early 2023 addressing the matters raised in the Notice of Motion with regards to the Federal Budget.

Financial Implications

Nil.

Strategic Implications

Key Result Area: Our Built Environment

Outcome: Create unique and liveable neighbourhoods and places

Providing a Council commitment to facilitate delivery of affordable housing within the City will facilitate diverse housing choice for our community.

Outcome: Ensure City assets meet current and future community needs

Undertaking works to protect the City's coastline will ensure that affected City assets are maintained and protected for the benefit of current and future community.

14.2 PROPOSED NOTICE OF MOTION - COUNCILLOR KARLO PERKOV - LAKE GWELUP CHARITY BINS

Report Information

Location:	Lake Gwelup
Applicant:	Not Applicable
Reporting Officer:	Manager Waste & Fleet
Business Unit:	Waste & Fleet
Ward:	Hamersley
Suburb:	Gwelup

Council Resolution

1122/019

Moved Councillor Perkov, seconded Councillor Krsticevic

1. That Council NOTES the information contained within this report.

2. That the Charity Clothing Bins on Council Controlled Land Policy be reviewed and PRESENTED to Council in March 2023.

The motion was put and declared CARRIED (13/0).

For: Councillors Creado, Farrelly, Ferrante, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Sandri, Thornton and Mayor Irwin.
Against: Nil.

Notice of Motion Recommendation

That a report be PRESENTED to Council identifying better suited locations within the City of Stirling for the removal and placement of the Lake Gwelup charity bins.

Background

Background Information/Reason for Motion (provided by Councillor Karlo Perkov)

"The City acknowledges the contribution which the charity providers create for the community with their clothing bins, but it has become abundantly clear that significant amounts of time and resources are spent between different City departments, charities, Police and local Councillors trying to stem the illegal dumping and foraging in this area."

Comment

There is a limited number of not-for-profit organisations that provide free community drop-off bins across the City for unwanted clothing items. The material collected within the Clothing Bins contributes to providing work programs for the disabled community and provides the wider under privileged community with low-cost retail outlets for recycled items. In addition to the social benefits, the unwanted material provides a significant reduction to the amount of textile waste sent to landfill each year.

The volumes retrieved from Clothing Bins contribute to 56% of all total recoverable material recycled for re-use through the Charitable retail outlets. The Clothing Bins are deemed pivotal to the Charity's ongoing efforts to support community relief outcomes.

Each year, there are over 20 tonnes of unwanted clothing waste retrieved from bins located within the City of Stirling. This material is collected, processed, and recycled for wider community benefits and sustainability outcomes.

Despite significant efforts made by the administration, local authorities and the charity organisations, there has been repeated instances of vandalism and illegal dumping occurring on the bins located within the Lake Gwelup Reserve.

Due to the number of instances, the charity organisations have agreed to remove the bins from Lake Gwelup from 11 November 2022.

Any suitable replacement location will be reviewed in line with the City's 'Charity Clothing Bins on Council Controlled Land Policy' which includes any approval being subject to the City of Stirling planning requirements and being issued in the form of a permit.

The approval for the placement of a clothing bin will be for a period of up to one year and subject to an annual review by both parties. Either party can nominate to remove or retrieve a bin with seven days written notice.

It is proposed that the updated Policy will be presented to Council for endorsement in March 2023.

Officer Alternative Recommendation

1. That Council NOTES the information contained within this report.

2. That the Charity Clothing Bins on Council Controlled Land Policy be reviewed and PRESENTED to Council in March 2023.

Financial Implications

Nil

Strategic Implications

Key Result Area: Our natural environment

Outcome: A water-wise City

The charity clothing bins remove significant quantities of textile materials that would otherwise be disposed of in landfill.

The following proposed Notices of Motion were submitted at or prior to the Council meeting, outside of the minimum five day notice, as required under clause 4.5(2)(b) of the City of Stirling Meeting Procedures Local Law 2021.

At the next Ordinary Council meeting, the proposed Notices of Motion will be considered, and a further and more detailed report will be submitted at a future Ordinary Council meeting for Motions that are approved, in accordance with Clause 4.5(2)(c) of the City of Stirling Meeting Procedures Local Law 2021.

14.3 PROPOSED NOTICE OF MOTION - COUNCILLOR BIANCA SANDRI - ON DEMAND SKIP BIN FOR ALTERNATIVE RUBBISH TYPES

Councillor Bianca Sandri submitted the following proposed Notice of Motion at the Council meeting held 15 November 2022.

Notice of Motion Recommendation

That a report be PRESENTED to Council identifying options for a second type of skip bin on demand to allow alternative rubbish like building material.

14.4 PROPOSED NOTICE OF MOTION - COUNCILLOR FELICITY FARRELLY - SOUTH TRIGG CAR PARK

Councillor Felicity Farrelly submitted the following Notice of Motion at the Council meeting held 15 November 2022.

Notice of Motion Recommendation

That the City COMMUNICATES with Main Roads WA on the feasibility of opening up the left turn out of South Trigg car park on to West Coast Highway, and that a report be PRESENTED to Council with the outcomes.

Reason for Motion

By creating another exit, cars will not be forced back into congested car parks and along West Coast Drive or up Karrinyup Road.

14.5 PROPOSED NOTICE OF MOTION - COUNCILLOR FELICITY FARRELLY - FORMALISED CAR BAYS, WEST COAST DRIVE

Councillor Felicity Farrelly submitted the following Notice of Motion at the Council meeting held 15 November 2022.

Notice of Motion Recommendation

That the City PREPARES costings and feasibility of formalising car bays along the Trigg esplanade to protect dunes and green corridors, and provide a safer alternative to the current situation.

14.6 PROPOSED NOTICE OF MOTION - COUNCILLOR DAVID LAGAN - SECURITY CAMERA TRAILERS

Councillor David Lagan submitted the following Notice of Motion at the Council meeting held 15 November 2022.

Notice of Motion Recommendation

That a report be PRESENTED to Council prior to mid-year Budget Review for the purchase of two additional security camera trailers using funds available from existing reserves.

15. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

15.1 QUESTION ON NOTICE - COUNCILLOR ELIZABETH RE

Councillor Elizabeth Re previously submitted the following question prior to the Council meeting held 15 November 2022:

Q2. *"Bennett Park Club Rooms Refurbishment - that an update be provided on the progress of the opening of Bennett Park club rooms including the reasons for the delay in the opening and the financial costings as per the council resolution of years ago."*

A2. The opening was due to be held in late 2022 once some further 'improvements' to the balustrading were complete however, given availability of possible dates, this will now occur in early 2023 to recognise the City's contribution to the project. The works have been delayed due to lack of availability of contractors to complete the additional works at a reasonable price and timeframe to both the Club and City's satisfaction.

The total project cost was $1,727,241 with $29,846 of balustrade improvement works to take place shortly.

Additional Information – 15 November 2022

Practical completion on Bennett Park Clubrooms was achieved in July 2021. At that stage, no formal process for official openings was in place and it was overlooked.

In response to this oversight, the City has since developed a Management Practice for celebrating such projects to ensure opening events are actioned consistently.

The opening was due to be held in late 2022 once some further improvements to the balustrading were complete, however given availability of mutually convenient dates, this will now occur in early 2023. This will recognise the City's contribution to the project.

15.2 QUESTION ON NOTICE - COUNCILLOR STEPHANIE PROUD JP

Councillor Stephanie Proud JP submitted the following question prior to the Council meeting held 15 November 2022:

Q1. *"Of the 32 approved Child Care Centres (listed in the Council Agenda 25/10/22 – Page 241) how many complaints has the City received for those that are currently operational?"*

A1. The information provided to Council previously has been reviewed, and the City's officers confirm that there have been 29 Child Care Premises approved in the last five years.

The City's officers have reviewed the City's records and advise that:

- Of the 29 applications approved, 20 are operational.
- The City has not received any complaints for these operating Child Care Premises.

A complete analysis of Child Care Premises approved in the last five years, including the number of children approved in each centre and a summary of public consultation for each, will be provided to Council when the outcomes of the review of the Child Care Premises Local Planning Policy is presented to Council in December this year.

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16. NEW BUSINESS OF AN URGENT NATURE

Nil.

17. MATTERS BEHIND CLOSED DOORS

Council Resolution

1122/020

Moved Councillor Krsticevic, seconded Councillor Olow

That item 13.3 - Tamala Park Regional Council - Landholdings be CONSIDERED Behind Closed Doors in accordance with Section 5.23(2)(e(ii)) of the *Local Government Act 1995* , which permits the meeting to be closed to the public for business relating to the following:-

(e(ii)) information that has a commercial value to a person.

The motion was put and declared CARRIED (13/0).

For: Councillors Creado, Farrelly, Ferrante, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Sandri, Thornton and Mayor Irwin.
Against: Nil.

At 7.32pm, the meeting was closed to the public, and all employees who were not required left the meeting prior to consideration of Item 17.1.

17.1 TAMALA PARK REGIONAL COUNCIL - LANDHOLDINGS

Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 5.23(2)(e(ii)) of the *Local Government Act 1995* , which permits the meeting to be closed to the public for business relating to the following:

(e) a matter that if disclosed, would reveal -
(ii) information that has a commercial value to a person

Report Information

Location	Tamala Park Regional Council landholdings
Applicant:	Not Applicable
Reporting Officer:	Manager Commercial Portfolio
Business Unit:	Property and Commercial Services
Ward:	Not Applicable
Suburb:	Not Applicable

Council Resolution

1122/021

Moved Councillor Sandri, seconded Councillor Migdale

That Council PROCEEDS with the confidential recommendation as outlined in the conclusion of this report.

The motion was put and declared CARRIED (13/0).

For: Councillors Creado, Farrelly, Ferrante, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Sandri, Thornton and Mayor Irwin.
Against: Nil.

Council Resolution

1122/022

Moved Councillor Migdale, seconded Councillor Krsticevic

That the Meeting be REOPENED to the public.

The motion was put and declared CARRIED (13/0).

For: Councillors Creado, Farrelly, Ferrante, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Sandri, Thornton and Mayor Irwin.
Against: Nil.

At 7.43pm, the meeting was reopened to the public.

18. CLOSURE

The Presiding Member declared the meeting closed at 7.44pm

These minutes were confirmed as a true and correct record of proceedings on:

……/……/ 2022

SIGNED:

Presiding Member Name: ……..

PRESIDING MEMBER