



Ordinary Meeting of the 40th Council 15 February 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 February 2022 in the City of Stirling Council Chamber, 25 Cedric Street, Stirling.

Stuart Jardine PSM | Chief Executive Officer

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
1.	OFFICIAL OPENING	4
2.	ATTENDANCE AND APOLOGIES.....	5
3.	APPROVED LEAVE OF ABSENCE.....	6
4.	DISCLOSURES OF INTEREST.....	6
5.	PETITIONS.....	7
5.1	PETITION - RETENTION OF THE NAME CITY OF STIRLING.....	7
6.	RESPONSES TO PREVIOUS QUESTIONS FROM MEMBERS OF THE PUBLIC TAKEN ON NOTICE.....	8
7.	PUBLIC QUESTION TIME	9
7.1	PUBLIC QUESTION TIME - L JACK	9
7.2	PUBLIC QUESTION TIME - L EAMES-SPRINGHAM.....	10
7.3	PUBLIC QUESTION TIME - K HILL.....	11
7.4	PUBLIC QUESTION TIME - A CASSIAN.....	12
7.5	PUBLIC QUESTION TIME - S MIDDLETON.....	13
7.6	PUBLIC QUESTION TIME - R HADLEY	14
7.7	PUBLIC QUESTION TIME - S WHEELER	16
7.8	PUBLIC QUESTION TIME - K KELLY	17
7.9	PUBLIC QUESTION TIME - R MITCHELL.....	18
7.10	PUBLIC QUESTION TIME - A DAVIES	19
7.11	PUBLIC QUESTION TIME - K KILBANE.....	21
7.12	PUBLIC QUESTION TIME - G KYRON	22
7.13	PUBLIC QUESTION TIME - J LUNDY	23
8.	APPLICATIONS FOR LEAVE OF ABSENCE	24
9.	CONFIRMATION OF MINUTES	24
10.	ANNOUNCEMENTS BY THE PRESIDING MEMBER.....	25
10.1	PASSING OF TROY PICKARD	25
11.	UNRESOLVED BUSINESS FROM PREVIOUS MEETING	25
12.	REPORTS AND RECOMMENDATIONS OF COMMITTEES.....	26
12.1	PLANNING AND DEVELOPMENT COMMITTEE - 8 FEBRUARY 2022	26
12.1/DS1	LOCAL PLANNING SCHEME NO.3 AMENDMENT NO.124 - SCARBOROUGH REDEVELOPMENT AREA -	

	TRANSFER OF PLANNING CONTROL OF THE SCARBOROUGH REDEVELOPMENT AREA INTO LOCAL PLANNING SCHEME NO.3 - INITIATION.....	26
12.1/DS4	LOT 3, HOUSE NUMBER 34, CLIFTON CRESCENT, MOUNT LAWLEY - AMENDMENTS TO CONDITIONS OF APPROVAL OF EXISTING CHILD CARE PREMISES	57
12.1/DS2	LOCAL PLANNING POLICY 6.15 - EXEMPTION FROM REQUIRING DEVELOPMENT APPROVAL - ADOPTION	78
12.1/DS3	PLANNING FOR TOURISM AND ASSOCIATED GUIDELINES DRAFT POSITION STATEMENT - PROPOSED SUBMISSION.....	102
12.1/CF1	OUTCOMES OF PUBLIC ADVERTISING FOR THE ECONOMIC AND TOURISM DEVELOPMENT STRATEGY 2021-2025	111
12.1/PRSE1	NEW LICENCE OVER PORTION OF LOT 7366, HOUSE NUMBER 1, STANCLIFFE STREET, MOUNT LAWLEY TO THE INGLEWOOD MOUNT LAWLEY COMMUNITY GARDEN INC	171
13.	REPORTS FOR CONSIDERATION IN ACCORDANCE WITH CLAUSE 4.2(4) OF THE MEETING PROCEDURES LOCAL LAW 2021	179
13.1	LOCAL GOVERNMENT ACT 1995 - SUBMISSION ON PROPOSED REFORMS	179
13.2	ANNUAL REPORT 2020/2021 FOR CONSIDERATION.....	338
13.3	NOTICE OF MOTION - COUNCILLOR FELICITY FARRELLY - WALKING AND CYCLING PATH SAFETY BETWEEN SCARBOROUGH BEACH AND TRIGG	343
14.	NOTICES OF MOTION FOR CONSIDERATION.....	354
15.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	355
15.1	QUESTIONS ON NOTICE - COUNCILLOR ELIZABETH RE	355
16.	NEW BUSINESS OF AN URGENT NATURE.....	357
17.	MATTERS BEHIND CLOSED DOORS	357
17.1	MEETING PROCEDURES LOCAL LAW 2021	358
18.	CLOSURE	359

**MINUTES OF THE ORDINARY MEETING OF COUNCIL OF TUESDAY 15
FEBRUARY 2022 HELD IN CITY OF STIRLING COUNCIL CHAMBER, 25 CEDRIC
STREET, STIRLING**

Due to COVID-19 circumstances, Mayor Mark Irwin approved minor procedural amendments to the conduct of Council and Committee meetings, including the remote attendance of the following Councillors:

- *Councillor Joe Ferrante.*
- *Councillor Suzanne Migdale.*
- *Councillor Stephanie Proud JP.*

1. OFFICIAL OPENING

The Presiding Member declared the Ordinary Meeting of Council open at 6.31pm.

2. ATTENDANCE AND APOLOGIES

ATTENDANCE

Mayor	Mayor Mark Irwin
Deputy	Councillor Stephanie Proud JP (via Zoom)
Councillors	Councillor Andrea Creado Councillor Felicity Farrelly Councillor Joe Ferrante (via Zoom) Councillor Chris Hatton (from 6.35pm) Councillor Tony Krsticevic Councillor David Lagan Councillor Suzanne Migdale (via Zoom) Councillor Teresa Olow Councillor Karlo Perkovic Councillor Elizabeth Re Councillor Keith Sargent 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 - Michael Littleton Director Planning and Development - Stevan Rodic Manager City Future - Fraser Henderson Manager Development Services - Amanda Sheers Manager Governance - Jamie Blanchard Service Lead - Strategy and Policy - Michelle Wolsoncroft Acting Service Lead Marketing and Communications - Caitlin Tiller Senior Development Engagement Officer - Remo Formato Senior Governance Advisor - Daniel Govus Senior Governance Officer - Amorette Kerklaan Senior Governance Officer - Regan Clyde Senior Governance Officer - Jackson Mawby Senior Strategic Planning Officer - Projects - Gareth Glanville
Public	11
Press	0

APOLOGIES

Nil.

3. APPROVED LEAVE OF ABSENCE

Nil.

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.

Planning and Development Committee – 8 February 2022

Mayor Mark Irwin disclosed an Impartial Interest in Item DS1 as his mother lives on the boundary of the Redevelopment Area.

Councillor Bianca Sandri disclosed an Impartial Interest in Item DS1 as she is an LRC Member.

Councillor David Lagan disclosed an Impartial Interest in Item DS4 as he has spoken to the applicant on a number of occasions.

Councillor David Lagan disclosed an Impartial Interest in Item PRSE1 as he is a social member of the Mount Lawley Inglewood Community Garden.

Councillor Bianca Sandri disclosed an Impartial Interest in Item PRSE1 as she is a social member of the Club.

Councillor Felicity Farrelly disclosed an Impartial Interest in the Masterplan Scarborough Area unless otherwise stated – she owns property on Scarborough Beach Road, Scarborough and has an interest in a deceased estate on Brighton Road, Scarborough.

Council – 15 February 2022

Councillor Felicity Farrelly disclosed a Financial Interest in Item 12.1/DS1 as she owns property on Scarborough Beach Road, Scarborough and has an interest in a deceased estate on Brighton Road, Scarborough, and the DCP is a financial vehicle.

At 6.35pm, Councillor Chris Hatton arrived at the meeting during consideration of Item 5.

5. PETITIONS

5.1 PETITION - RETENTION OF THE NAME CITY OF STIRLING

Councillor Elizabeth Re tabled the following Petition, adding an additional 90 verified signatures to identical Petitions tabled at the Council meetings held 28 September 2021 and 12 October 2021:

"We, the undersigned, do respectfully request that the Council:

The City of Stirling Council formally pass a motion that the City of Stirling confirms that the name of City of Stirling shall remain for perpetuity for the following reasons:-

- *The cultural significance aligned to the people who have lived and have called City of Stirling and the suburb of Stirling and their stress address Stirling their home and place.*
- *The huge financial interest that will be placed upon the ratepayers and residents of the City of Stirling if the name Stirling was changed on all crests, buildings, roads facilities etc.*
- *The name of Stirling is associated with different number of innocent people and places etc today and in the past, who have contributed to the history of Australia and in the world and these people should be respected and their history and values not lost or compromised."*

The Petition has been forwarded to the Community Services Business Unit.

Council Resolution

0222/001

Moved Councillor Re, seconded Councillor Perkov

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

The motion was put and declared CARRIED (15/0).

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

Against: Nil.

**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.

Nil.

7. PUBLIC QUESTION TIME

7.1 PUBLIC QUESTION TIME - L JACK

The following questions were submitted by L Jack, Karrinyup, at the Council Meeting held Tuesday, 15 February 2022.

The following questions refer to the Mount Lawley Golf Club's 2015 Masterplan.

- Q1. *"Do City of Stirling officers have delegated authority to approve multi-million-dollar Masterplans for A-Class reserves/Public Open Space on Crown land that are vested in the City, such as the 2015 Masterplan that is being implemented by the Mount Lawley Golf Club? If so, where is that authority stated and what does it say exactly? It is not mentioned in the Delegated Authority Register."*
- A1. The Director Infrastructure advised that the Draft Tree Management Plan and the Golf Course Masterplan are currently under review by the Club. The Mount Lawley Golf Club has sought to engage with the City, and also with Council, on their progress of these documents. An invitation has been forwarded to Council for a workshop where further detail on both of these strategies will be presented for Council's consideration.
- Q2. *"It is the role of CEOs to provide decision makers (Councillors) with all relevant information on items that come before them so they can make informed decisions. So, why weren't Councillors shown the Mount Lawley Golf Club's 2015 Masterplan, which is already being implemented, including the clearing and so on to create the 19th hole, especially before they voted last August to extend the Club's lease from June 2029 to June 2044?"*
- A2. The Director Infrastructure advised that Council endorsed a lease extension for the Mount Lawley Golf Club in recognition of the substantial investment that the Club had made into the course, the surrounding reserve and the facilities that support the Club activities and also in response to a need for further capital investment proposed by the club.
- Q3. *"Was an approval ever issued to the Mount Lawley Golf Club, to commence work on the 19th hole which was the first part of their Masterplan which is clearly stated by the Club? And if so, on what date and on whose authority?"*
- A3. The Director Infrastructure advised that the question would be taken on notice and a written response provided.

Additional Information

- A3. A clearing permit was issued on 18 May 2017 by the Department of Environmental Regulation for the 19th Hole construction. Comments on the assessment of that project include the following:

“The application is for the proposed clearing of 0.16ha of native vegetation for the purpose of relocating the 19th hole. Consideration has been given to impacts relating to biodiversity, significant fauna habitat, rare flora, threatened ecological species, remnant vegetation values, wetlands, watercourses, land degradation, conservation areas, surface water quality, groundwater quality and flooding. The assessment has found that the proposed clearing is not likely to be at variance to any of the clearing principles. The City of Stirling (2017) has advised that the understory in the application area is composed of weeds.”

7.2 PUBLIC QUESTION TIME - L EAMES-SPRINGHAM

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

The following questions refer to tree removal at Mount Lawley Golf Club.

- Q1. *“Which tree policy documents and criteria does the City of Stirling use to determine why a tree would be allowed to be cut down, and will the same documents and criteria be used to evaluate the 554 trees that have been ear marked for removal by Mount Lawley Golf Club?”*
- A1. The Director Infrastructure advised that the City would consider the following documents: Street and Reserve Tree Policy; Urban Forest Plan; Biodiversity Strategy; and the Mount Lawley Golf Course Lease Agreement. The City understands that the Draft Tree Management Plan prepared by Mount Lawley Golf Club proposes approximately 550 tree removals over a 15 year period, being offset by in excess of 8,000 new trees planted and 30,000 shrubs and ground covers also being planted. It is important to acknowledge that the Draft Tree Management Plan is currently under review and the City is providing input into that process.
- Q2. *“Were tree removal applications submitted to the Council by Mount Lawley Golf Club for the 64 large canopied trees that were cut down in 2020/2021 and were permits issued? If so, who from Council would have approved and authorised the removals?”*
- A2. The Director Infrastructure advised that the City acknowledged that 64 non-endemic tree species have been removed by the Mount Lawley Golf Club over the last two years. The Mount Lawley Golf Club have been working with the City’s officers and the Friends of Inglewood Triangle to improve the natural biodiversity and conservation values of the course and to date have planted 9,000 endemic trees and shrubs including 2,700 high value tree species. Tree removal applications are determined by Council’s delegate for trees, which is the Manager Parks and Sustainability. The City understands that only non-endemic trees dangerous or detrimental to playing areas have been removed.

- Q3. *"The Arbor Carbon Survey dated October 2020 recommended the removal of 39 high risk and dead trees. As of 24 January 2022, only seven had been removed, when 64 have been felled. An email to the general manager of Mount Lawley Golf Club on 31 January asked how the priorities of the removals were done. I received an email response yesterday. Does Council know how Mount Lawley Golf Club prioritises tree removals?"*
- A3. The Director Infrastructure advised that whilst the Tree Management Plan is currently under review (and until that Plan is agreed), the Mount Lawley Golf Club will focus solely on the high risk tree removals and pruning highlighted in the Arbor Carbon report. It is important to acknowledge that until the Draft Tree Management Plan is reviewed and agreed that is what will happen going forward.
- Q4. *"At present, 15 months later there are still two high risk trees on the course and other trees are being removed prior to the high risk trees."*
- A4. The Director Infrastructure advised that the City would look into this and the Mayor added that the City would follow up on this information.

7.3 PUBLIC QUESTION TIME - K HILL

The following questions were submitted by K Hill, Menora 6050 at the Council Meeting held Tuesday 15 February 2022.

The following questions refer to tree removal at Mount Lawley Golf Club.

- Q1. *"Mount Lawley Golf Club has two documents titled 'Draft 15 Year Maintenance Plan'. Has Council seen the 40 page hole by hole aerial view of the proposed tree removals dated 14 January 2022 as well as the two page document with the same name?"*
- A1. The Director Infrastructure advised that the City received this today and understands that the documents have been developed by the Club to inform members of the tree and bushland management initiatives and proposals. The City is of the understanding that this was the purpose of the Club preparing these documents.
- Q2. *"Is Council aware that neither the proposed Course Master Plan and the Tree Maintenance Plan has not been approved by members of Mount Lawley Golf club?"*
- A2. The Mayor advised that this matter should be directed to the Mount Lawley Golf Club. He added that the City has taken on board the feedback it has been receiving and has requested an urgent meeting with the Club.

7.4 PUBLIC QUESTION TIME - A CASSIAN

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

The following questions refer to tree removal at Mount Lawley Golf Club.

Q1. *“Why are the 2057 (native and non-native) trees identified by Arbor Carbon – the Arborist in the Tree Survey Data Spreadsheet, not tagged with corresponding Tree ID numbers on the golf course, as these trees are a valuable asset to this public A Class Reserve, as well as the City’s Urban Forest Plan which ensures the importance of tree species diversity?”*

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

Q2. *“How are trees prioritised for removal? The Arbor Carbon Report identified and recommended 39 high risk trees, 34 trees requiring pruning of hanging dead wood, which posed a safety risk to members in their October 2020 report. Yet only 11 trees of the 64 already removed were considered high risk, the remaining 53 were not. These are in addition to the 550 scheduled for removal.*

How, now (16 months later) in February 2022 these high risk trees and those with hanging dead wood, are being removed and yet members still do not know where these trees are located on the golf course as no tree is tagged, which still poses a huge risk to members?”

A2. The Mayor advised that this will be followed up, adding it is the City’s understanding that the Club should be prioritising these trees and that none of the other trees will be felled until Council sees this.

Q3. *“How does a Draft 15 Year Tree Maintenance Plan, maintain trees, when in fact these 550 trees and their canopy will be removed from Mount Lawley Golf Course that currently has tree-lined fairways for the past 50 years? All new plantings of small trees and shrubs will now be located only in bushland area zones. It appears that the current Tree Maintenance Plan is actually a tree removal plan.”*

A3. The Director Infrastructure advised that the Draft Tree Management Plan is under review, the Mount Lawley Golf Club has sought to engage with the City and with Council directly on how, moving forward, a great golf course can be achieved as well as improving the urban canopy and improving the natural biodiversity of the golf course.

Additional Information

A1. The City expects all trees proposed to be removed by the Club to be suitably tagged to allow members to reference back to the arboriculture report.

7.5 PUBLIC QUESTION TIME - S MIDDLETON

The following questions were submitted by S Middleton, Dianella 6059 at the Council Meeting held Tuesday 15 February 2022.

The following questions refer to tree removal at Mount Lawley Golf Club.

- Q1. *“Can you please explain how and why 550 trees are being targeted for removal from the Mount Lawley Golf Course? This dialogue with the Council, with our concerns for our trees, commenced mid 2021 and already the tree lined golf course is now getting sparser?”*
- A1. The Mayor advised that the Mount Lawley Golf Club will be presenting their Masterplan to Council shortly.
- Q2. *“Does the Council consider the removal of 550 trees with large canopies from an “A” Class Reserve to be a ‘Major Development’ that will affect the whole City’s community and adversely impact on the City’s Urban Forest Plan to increase tree canopy from 12 - 18%?”*
- A2. The Director Infrastructure advised that the question needs to be understood in the context of which the Tree Management Plan is intended and will be carried out. It is important to remember that it is a Draft Tree Management Plan, however it is a 15 year strategy and it does include a substantial amount of renewal with improvements to the urban canopy. It is important to balance the natural biodiversity and the improvements sought more broadly from an urban forest as well as the recreational reserve use that its members have grown to appreciate. This will be the goal as the Draft Tree Management Plan and the Golf Course Masterplan are worked through with the Mount Lawley Golf Club.
- Q3. *“Is the Council aware that it seems a lot of the removals are coinciding with the Mount Lawley Golf Club Master Plan (that has not been signed off by the Architect and is definitely not approved yet?) - i.e. trees and shrubs have been removed already for linkways between holes, which is definitely related to the unapproved Masterplan 2015.”*
- A3. The Director Infrastructure advised that the City is reviewing the extent of removal. The City is aware that the Masterplan is not finalised and the Golf Course Architect has been unable to complete the Masterplan. The Masterplan should be complete and endorsed and then the tree management plan should support the Masterplan; those are the sorts of things that would be worked through with the Club during the consultation.

In accordance with clause 5.2(14) of the Meeting Procedures Local Law 2021, Mayor Mark Irwin ruled to extend Public Question Time.

7.6 PUBLIC QUESTION TIME - R HADLEY

The following questions were submitted by R Hadley, Woodlands 6018 at the Council Meeting held Tuesday 15 February 2022.

- Q1. *"At Public Question Time there are occasions when information is not readily available. Council then arranges to send a written reply. As all written replies are not included in the minutes - as it may take some time to formulate an answer - ratepayers are not always aware of the outcome. Therefore, I ask the Council to provide supplementary minutes in future."*
- A1. The Manager Governance advised that where a question is taken on notice and the response is not included in the minutes of that meeting, it will appear on the agenda for the following meeting. As such, the answers will always be in the public arena.
- Q2. *"Previously I have queried the cost of repairs of the Council vehicles in comparison to the budgeted figures. Can the Council advise how many vehicles have been sent for repair in the previous financial year, the total cost and was the amount within the budget figure? Similarly for this current financial year."*
- A2. The Mayor advised that the question would be taken on notice and a written response provided.
- Q3. *"Why is the agenda for the Council meeting not made available at least four weekdays prior to the meeting?"*
- A3. The Mayor advised that this is not possible as many of the items go through the committee meeting held the prior week, and other direct items are added to the agenda, which is then reviewed. There is no possible way this could be available four weekdays prior to the meeting.
- Q4. *"But surely it is possible because a lot of the information on your previous meeting is simply being transferred across?"*
- A4. The Mayor advised that there are usually other items that appear on the agenda as well, requiring review and discussion prior to publication. Four working days prior to the Council meeting would mean the agenda would have to be available the day after the committee meeting, which is not a feasible timeframe.

Additional Information

- A2. The City's fleet vehicles are insured under the motor vehicle policy and the cost of vehicle repairs will therefore be limited to the amount of the insurance excess. The excess may be recovered from another party and the table below includes the net cost to the City after the recovery. The net cost of repair is charged to the operating cost of the relevant vehicle which includes other costs. There is therefore no specific budget for the cost of repairs, however fleet costs are generally in line with budgets.

Year	Period	Number of Vehicles	Repair Cost	Insurance Excess Recovered	Net Cost	Number of Insurance Recoveries
2020/21	12 months	156	\$263,850	(\$55,407)	\$208,443	21
2021/22	6 months	44	\$80,354	(\$4,625)	\$75,729	24

7.7 PUBLIC QUESTION TIME - S WHEELER

The following questions were submitted by S Wheeler, Scarborough 6019 at the Council Meeting held Tuesday 15 February 2022.

Q1. *"In relation to Item 12.1/DS1, in the attachments talking about the Development Contribution Plan, there is a worked example of eight storeys and how much money comes back to the City from an eight storey development. Now I have looked at the 12 storey one and done the same calculations, and the 12 storey development in the zone would return about \$101,000. If the City votes for the proposed Development Contribution Plan tonight what would the total windfall for the City be on let's say a 44 storey development on the same 100m² block as per the example?"*

A1. The Director Planning and Development advised that it would be the same amount as the 12 storey height limit. A 44 storey building could be considered technically in any of those areas but in terms of Mr Wheeler's question, if a 44 storey building was situated within the 12 storey base height limit area, it would be subject to a contribution rate of \$100.93 per square metre of site area.

Mr Wheeler further queried "So for 44 storeys, the contributions would be exactly the same as for 12?"

The Mayor confirmed that this was correct.

Q2. *"My understanding from previous meetings was that if the City tries to alter the DCP, that this will increase the timeframe for normalisation, that you can't just go chopping and changing it, which none of us want. We do not want to increase the timeframes. But the proposed DCP tonight includes removal of the works in-kind provisions. So if this provision can be altered, why can't other changes be altered to stop the silliness I was just speaking of?"*

A2. The Mayor advised that it was more complex than that, adding that the normalisation can still occur without the DCP coming across but that then the City wouldn't have the ability to collect the development contributions. It would not delay the normalisation if that was delayed.

The Director Planning and Development advised that as part of this proposal it is recommended that the works in-kind component of the DCP be removed. It is up to the Department of Planning to determine whether or not they will support that. The City could review how the DCP is calculated and have those discussions with Development WA, however this would require substantial work and while it is possible to change a DCP midway through a redevelopment area, it is probably not the best planning outcome. It should go through a rigorous planning exercise with consideration into how the future DCP could work for the area and that is the premise of taking the DCP over as it is. Normalisation would best be described as changing the decision maker, not the planning framework (including the DCP). The City is of the opinion that the minor change to the DCP by removing the works in-kind component makes sense, however the Department of Planning may or may not support this change.

Q3. In accordance with Regulation 7 of the Local Government (Administration) Regulations 1996, the Mayor ruled the question out of order and it was not responded to.

7.8 PUBLIC QUESTION TIME - K KELLY

The following questions were submitted by K Kelly, Scarborough 6019 at the Council Meeting held Tuesday 15 February 2022.

- Q1. In accordance with Regulation 7 of the Local Government (Administration) Regulations 1996, the Mayor ruled the question out of order and it was not responded to.
- Q2. *“Will the Council have a public meeting regarding the trench through West Coast Highway? I know the submissions close within a couple of weeks. So will the Mayor consider that the Council will conduct a public meeting as part of a public consultation relating to the West Coast Highway Trench proposal? If this is so, would the Council be able to arrange the Main Roads engineers and other appropriate State staff, Local State Member for Scarborough, the State Minister for Transport, the Mayor and the Coastal Ward Councillors from the City of Stirling, City of Stirling staff that are to be engaged in that trench consultation and any independent traffic consultants?”*
- A2. The Mayor advised that the City would be happy to facilitate this, adding that this is not a City of Stirling project.

The Director Planning and Development advised that the officers would be happy to meet with any members of the community to discuss the proposal. At the moment, the community is providing feedback through the Main Roads consultation process. The City's officers are in discussion with Main Roads. The City provided a report to Council in September last year about the purpose of this consultation, which was to engage the community on a trench concept for the purposes of identifying a road widening reservation along West Coast Highway. The City is happy to look at what meeting could be facilitated. Whether or not Main Roads will be on board, as well as the other political members suggested remains to be seen.

- Q3. *“In regards to a house on the corner of Little Street and Newborough Street – it has been in the phase of being built for the last probably two years, with no action whatsoever on that house. The reply was that they had spoken to the owner and the builder and that work was going to be almost completed within three months. Can I just let Council know that no work has been done whatsoever on that house?”*
- A3. The Director Planning and Development advised that the City has been in discussions with the builder, and the owner is currently seeking a re-evaluation of the property in order for the builder to complete those works. The City's last discussions with the builder were approximately two weeks ago and a reply is expected by mid-March from the builder on when works will continue on site. The City is monitoring the site and as you would be aware, it is now a lot tidier than what it was in terms of what is on the verge. The condition of the building itself is being monitored.

7.9 PUBLIC QUESTION TIME - R MITCHELL

The following question was submitted by R Mitchell, Karringup 6018 at the Council Meeting held Tuesday 7 December 2021.

Q1. *"Has the Council progressed the establishment of a City of Stirling Performing Arts Centre?"*

A1. The Director Community Development advised that the City is completing a community infrastructure plan this year for the Stirling City Centre that specifically includes the investigation of a performing arts centre. That was put forward by Councillor Re and Councillor Spagnolo. This is about to proceed and shall be completed by the middle of this year.

7.10 PUBLIC QUESTION TIME - A DAVIES

The following questions were submitted by A Davies, Karrinyup 6018 at the Council Meeting held Tuesday 15 February 2022.

Q1. *"What is the anticipated cost to the ratepayers for the methane gas continuing to emit from the old Hertha Road Tip?"*

A1. The Director Infrastructure advised that the landfill at Hertha is old, so the majority of waste would have decomposed, which would reduce the amount of methane gas being generated by that site. It has been a capped landfill, so while there may be some migration of methane out of the site, there is no cost other than in carbon emissions and methane being lost into the atmosphere. There is no direct financial cost and the generation of methane would be fairly minimal.

Q2. *"How many ratepayers in the City of Stirling are not on the computers?"*

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

Q3. *"Why were the people who participated in the redevelopment of the Karrinyup Library Activity Centre not advised the redevelopment would or could result in the property being sold off and a strong likelihood that a library would not be built on the site? This was a warning given to the Council in about 2016 by the former Planning Director."*

A3. The Mayor advised that he was not sure what the question was, stating that a site can always be sold off, but that there were no current plans to change the library.

Mr Davies added "There were activity discussions held on 27 October. The people who participated in those discussions weren't advised that there was a likelihood that the redevelopment would be done by an outside body rather than the City of Stirling - that it would no longer become the property of the City of Stirling."

The Mayor advised that this was not correct and that there were no current plans for this City of Stirling owned land to be transferred to anyone or sold off.

Mr Davies added "The CEO was authorised in, I think it was 2017, to enter into negotiations to dispose of the library site. I was at the meeting when that happened and I have questions about the amount of money that was involved."

The Mayor confirmed that no plans or negotiations have occurred, and advised that clarification would be provided in writing.

Additional Information

- A2. Based on Australian Bureau of Statistics 2016 census data, 84.1% of people within Stirling have internet access from their home. That access could be through a desktop/laptop computer, mobile or smart phone, tablet, gaming console, smart TV or other similar device.

While the City has increased its use of digital communications over recent years it is noted that some residents do not have computer access and/or prefer to receive information in more traditional, printed formats. The City's Customer & Communications Team is currently reviewing all key communications and publications to ensure reasonable access for all residents.

- A3. The City of Stirling has started the long-term planning for the Karrinyup Activity Centre following Council's resolution on 17 August 2021. Council resolved to undertake a Community Engagement Strategy, Planning Process and establish a Community Reference Group (CRG) to determine the vision for the centre.

The City has held two workshops since this date. The Vision Workshop was held on 27 October 2021 and the Design Workshop was held on 8 December 2021.

At the Vision Workshop, participants were asked (amongst other things) what they would like to happen to the City's site where the library currently sits. Feedback received included new multi-age facilities, events and hire spaces, open space and keeping the current library. No discussion was held relating to the sale of the land. Council is interested in the community's views on the future of this land and the overall Karrinyup Activity Centre.

At the Design Workshop the City presented three scenarios for the City's land:

- Scenario 1 - Do Little – retain existing buildings and car park with small extension to the library.
- Scenario 2 – Do Some – retain existing buildings and develop additional buildings around a central green space. No discussion about land tenure or ownership was mentioned.
- Scenario 3 – Do Lots – this scenario would see all new buildings constructed, removal of the existing civic buildings, basement car parks and centralised green space. No discussion was had about how this could be implemented including future ownership.

Scenario 3 was voted the best by the participants with 50 votes, 12 votes for Scenario 2 and 9 votes for Scenario 1.

City officers are progressing with changes to the planning framework based on outcomes from the Design Workshop. There will be further public consultation on this framework. The feedback on the library and community centre site will be provided to Council as part of a future report on the outcomes of the community consultation. This will inform future work, decisions, and budgets regarding the Karrinyup Activity Centre.

In response to the question regarding the CEO's authorisation to negotiate on the potential disposal of the Karrynup Library site, the following comments are made:

- In May 2016, Council authorised the CEO to negotiate with AMP Capital. A meeting was held in June 2016 between representatives of the City and representatives of AMP Capital regarding the potential for integrated development options for the Karrynup Library and Community Centre, including a land transaction. These discussions did not progress to formal negotiations.
- The City has answered public questions on this issue at many Council meetings since June 2015. The answers have been open and upfront. In response to a question in May 2017, the City publicly acknowledged that negotiations with AMP Capital were ongoing. In July 2018, the City publicly acknowledged that negotiations had ceased.

7.11 PUBLIC QUESTION TIME - K KILBANE

The following question was submitted by K Kilbane, Churchlands 6018 prior to the Council Meeting held Tuesday 15 February 2022.

The following question refers to Churchlands Green Traffic – Closure at Pearson and Alumni.

- Q1. *“Minister Carey’s office recommended I reach out via Public Question Time to seek a response to questions outlined in my email to you of 19 January 2022. Many thanks in advance for your response to those questions.”*
- A1. The City considers that all of the relevant information that supported the trial closures and subsequent Council decisions has been detailed extensively in the various reports presented to Council over the last two years. This includes details of the initial proposal for modifications to Empire Avenue and Cromarty Road, and progressed to a review of various trial closures, which have all been undertaken in consultation with the community.

7.12 PUBLIC QUESTION TIME - G KYRON

The following questions were submitted by G Kyron, Balcatta 6021 prior to the Council Meeting held Tuesday 15 February 2022.

The following questions refer to Balcatta Power Outages.

Q1. *“With the recent spate of power outages in Balcatta (over 30 hours across 26-28 December) what is the plan for engaging with Western Power to update the ageing infrastructure in the area?”*

A1. Power supply is matter for Western Power and the State Government. Councils do have the opportunity to participate in various underground power schemes as and when they are offered. Projects are largely prioritised (by Western Power) based on network requirements, the age of infrastructure within a precinct and in programs such as the SUPP, the local community’s preparedness to pay.

Q2. *“The Council has allowed population density in east Balcatta to skyrocket in recent years due to subdivisions between Main Street and Wanneroo Road and power infrastructure seems unable to cope with this. Will undergrounding of power be pursued for the areas affected?”*

A2. The City can certainly consider Balcatta as a potential underground power project as and when the details of any future underground power programs are released by Western Power.

7.13 PUBLIC QUESTION TIME - J LUNDY

The following question was submitted by J Lundy, Karrinyup 6018 prior to the Council Meeting held Tuesday 15 February 2022.

The following question refers to FOGO bins.

- Q1. *“At the Council Meeting on 12 February 2019 a report was lodged which said the “intention is for a harmonised kerbside collection system, which includes FOGO, in all Perth and Peel regions by 2025”. Can the mayor please provide an update as to the progress with implementation of this bin system to help contribute towards the State Government – Waste Strategy goals 2030 to help ensure “Western Australia will become a sustainable, low-waste, circular economy in which human health and the environment are protected from the impacts of waste?”*
- A1. The City continues to monitor the progress of FOGO in local governments, however there remains a number of barriers to entry – principally a lack of processing capacity and the lack current licenced transfer facilities which will govern the City’s consideration.

It is appreciated that a handful of small to medium sized local governments have been able to implement a FOGO system, larger local governments have not yet been able to secure FOGO processing capacity. One of the City’s larger neighbours has had two recent attempts to secure a FOGO collection and processing contract and has failed based on a lack of infrastructure to support high volume processing of FOGO material. City Officers are aware that the issues of licenced processing capacity are diminishing as processing capacity improves in this market.

At this point, the Recycling Centre Balcatta is not licenced to transit FOGO material, and will not receive approval to do so in its existing format. There is currently no licenced transfer facility in reasonable proximity to the City to facilitate this transfer. The future redevelopment of the Recycling Centre Balcatta will include licenced FOGO transfer capacity for the City.

The City remains committed to bringing a report to Council when the FOGO landscape has matured significantly enough for an informed decision to be made. In short, a report will need to address three key areas to enable Council to make a decision on FOGO. These are:

- Where will the FOGO be processed? Is the facility licenced for the City’s volumes? Are transit facilities required and are they licenced for the activity? Is there sufficient capacity in this supply chain for the City’s volumes, and future projected volumes?
- Where is the offtake market for the FOGO derived material that is produced at the end of the process? Is this sustainable?
- What are the costs to implement FOGO compared to the current and alternative process?

At 7.13pm, Councillor Bianca Sandri left the meeting during consideration of Item 8.

8. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

9. CONFIRMATION OF MINUTES

Council Resolution

0222/002

Moved Councillor Migdale, seconded Councillor Krsticevic

That the Minutes of the Ordinary Meeting of Council of 7 December 2021 be confirmed as a true and correct record of proceedings.

The motion was put and declared CARRIED (14/0).

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

Against: Nil.

At 7.15pm, Councillor Bianca Sandri returned to the meeting during Item 10.

10. ANNOUNCEMENTS BY THE PRESIDING MEMBER

10.1 PASSING OF TROY PICKARD

Mayor Mark Irwin made the following announcement:

"The City of Stirling is saddened by the passing of former City of Stirling Councillor and Deputy Mayor Troy Pickard.

Mr Pickard served as a City of Stirling Coastal Ward Councillor and Deputy Mayor between 2001 – 2005, before going on to serve as Mayor of the City of Joondalup for an incredible 12 years, elected in 2006 and subsequently re-elected in 2009 and 2013. As Mayor Albert Jacob recently mentioned, this was probably one of the most trying times for a local government, and Mr Pickard is to be commended for getting Joondalup back on track.

Troy Pickard served the community of Stirling well as a Councillor and Deputy Mayor, and went on to lead Joondalup for over a decade with distinction through a period of sustained growth and development, highlighted by winning the World's Most Liveable City in 2011.

During that time, the City of Stirling enjoyed a warm and productive relationship with Mr Pickard. During his Presidency of WALGA, he fought against the plan to forcibly amalgamate local governments, and later as President of the national Australian Local Government Association (ALGA) he advocated for greater funding from the Federal Government.

In total he served as Deputy President of WALGA for two years and President for over five years, ALGA President for two years and then on the International Council for Local Environmental Initiatives for four years.

He was the first Western Australian Mayor to serve as ALGA President in 30 years, and was appointed to the Australian Council of Local Government (ACLG) in 2008.

Through the Tri-City advocacy alliance that the Cities of Joondalup, Stirling, and Wanneroo formed, the northern suburbs were able to lobby State and Federal Governments for more planning powers and significant additional funds.

In more recent times, Mr Pickard worked in the private sector as the General Manager for Global Drone Solutions, a Civil Aviation and Safety Authority (CASA) national SME drone pilot training provider.

The City of Stirling acknowledges the passing of a servant of Western Australia.

Vale Troy Pickard."

11. UNRESOLVED BUSINESS FROM PREVIOUS MEETING

Nil.

12. REPORTS AND RECOMMENDATIONS OF COMMITTEES

12.1 PLANNING AND DEVELOPMENT COMMITTEE - 8 FEBRUARY 2022

Mayor Mark Irwin disclosed an Impartial Interest in Item 12.1/DS1 as his mother lives on the boundary of the Redevelopment Area.

Councillor Felicity Farrelly disclosed a Financial Interest in Item 12.1/DS1 as she owns property on Scarborough Beach Road, Scarborough and has an interest in a deceased estate on Brighton Road, Scarborough, and the DCP is a financial vehicle.

Accordingly, she left the meeting at 7.17pm prior to consideration of Item 12.1/DS1.

Councillor Bianca Sandri disclosed an Impartial Interest in Item 12/1DS1 as she is an LRC Member.

12.1/DS1 LOCAL PLANNING SCHEME NO.3 AMENDMENT NO.124 - SCARBOROUGH REDEVELOPMENT AREA - TRANSFER OF PLANNING CONTROL OF THE SCARBOROUGH REDEVELOPMENT AREA INTO LOCAL PLANNING SCHEME NO.3 - INITIATION

Report Information

Location:	Scarborough Redevelopment Area
Applicant:	Not Applicable
Reporting Officer:	Manager Development Services
Business Unit:	Development Services
Ward:	Coastal
Suburb:	Scarborough

Authority/Discretion

Definition

- | | | |
|-------------------------------------|----------------------|---|
| <input type="checkbox"/> | Advocacy | <i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input checked="" type="checkbox"/> | Legislative | <i>includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>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.</i> |
| <input type="checkbox"/> | Information Purposes | <i>includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').</i> |

Council Resolution

0222/003

Moved Councillor Migdale, seconded Councillor Proud

- 1. That Council DEFERS preparation of Local Planning Scheme No.3 Amendment No.124.**
- 2. That the Chief Executive Officer WRITES to DevelopmentWA to request it re-draft the Scarborough Redevelopment Area Development Contribution Plan to modify the method of calculating development cost to also include a contribution rate that is proportionate to the number of storeys proposed.**

The motion was put and declared CARRIED (11/3).

For: Councillors Creado, Ferrante, Hatton, Lagan, Migdale, Olow, Perkovic, Proud, Sandri, Sargent and Thornton.

Against: Councillors Krsticevic, Re and Mayor Irwin.

Reason for change

There is community concern that developments being approved in the Scarborough Redevelopment Area, which propose building heights beyond base and bonus heights, should pay a greater contribution than that required by the existing Development Contribution Plan.

Committee Recommendation

THE COMMITTEE RECOMMENDS TO COUNCIL

1. That pursuant to section 75 of the *Planning and Development Act 2005*, Council PREPARES (Initiates) Local Planning Scheme No.3 Amendment No.124 as shown in Attachment 1, to transfer the planning control for the Scarborough Redevelopment Area back to the City of Stirling.
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.124 is a Complex Amendment as it introduces a development contribution area with an associated development contribution plan for the Scarborough Redevelopment Area.

The motion was put and declared CARRIED (8/0).

For: Councillors Creado, Krsticevic, Lagan, Migdale, Perkov, Proud, Thornton and Mayor Irwin.

Against: Nil.

Officer's Recommendation

1. That pursuant to section 75 of the *Planning and Development Act 2005*, Council PREPARES (Initiates) Local Planning Scheme No.3 Amendment No.124 as shown in Attachment 1, to transfer the planning control for the Scarborough Redevelopment Area back to the City of Stirling.
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.124 is a Complex Amendment as it introduces a development contribution area with an associated development contribution plan for the Scarborough Redevelopment Area.

Report Purpose

To seek approval to prepare (initiate) an amendment to Local Planning Scheme No.3 (LPS3) to transfer the planning control for the Scarborough Redevelopment Area (Redevelopment Area) back to the City.

Relevant Documents

Attachments

Attachment 1 - Proposed Scheme Amendment (previously circulated to Elected Members under separate cover) [⇒](#)

Attachment 2 - Draft Scarborough DCP Report [↓](#)

Attachment 3 - Reasons for changes to Scarborough Redevelopment Scheme [↓](#)

Attachment 4 - Outcomes of survey (previously circulated to Elected Members under separate cover) [⇒](#)

Available for viewing at meeting

Nil

** (Please note that Attachments 1 and 4 can be viewed as a separate document to the Agenda on the City of Stirling website).*

Background

DevelopmentWA, formerly the Metropolitan Redevelopment Authority (MRA) assumed planning control of the Redevelopment Area in July 2014 as part of the initiative to upgrade and revitalise the Scarborough area, the aim being to transform Scarborough into one of the nation's best beachfront destinations.

DevelopmentWA, the Department of Planning, Lands and Heritage and City officers are working to transfer planning authority back to the City by the end of 2022. This process is known as 'normalisation'. A key component of this work is ensuring a mechanism is in place for the City to collect contributions towards its investment of the upgrade of the Scarborough foreshore area. This needs to be in place before the City assumes planning control of the Redevelopment Area.

The City and State Government jointly funded the foreshore upgrades, with the City contributing \$27.4 million. Additional unfunded street upgrade works were planned east of West Coast Highway, at an estimated cost of \$8.5 million.

To enable the City to collect contributions towards its investment and fund the works east of West Coast Highway, a Development Contribution Plan (DCP) was prepared and adopted by the MRA under its Scarborough Redevelopment Scheme (Redevelopment Scheme). The City at the time agreed the DCP would seek to recover a maximum of \$19.1 million (70%) of its investment.

The Scarborough DCP was adopted on 7 September 2017 and to date has received seven contribution payments with a total value of \$351,989.62. Once normalisation occurs this money will be transferred to the City.

The purpose of the DCP is to provide for future infrastructure needs of the Redevelopment Area in a holistic and timely manner, and to obtain equitable contributions from landowners who benefit from government investment in infrastructure and services.

At its meeting held 17 August 2021, Council considered a report on the planning control for the Redevelopment Area. At that meeting, Council resolved (Council Resolution Number 0821/039) in part as follows:

- “1. That Council NOTES the update report on the transfer of planning control of the Scarborough Redevelopment Area to the City of Stirling (referred to as ‘Normalisation’) and SUPPORTS the ‘simple’ normalisation process in accordance with Section 58 of the Metropolitan Redevelopment Authority Act 2011.*
- 2. That Council NOTES that a Development Contribution Plan will be PREPARED, to enable transfer of the Development Contribution Plan for the Scarborough Redevelopment Area concurrently as part of the normalisation process for this Area.”*

Section 58 of the *Metropolitan Redevelopment Authority Act 2011* (MRA Act) enables a local authority to amend its local planning scheme to facilitate normalisation, while a redevelopment scheme is in place, with changes not coming into effect until the redevelopment scheme ceases to apply. This is the point that normalisation occurs when gazettal of the City’s Scheme Amendment occurs.

The resolution of Council requires a Complex Amendment to the City’s LPS3 to introduce the DCP before planning control is returned to the City. A copy of the proposed Scheme Amendment is contained in Attachment 1.

The location of the Redevelopment Area, and the surrounding zoning under LPS3, are shown in Figures 1 and 2 below.

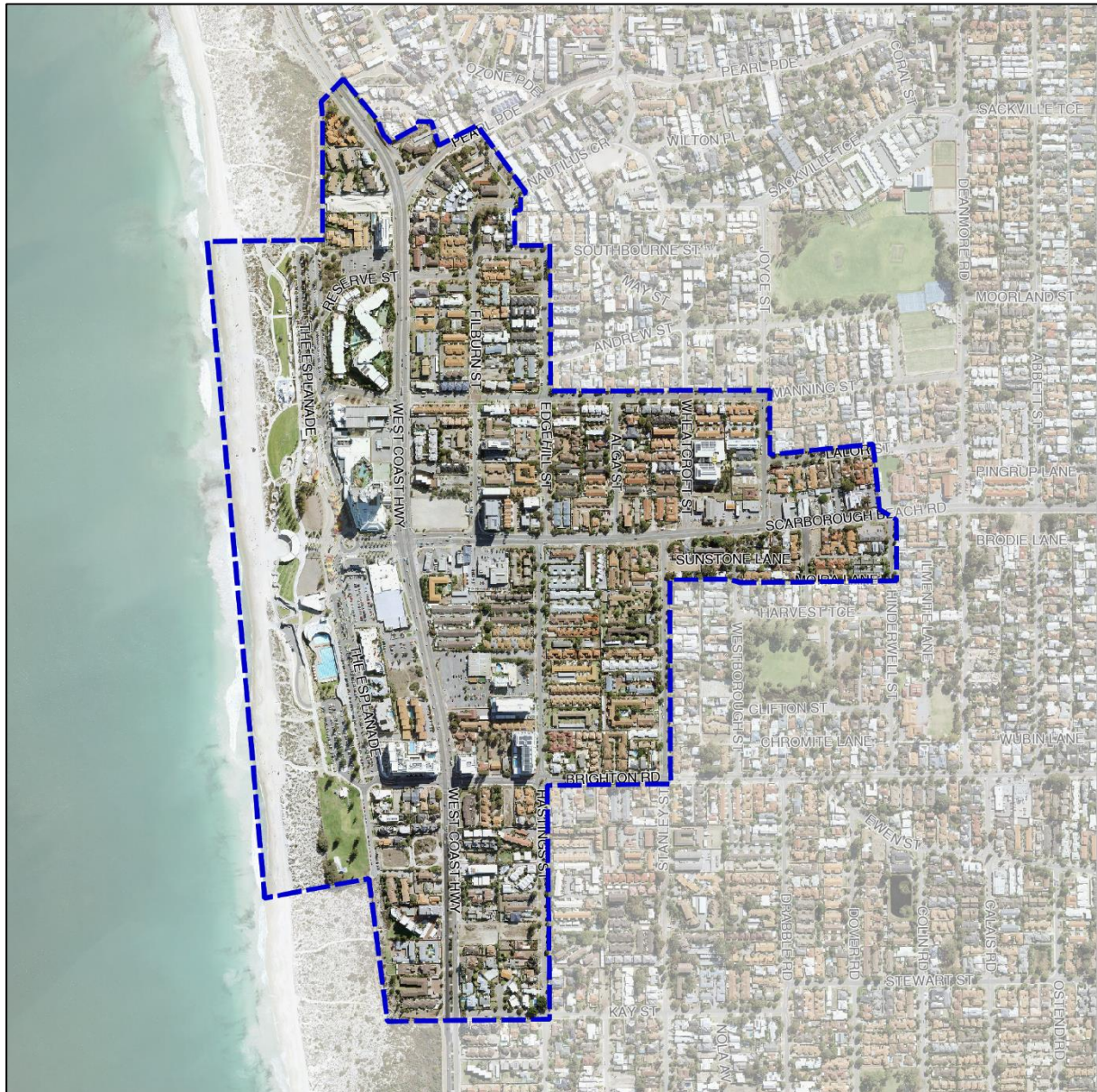


Figure 1 - Aerial Photograph - Boundary of Scarborough Redevelopment Area



Figure 2 - Boundary of Scarborough Redevelopment Area and surrounding zoning

Comment

Regional Framework - Perth and Peel@3.5 Million

Perth and Peel@3.5 Million is the primary strategic plan guiding development of the Perth and Peel metropolitan region, providing a framework for urban growth and consolidation. A key objective of this strategy is to enable opportunities for higher-density residential development, particularly around activity centres, station precincts and along high-frequency public transport routes.

The City is located within the 'Central Sub-Region', identified in Perth and Peel@3.5 Million. The Central Sub-Regional Planning Framework identifies Scarborough as a 'District Centre' to be connected to Glendalough Train Station via a 'High Priority Public Transit Corridor' in the medium-term (2022-2031). The geographical boundaries of the Scarborough district centre identified in Perth and Peel@3.5 Million, depicted in Figure 3, spatially define, and differentiate the extent of activity centres and urban corridors.

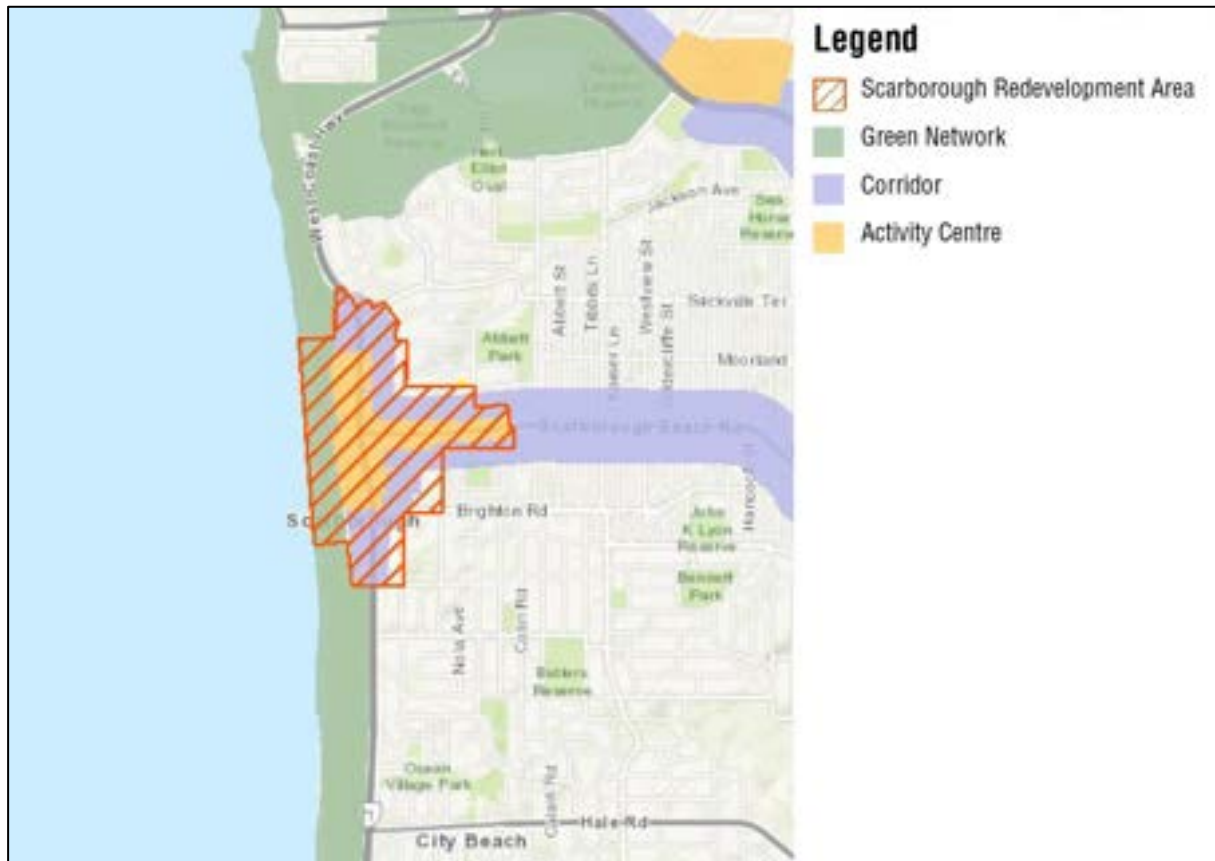


Figure 3 - Activity Centre Boundaries (source: Department Planning, Lands and Heritage)

The framework also notes that integration of the tourism economy - particularly around waterside activity centres, recreation infrastructure and appropriate natural landscapes - should be supported.

Perth and Peel@3.5 Million identifies the current role of DevelopmentWA in the administration of the Redevelopment Scheme but does not contemplate the future handover of planning control to the City.

The proposed Scheme Amendment will allow the continued redevelopment of the Redevelopment Area consistent with the broad objectives of Perth and Peel@3.5 Million and the Central Sub-Region Planning Framework.

Local Framework

a. Local Planning Strategy

The City's Local Planning Strategy identifies activity centres and corridors consistent with the objectives of Perth and Peel@3.5 Million. These corridors are split into three classes, Class 1 – Class 3.

The Redevelopment Area is classified as a 'District Centre' at the intersection of a Class 1 Corridor (West Coast Highway) and a Class 2 Corridor (Scarborough Beach Road). The Local Planning Strategy identifies the current situation within the Scarborough District Centre and DevelopmentWA's role with regards to the planning framework, but does not contemplate the future handover of planning control to the City.

The Redevelopment Area is considered a 'Tourism and Entertainment Precinct' given the area's high concentration of short stay accommodation land uses.

The Local Planning Strategy states that population growth and additional dwellings should be in and around activity centres and corridors. For a District Centre, the Local Planning Strategy sets a dwelling target of 20 dwellings (minimum) and 30 dwellings (desirable) per gross hectare.

According to 2016 data from the Australian Bureau of Statistics, there were approximately 1,883 dwellings in the Redevelopment Area. This represents 16.63 dwellings per gross hectare. A further 382 dwellings are therefore required in the Redevelopment Area to meet the 'minimum' dwelling target and at least 1,514 additional dwellings to meet the 'desirable' dwelling target for the Redevelopment Area.

The Scarborough Master Plan estimates a potential yield of approximately 2,828 dwellings for the Redevelopment Area. This equates to an additional 945 dwellings, consistent with the desired dwelling targets for the Redevelopment Area.

This future development will place additional pressure on the foreshore and the Redevelopment Area more broadly. These developments will also add increased numbers of residents and jobs to the Redevelopment Area, demanding higher levels of services including better access to local and regional services by public transport, car, bicycle, and foot.

The proposed DCP will assist to deliver an orderly and proper outcome responding to the evolution of the Redevelopment Area and the demands this generates.

b. Local Planning Scheme No.3

As development in the Redevelopment Area is governed by DevelopmentWA's Redevelopment Scheme, the City's LPS3 does not contain any provisions for the area. This will be changed as part of the normalisation process.

Officers from the Department of Planning, Lands and Heritage (Department of Planning) have advised the City to normalise the planning scheme by:

- Including the Redevelopment Area within a 'Development' zone. This will be supported by provisions in the scheme text pointing to the existing DevelopmentWA framework for the purpose of development assessment.
- Including the existing Redevelopment Scheme in its entirety as a schedule to LPS3, with the provisions that no longer apply being 'struck through'.

The City's officers explored an alternative approach for dealing with land use in the Redevelopment Area. This included assigning zones across the Redevelopment Area and aligning these with the City's Local Planning Scheme zoning table. However, to ensure the current framework for the Redevelopment Area remains largely consistent and that normalisation occurs by the end of 2022, the approach preferred by the Department of Planning officers is being undertaken.

It is recommended that a future amendment to LPS4 be undertaken to assign zonings to the redevelopment precincts and density codes that align with the built form requirements of the Scarborough Design Guidelines. It is envisioned that a report will be presented to Council at a later date to undertake the necessary work.

The provisions of the Redevelopment Scheme to be 'struck out' and the reasons why are summarised in Attachment 3.

Zoning

The approach preferred by the Department of Planning means that the Redevelopment Area will be rezoned from 'No Zone' to 'Development' zone. The objectives of the 'Development' zone are:

- "a) To provide for coordinated development through the application of a comprehensive structure plan to guide subdivision and development.*
- b) To avoid the development of land for purposes likely to compromise its future development for purposes, or in a manner likely to detract from the amenity or integrity of the area."*

Despite the first objective of the zone, there is no intention to prepare a structure plan for the Redevelopment Area. Instead, development will be controlled by relevant provisions contained in a schedule to LPS3, and the Design Guidelines and Local Planning Policies adopted for the area.

The Department of Planning is aware of this but does not see this as a barrier to 'simple' normalisation.

Land Use

The current Redevelopment Scheme is primarily an administrative tool that was prepared prior to and not subject to the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations). The Redevelopment Scheme sets a vision and objectives for the area and identifies precincts and their 'intent'. It does not contain development standards and only controls land use.

The Redevelopment Scheme uses a precinct based 'Preferred' and 'Contemplated' land use system, rather than 'zones' to control land use which is not reflected in LPS3. Land use categories are used to group together similar types of land uses into seven specific categories. These categories are identified as either:

- ‘Preferred’** Land uses which are considered to contribute to the vision and intent for a location); or
- ‘Contemplated’** Land uses which may be considered as suitable for a location if it can be demonstrated that the use would not detract from the precinct intent and the amenity of the locality.

DevelopmentWA’s current planning framework does not identify uses which are not permitted. Where a use is not shown as a ‘Preferred’ or ‘Contemplated’ use for a relevant precinct, the use or uses are generally considered inconsistent with the precinct intent and may be inappropriate for that precinct. However, those uses can still be considered for approval.

The implications of using the ‘Development’ zone and the ‘Preferred’ and ‘Contemplated’ land use approach are that all land uses can be considered in the Redevelopment Area. However, this approach also means that exemptions from the need to obtain development approval provided by the Regulations for certain land uses will not apply in the Redevelopment Area as they do throughout the City.

Special Control Area

For the City to collect contributions to works within the Redevelopment Area, the Regulations require a development contribution area to be shown as a Special Control Area (SCA) on the Scheme map. This Amendment proposes to re-introduce the Scarborough Special Control Area, which was removed when the MRA assumed planning control in 2014.

The purpose of the Scarborough SCA is to continue to facilitate redevelopment and urban renewal of the Redevelopment Area and identify the DCP area.

The proposed purpose, objectives and provisions of the Scarborough SCA are contained in Attachment 1.

Built Form

Currently, built form controls (i.e. setbacks, building heights, etc) are provided in the Scarborough Design Guidelines and Local Planning Policies. This will continue to be the case post-normalisation. It is proposed to include a provision in the SCA to allow existing planning instruments adopted under the MRA Act for the Redevelopment Area to apply as if adopted under the provisions of LPS3 as Local Planning Policies. Once planning control has been handed back to the City, these policies can be amended or revoked as needed.

The current Scarborough planning framework does not assign density codes to land in the Redevelopment Area. The proposed amendment does not seek to introduce residential densities into the area. This means that development is not subject to the deemed-to-comply provisions of State Planning Policy 7.3 - Residential Design Codes Volume 1 (R-Codes).

The implication of this is that exemptions for the need to obtain development approval provided by the Regulations do not apply for works that meet the deemed-to-comply provisions of the R-Codes, such as the erection of, or alterations or additions to, a single house.

Development Contribution Plan

The main purpose of this Amendment is to transfer the existing DCP for the Redevelopment Area into LPS3. This will ensure that development contributions can be levied after the transition of planning control back to the City.

When a local government prepares a DCP, it is required to be consistent with State Planning Policy 3.6 - Infrastructure Contributions (SPP3.6). The reason for this is to ensure the infrastructure contributions system is transparent, equitable, and accountable.

The current version of SPP3.6 was gazetted on 30 April 2021. However, given the current DCP was prepared prior to the existing version of SPP3.6, officers of the Department of Planning have advised they will assess the proposed Scarborough DCP as a 'transfer' of an existing DCP, rather than the preparation of a new DCP. This means that the City's Scarborough DCP does not need to strictly adhere to the requirements of SPP3.6.

The MRA's DCP was adopted on 7 September 2017 with a 20 year lifespan until 2037. Under SPP3.6, a DCP should generally have a maximum lifespan of 10 years. A lifespan longer than 10 years may be considered appropriate in limited circumstances. Discussions with officers of the Department of Planning have confirmed in principle support of a 15 year lifespan for the new DCP, given that this aligns with the current DCP's lifespan through to 2037.

The existing DCP is intended to levy contributions towards a portion of the City's investment and some streetscape upgrades on the east of West Coast Highway. Specifically, a total of \$29,122,322 has been identified, comprising \$19.1 million (70%) of the City's financial investment together with estimated costs for administration of the DCP (\$1.5 million) and streetscape upgrades east of West Coast Highway (approximately \$8.5 million).

DevelopmentWA's powers, functions, and objectives under the MRA Act are broad and highly discretionary. The current Scarborough DCP states that *"No funding has been committed to the [streetscape works] which are intended to be progressively undertaken as sufficient development contributions are received"*. Contrary to a percentage based approach to contribution allocation, the current DCP adopts a progressive/linear approach to the funding of works, with funding and reimbursement for the Beachside Works to occur first and streetscape works to be funded later, only if and when sufficient money is collected. The City's proposed DCP includes provisions that continue this flexibility.

The \$8.5 million estimate for streetscape upgrades, east of West Coast Highway, is intended to fund upgrading of street lighting, new tree planting and street furniture together with the provision of embayed car parking to enhance pedestrian amenity and safety along Hastings Street and the main east-west connector streets. These works were not costed by the City and are now at least seven years old and have not been reviewed annually, which is a requirement for DCP's. It is also unclear whether they are still relevant, as some streetscape improvements have been undertaken by the City while DevelopmentWA had planning control for the area.

It is noted that the money collected under the current DCP does not reflect the expected contributions for each development site. This is due to provisions in the current DCP that state a contribution made under an interim Scheme (the City's former DCP) constitutes payment of the landowner's liability. Additionally, the current DCP gives DevelopmentWA the power to agree to the provision of 'works-in-kind' by an owner in lieu of a monetary contribution. The proposed DCP removes the option of an owner providing 'works-in-kind' in lieu of a monetary contribution. The reason for this is that the intent of the DCP is to recoup money invested by the City, and most of the works undertaken in lieu of a monetary contribution generally form part of the redevelopment of any site, for example undergrounding of power.

A future review of the DCP's cost apportionment schedule will be required to reconcile any differences.

While the existing DCP was intended to be reviewed annually for the first three years and once every three years thereafter to ensure accuracy of costs incurred and up to date estimates, it is understood that no reviews were undertaken, and no additional costs have been incurred.

As the financial costs of the DCP need to be updated, it is therefore recommended that the City undertakes a review of the infrastructure costs within the first year. Where infrastructure costings are significantly affected, this may require future modification to the DCP.

The City intends to undertake the detailed review of the cost estimates for the streetscape enhancement works to provide greater certainty over the intended outcome and delivery timeframes for these works. However, as mentioned above, in the interim it is proposed to transfer the DCP in its current form (with the 'works-in-kind' option removed) to achieve normalisation by the end of 2022.

The proposed DCP is contained in Attachment 2.

DCP for Rights of Way Improvement Works

The DCP for Rights of Way Improvement Works contained in LPS3 (DCA5) came into operation on 15 December 2015. This DCP covers the upgrading (sealing, drainage and/or lighting) of Category 1, 2 and 3 Rights of Way (ROWs) across the City. Properties adjacent to these laneways are liable, upon development, to contribute towards the cost of the laneway upgrade.

At its meeting held 21 March 2017, Council resolved (Council Resolution Number 0317/034) to amend LPS3 to remove Sunstone Lane and Moira Lane (ROW Nos. 14003 to 14007 inclusive and part of ROW No.14002) from DCA5. These ROWs were identified as being within the Redevelopment Area, meaning the City could not seek contributions for necessary upgrade works.

At the time of preparation of the current DCP for the area, Council requested (Council Resolution Number 1216/023) that the MRA include provisions for the upgrade of these ROWs within its DCP, but this did not occur. Reinstating these ROWs into DCA5 is therefore required to ensure that the upgrading of ROWs is funded equitably.

Amendment Type

Regulation 35 of the Regulations requires a resolution of a local government to prepare or adopt an Amendment to a local planning scheme. The resolution must:

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

Regulation 34 of the Regulations identifies the various Amendment types. Part (e) of Regulation 34 states that a Complex Amendment is:

- (e) *An Amendment to identify or amend a development contribution area or prepare or amend a development contribution plan.*

The proposed Amendment seeks to introduce a new development contribution area into LPS3 and modify DCA5, therefore requiring a Complex Amendment.

Community Engagement

At its meeting held 17 August 2021, when Council considered a report relating to the transfer of planning control to the City, Council resolved (Council Resolution Number 0821/039) as follows:

- “3. *That Council NOTES that engagement with owners and residents in and around the Redevelopment Area will be undertaken to explain the process of normalisation, and to gauge community attitude to the design of developments being delivered under the current planning framework.*”

The community engagement was undertaken between 21 October and 15 November 2021 and was not a statutory requirement. The purpose of the engagement was to educate, inform and gauge the community's attitude towards the current planning framework and if it is delivering on the vision of the Scarborough Master Plan.

The community consultation involved an online survey, and the City's officers attending the Scarborough Sunset Markets to answer any questions the public had.

To encourage participation in the survey, the following measures were taken:

- Letters to owners and residents within the Redevelopment Area;
- Two face-to-face discussion sessions at the Scarborough Sunset Markets;
- Digital marketing campaign;
- Media Release; and
- Article in Scoop/Scene.

At the conclusion of the engagement process, 215 online survey responses were recorded with a 72% completion rate.

The survey included a range of questions that gauged the respondent's relationship to the area, their favourite/least favourite places, familiarity with the planning framework and satisfaction with what is being delivered by the current framework. These responses will inform and assist in any future community engagement outside of the normalisation process.

This engagement was a successful means of informing and enabling the community to provide feedback with 90% of survey respondents electing to be kept informed on the project.

The next stage of the engagement process will be consultation with the community as part of the proposed amendment to the City's LPS3 and the DCP.

A copy of the outcomes of the survey are provided in Attachment 4.

Consultation/Communication Implications

If Amendment 124 is initiated by Council, the consent of the Western Australian Planning Commission (WAPC) will be required prior to commencement of consultation.

Following WAPC confirmation that the Complex Amendment is suitable to be advertised, the City will publicly advertise the Amendment for a period of not less than 60 days in accordance with Regulations 38 and 76A, including:

- Publication on the City's website; and
- Making a copy available for public inspection during normal business hours.

Policy and Legislative Implications

Part 5 of the *Planning and Development Act 2005*, together with the Regulations, details the procedures for amending an existing local planning scheme.

Section 71 of the *Planning and Development Act 2005*, read in conjunction with Section 58 of the MRA Act, provides for the Amendment of a local planning scheme, in relation to land within a redevelopment scheme area with the Amendment taking effect at the time of normalisation.

Any pending development applications submitted prior to normalisation will be determined by DevelopmentWA.

Inclusion of the DCP into LPS3 will enable the City, following normalisation of the Redevelopment Area, to apply a condition on relevant development approvals requiring a development contribution payment.

Financial Implications

Since the DCP was adopted in 2017 contribution payments to a value of \$351,989.62 have been received.

It is understood that DevelopmentWA will retain a portion of the contributions to cover administration costs with the balance transferred to the City at the time of normalisation.

All contribution payments thereafter will be received by the City to collect contributions towards its \$19 million investment in the beachside works and then, as funds become available, fund future works east of West Coast Highway.

This process can occur after the DCP has been 'transferred' to the City, by way of an annual review of cost estimates.

Strategic Implications

Key Result Area: Liveable neighbourhoods

Outcome B3: Built infrastructure that meets community needs

Sustainability Implications

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

ENVIRONMENTAL	
Issue	Comment
Sustainability	DevelopmentWA's planning framework includes a 'Green Building' development policy requiring the design, construction and operation of environmentally sustainable buildings, including efficient resource and energy use and the reduction of emissions and waste.

SOCIAL	
Issue	Comment
Community engagement	The preparation of a new Development Contribution Plan will require an amendment to the City's Local Planning Scheme No.3. This will provide an opportunity to consult with the community.
Equity	Infrastructure contributions should be levied equitably from identified stakeholders within a contribution area, based on the relative contribution to need.

ECONOMIC	
Issue	Comment
Job creation	Re-development of the Redevelopment Area will assist in job creation, through construction of new developments and the attraction of new business opportunities.

Conclusion

Proposed Amendment No.124 is the first step to commence the process of normalising the Scarborough Redevelopment Area into the City's LPS3.

To ensure a DCP is in place before normalisation, a 'Complex Amendment' process must be undertaken to enable the DCP to operate under LPS3. This will ensure that development contributions can continue to be collected prior to and following normalisation.

It is recommended that Council adopts, for the purpose of advertising, Amendment No.124 as shown in Attachment 1.

To ensure the DCP remains consistent with SPP3.6, it is recommended that the City undertakes a review of the DCP within the first year of operation. Where the need for change to the DCP is identified, this may require a future Complex scheme amendment.

1 Scarborough Development Contribution Plan

The development contribution area is shown on the Local Planning Scheme No. 3 (LPS3) scheme map as Special Control Area 9 - Scarborough (Scarborough SCA). The area is replicated in Appendix 1 – Special Control Area 9, should there be any discrepancies between Appendix 1 and the area of the Scarborough SCA shown on the scheme map, the scheme map shall prevail.

2 Relationship to the Scheme

The DCP for the Scarborough SCA should be read in conjunction with Part 6B - Development Contribution Areas of the City's Local Planning Scheme (LPS3).

3 Definitions

Terms in the DCP shall generally have the same meaning as defined in Appendix 2 of the Scheme.

Additional terms used in the Development Contribution Plan that are not defined in the Scheme shall have the following meanings:

"Cost contribution" in relation to an owner, means the share of Development Costs for which that owner is liable under the Development Contribution Plan.

"Development costs" means the infrastructure and administrative costs included in the Development Contribution Plan.

"Operative date" means the date on which the DCP comes into effect.

"Site area" means the area used to calculate a cost contribution and is the area of an owner's land that is subject to a development contribution, excluding any area required to be set aside for future road widening under the Metropolitan Region Scheme (MRS) or identified within a Planning Control Area (PCA).

4 Purpose

The purpose of this development contribution plan report is to provide for the infrastructure needs of the Scarborough SCA in a holistic and timely manner; and to obtain equitable contributions from landowners who benefit from changes to the statutory planning framework plus the City's investment in infrastructure and services within the Area.

The Development Contribution Plan (DCP) provides a mechanism for the City to recoup costs associated with the upgrade of the beachside areas and to also fund streetscape upgrades to the east of West Coast Highway. The streetscape upgrades will be completed progressively as sufficient development contributions are received.

Development within the Scarborough SCA and the identification of infrastructure items within the corresponding DCP are guided by the following plans and documents:

- State Planning Policy 3.6: Infrastructure Contributions, WAPC
- Liveable Neighbourhoods 2009, WAPC
- Development Control Policy 1.7: General Road Planning, WAPC
- Development Control Policy 2.3: Public Open Space in Residential Areas, WAPC

5 Period of the Plan

The DCP will operate for a period of 15 years from the gazettal of the DCP, unless otherwise extended by the Minister.

6 Operation of Development Contribution Plan

This plan has been prepared in accordance with State Planning Policy 3.6: Infrastructure Contributions (SPP 3.6) and operates in accordance with the provisions of Part 6B - Development Contribution Areas.

7 Application Requirements

An owner of land in the Scarborough SCA is required to make a Development Contribution in accordance with the DCP on the earlier of:

- The approval of any development on the owner's land within the Scarborough SCA.
- The approval of any subdivision of the owner's land within the Scarborough SCA.

8 Prior Development Contribution Plan Payments

Where, prior to the operative date, DevelopmentWA has given to an owner of land notice in writing that it accepts a payment made by the owner in full and final satisfaction in respect of that land, then the notice is to be taken to be a discharge of that owner's liability under sub-clause 6B.14.3. of the Scheme.

9 Development Contribution Plan Components

The key components of the DCP are defined below:

9.1 Development Contribution Plan Administration

Costs associated with preparation, implementation and review of the DCP, including:

- DCP preparation and review costs;
- DCP administration costs;
- Legal fees;
- Land valuations.

9.2 Beachside Precinct Works

Works to enhance and revitalise the Scarborough beachfront consistent with the approved Master Plan, which provides generally for the following:

- Road upgrades and improved parking arrangements
- Hard landscaping
- Soft landscaping
- Signage
- Street furniture
- Play equipment
- Community recreation facilities

- Scarborough Square (including Clock Tower Piazza)
- Upgrades to the public realm north and south of the Scarborough Amphitheatre.

The City of Stirling has committed \$27.4m to the Beachside Precinct upgrade works, subject to the conditions of a Funding Agreement executed between the City and the MRA.

9.3 Streetscape Upgrades East of West Coast Highway

Provision of new infrastructure and upgrades to existing infrastructure, including local area traffic management, to the following streets located east of West Coast Highway:

- Hastings Street between Kay Street and Scarborough Beach Road;
- Brighton Road between West Coast Highway and Stanley Street;
- Scarborough Beach Road between West Coast Highway and Hinderwell Street; and
- Manning Street between West Coast Highway and Joyce Street.

Specific streetscape upgrade works to be undertaken include:

- Provision of additional embayed on-street car parking;
- Provision of new footpaths;
- Undergrounding of existing overhead power transmission lines;
- Provision of street furniture;
- Provision of new street trees and coastal plantings to verge areas; and
- Upgrading of existing street lighting.

The costs also include the design and construction of traffic calming infrastructure such as speed bumps, plateaus and intersection treatments to provide a safe, pedestrian orientated environment.

No funding has been committed to the above works which are intended to be progressively undertaken as sufficient development contributions are received.

9.4 Exemptions

Minor Development

Certain minor development proposals are exempt from being liable to pay the Development Contribution. For the purpose of this DCP, minor development includes the first single house on a property, or outbuilding associated with the first single house, and/or small scale alterations and additions to a property.

The City may, on request by the landowner, agree to exempt other minor development proposals from being liable. The City will at its discretion consider the exemption where it can be demonstrated to the City's satisfaction that the works are minor or incidental development that does not have a connection (nexus) between the development and the demand for the infrastructure included in the DCP.

Should such an exemption be granted, this does not preclude the ability of the City to require a Development Contribution as a result of any subsequent development or subdivision of the affected land.

Charitable Institutions

The City may recognise the social contribution and limited financial capacity of Charitable Institutions within the DCP Area and exclude certain charitable land holdings from being liable for Development Contributions.

The City may recognise any Charitable Institution which owns land within the DCP Area and uses the land exclusively for charitable purposes, and exempt them from liability to pay the Development Contribution that is applicable to that land.

Any application must demonstrate to the City's satisfaction that the land is used for charitable purposes. An exemption may otherwise be provided, at the City's discretion, for part of a land holding if only part of the land is used for charitable purposes.

An exemption granted by the City ceases to have effect if the land is no longer owned by the Charitable Institution or is no longer used for charitable purposes.

9.5 Exclusions

The following items are excluded from the DCP:

City of Stirling Legacy Costs

Legacy costs associated with previous foreshore works undertaken by the City of Stirling (including works to the Amphitheatre) have been excluded from the Contribution Area Cost Schedule of this report.

Master Planning Costs

Master Planning costs have been funded by the State Government and are not proposed to be recouped. Accordingly, all master planning costs are excluded from the Contribution Area Cost Schedule of this report.

Service Upgrades / Improvements

Existing service investigations have identified the likely need for service upgrades to support increased demands associated with additional development outside of the Beachside Precinct.

Accurate estimation of the extent and timing of service upgrades is difficult given the fragmented land ownership arrangements within the redevelopment area.

As a result, costs associated with service upgrades and improvements have generally been excluded from the DCP.

Owners will therefore be required to make their own enquiries and arrangements with the relevant utility providers for any service upgrades required to support individual developments.

Beachside Precinct Works - Beach Hubs

The cost of providing services to the beach hubs has been excluded given that these facilities will generate a commercial return once completed and operational.

10 Cost Schedule

The Contribution Area Cost Schedule identifies costs to be funded by the DCP. The summary of the costs is outlined below:

Item	Total Cost	DCP Cost (%)	DCP Cost (\$ ex GST)
Administration Costs	\$1,500,000	100%	\$1,500,000
Beachside Works – State Government Investment	\$40,931,000	0%	\$0
Beachside Works – City of Stirling Investment	\$27,400,000	70%	\$19,117,460
- Other Infrastructure Costs	\$19,117,460	100%	\$19,117,460
- Commercial Beach Hub Sites and Public Art Costs	\$8,282,540	0%	\$0
Streetscape Upgrades East of West Coast Highway (incl. Local Area Traffic Management)	\$8,504,861	100%	\$8,504,861
Total Development Costs (incl. Contingency & Professional Fees)	\$78,335,861	37%	\$29,122,322

* all figures rounded to the nearest whole number.

11 Calculating Development Costs

The preferred method for calculating costs is one in which the estimated Development Costs above are apportioned across the total developable site area based on the maximum number of building levels permitted under the Scarborough Design Guidelines. In this regard, a higher proportion of the development costs will be attributed to sites where increased height and density is afforded.

The table below outlines the proposed development cost apportionment across the Development Contribution Area.

Maximum Building Height (Base)^	Contribution Rate (\$/sqm)
2 storeys / 11.5m	\$16.82
3 storeys / 11.5m	\$25.23
4 storeys / 15m	\$33.64
8 storeys / 29m	\$67.29
12 storeys / 43m	\$100.93

[^] Maximum Building Heights taken from Scarborough Design Guidelines

An owner's development contribution shall be calculated by multiplying the applicable contribution rate by the owner's total Site Area, as illustrated in the following example:

Site Area:	1,000m ²
Max Permitted Building Height:	8 storeys / 29 metres
Contribution Rate:	\$67.29 per m ²
Total Development Contribution:	1,000 x \$67.29
	= \$67,290

12 Methods of Payment

An owner, at the absolute discretion and subject to the agreement of the City, shall pay the owner's Development Contribution by:

- Cheque, cash or electronic transfer of funds;
- Providing land to the value of the Development Contribution;
- Any combination of these methods, where acceptable to the City; or
- Some other method acceptable to the City.

The owner, subject to the agreement of the City, may pay the owner's Development Contribution in a lump sum, by instalments, or in such other manner acceptable to the City.

Payment by an owner of the full Development Contribution consistent with the DCP at the time of payment, including a contribution based on estimated costs, constitutes full and final discharge of the owner's liability under the DCP and the City shall provide certification in writing to the owner of such discharge.

13 Priority and timing of infrastructure delivery

Due to the fragmented land ownership of the Scarborough SCA it is difficult to accurately predict the delivery of infrastructure within the Area. Nonetheless, the timing of development and the order of priority is estimated below:

- Stage 1 - Beachside works – Completed.
- Stage 2 - Streetscape Upgrades East of West Coast Highway – as funds are available.

14 Review of the Development Contribution Plan

The DCP will be reviewed within the first year of the operative date and then when considered appropriate, though not exceeding a period of five years duration, having regard to the rate of subsequent development in the catchment areas since the last review and the degree of development potential still existing.

The estimated infrastructure costs contained in the Cost Apportionment Schedule will be reviewed at least annually to reflect changes in funding and revenue sources.

15 Schedules

Schedule 1 – Development Contribution Area



Reasons for changes to Scarborough Redevelopment Scheme

User Guide	Struck through. The <i>User Guide</i> is specific to DevelopmentWA.
1.0 Administration 1.1 Introduction Part A – Administration Regarding the Scheme 1.2 Operation of the Scheme 1.3 Application of the Scheme 1.4 Interpretation of Words and Expressions 1.5 Forms and Notices Regarding the Scheme Part B – Administration Regarding Development 1.6 Delegation of Power to Determine Applications 1.7 Comply with the Scheme and Development Approval 1.8 Cessation of Unauthorised Development 1.9 Penalty for Unlawful Development 1.10 Validity of Authority's Decision on Applications Part C – Right of Review 1.11 Right of Review of Decision Part D – Administration Regarding Land 1.12 Legal Agreements 1.13 Reserves for Public Purpose 1.14 Acquisition of Land 1.15 Dealing with Acquired Land 1.16 Authorised Entry	Struck through. This Chapter deals with the administration of the Redevelopment Scheme.
2.0 The Vision and Scheme Objectives 2.1 The Scheme Vision 2.2 Delivering the Vision 2.3 Scheme Objectives	Retained in full.

<p>3.0 Precincts</p> <p>Introduction</p> <p>3.1 Beachside Precinct</p> <p>3.2 Esplanade Precinct</p> <p>3.3 Gateway Precinct</p> <p>3.4 Beach Road Precinct</p> <p>3.5 Groves Precinct</p>	<p>Retained in full.</p>
<p>4.0 Development Policies and Design Guidelines</p> <p>4.1 Preparation of Development Policies</p> <p>4.2 Preparation of Design Guidelines</p> <p>4.3 Consultation of Draft Development Policies and Design Guidelines</p> <p>4.4 Final Adoption of Development Policies and Design Guidelines</p> <p>4.5 Amending or Rescinding Development Policies and Design Guidelines</p> <p>4.6 Development to Comply with Development Policies and Design Guidelines</p> <p>4.7 Due Regard for Development Policies and Design Guidelines in Decision Making</p> <p>4.8 Development Policies or Design Guidelines Advertised Under Previous Scheme</p> <p>4.9 Development Policies and Design Guidelines Adopted Under Previous Scheme</p>	<p>Struck through. These provisions are superseded by Division 2 of Schedule 2 (Deemed provisions for local planning schemes) of the Planning and Development (Local Planning Schemes) Regulations 2015.</p>
<p>5.0 Development Management</p> <p>Part A: Overview</p> <p>5.1 Vision and Objectives</p> <p>5.2 High Quality Buildings</p> <p>5.3 Importance of the Public Realm</p> <p>Part B: Subdivision</p> <p>5.4 Subdivision</p> <p>Part C: What Requires Development Approval</p> <p>5.5 Requirement for Development Approval</p> <p>5.6 Level of Assessment</p> <p>5.7 Material Change in Use</p>	<p>Struck through. These provisions are superseded by Parts 7, 8 and 9 of Schedule 2 (Deemed provisions for local planning schemes) of the Planning and Development (Local Planning Schemes) Regulations 2015, and provisions under Part 4 of the City's LPS3.</p>

5.8 Self Evaluation of Other Activities Not Constituting Development

Part D: Development Application Process

5.9 Application for Development Approval

5.10 Supporting Technical Documents

5.11 Receipt of a Complete Application

5.12 Determination Period and Deemed Refusal

5.13 Referral of Applications to Government Bodies

5.14 Public Consultation on Certain Applications

5.15 Specialised Advice

5.16 Withdrawal of Application

5.17 Key Matters for Consideration in Determination

5.18 Determination When Non-Compliant

5.19 Determination Decision

5.20 Notification of The Authority's Determination

5.21 Conditions of Approval

5.22 Reasons for Refusal

5.23 Multiple Development Approvals

5.24 Validity Period for Commencement of Development

5.25 Validity Period for Development of Limited Duration

5.26 Power to Revoke Approval

5.27 Non-Conforming Uses

Part E: Special Development Applications

5.28 In-Principal Development Application

5.29 Application to Amend A Development Approval

5.30 Retrospective Development Application

5.31 Development Application Involving Demolition

Part F: Other Development Management Processes

5.32 Working Drawings Process

5.33 Development Audit Process

54

<p>7.0 Development Contributions</p> <p>7.1 Introduction</p> <p>7.2 Establishment of Development Contribution Areas</p> <p>7.3 Development Contribution Plans</p> <p>7.4 Development Costs</p> <p>7.5 Estimated Costs</p> <p>7.6 Consultation on Draft Development Contribution Plan</p> <p>7.7 Final Adoption of a Development Contribution Plan</p> <p>7.8 Amendment of A Development Contribution Plan</p> <p>7.9 Development Contribution Plans Previously Adopted</p> <p>7.10 Liability for Development Contribution</p> <p>7.11 Review of Cost Contribution</p> <p>7.12 Method of Payment</p> <p>7.13 Interest Is Payable</p> <p>7.14 Caveat May Be Lodged Against the Land Title</p> <p>7.15 Exemptions for Minor Development</p> <p>7.16 Exemption for Charitable Institutions</p> <p>7.17 Special Fund for Accumulating Contributions</p>	<p>Struck through. These provisions are superseded by Part 7 of the Planning and Development (Local Planning Schemes) Regulations 2015.</p>
<p>8.0 Heritage Protection</p> <p>8.1 Introduction</p> <p>8.2 Heritage Precincts and Heritage Places</p> <p>8.3 Preparation of A Heritage Inventory</p> <p>8.4 Consultation on Draft Heritage Inventory</p> <p>8.5 Final Adoption of a Heritage Inventory</p> <p>8.6 Amending or Rescinding A Heritage Inventory</p> <p>8.7 Heritage Inventory Advertised Under Previous Scheme</p> <p>8.8 Local Government Heritage Inventory</p> <p>8.9 Inclusion of State Heritage Places</p> <p>8.10 Effect of Inclusion in The Heritage Inventory</p>	<p>Struck through. These provisions are superseded by Part 3 of Schedule 2 (Deemed provisions for local planning schemes) of the Planning and Development (Local Planning Schemes) Regulations 2015.</p>

8.11 Development Involving A Heritage Place or Precinct	
8.12 Expert Advice on Development Applications	
8.13 Variation of Development Requirements	
8.14 Determination of Heritage Development Applications	
9.0 Requirements for Structure Plans and Local Development	
9.1 Purpose of Structure Plan Areas	
9.2 Subdivision and Development	
9.3 Preparation of A Structure Plan	
9.4 Contents of A Structure Plan	
9.5 Determination of An Application for Structure Plan Approval	
9.6 Amendment of An Approved Structure Plan	
9.7 Local Development Plans	
10.0 Appendices	
Appendix 1 – Scheme Map	Reference to "Scheme Map" struck through. The Redevelopment Area is zoned 'Development' under the City's Scheme Map.
Appendix 2 – Defined Terms	Retained in full.
Appendix 3 – Defined Land Uses	Retained in full.
Appendix 4 – Record of Scheme Amendments	Struck through. Unnecessary.

Councillor David Lagan disclosed an Impartial Interest in Item 12.1/DS4 as he has spoken to the applicant on a number of occasions.

Councillor Felicity Farrelly returned to the meeting at 7.37pm prior to consideration of Item 12.1/DS4

12.1/DS4 LOT 3, HOUSE NUMBER 34, CLIFTON CRESCENT, MOUNT LAWLEY - AMENDMENTS TO CONDITIONS OF APPROVAL OF EXISTING CHILD CARE PREMISES

Report Information

Location: Lot 3, House Number 34, Clifton Crescent, Mount Lawley
Applicant: Penny Hudson
Reporting Officer: Manager Development Services
Business Unit: Development Services
Ward: Lawley
Suburb: Mount Lawley

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**0222/004****Moved Councillor Migdale, seconded Councillor Lagan****THE COMMITTEE RECOMMENDS TO COUNCIL**

1. That pursuant to Clause 77 (4) of the Planning and Development (Local Planning Schemes) Regulations 2015, the application to amend the existing development approval (DA14/0279) at Lot 3, House Number 34, Clifton Crescent, Mount Lawley be APPROVED subject to the following conditions:
 - a. The number of children attending the Child Care Premises be limited to no more than 45 at any one time;
 - b. The total number of staff be restricted to no more than five at any time;
 - c. The operating hours of the Child Care Premises be limited to 7.00am – 6.00pm Monday to Friday; and
 - d. Notwithstanding condition c, the operating hours of the Child Care Premises are not permitted to coincide with the operating hours of the Place of Worship or the Social Hall which already operate from the subject site.
2. That pursuant to Clause 5.5 of the City's Local Planning Scheme No.3, the cash-in-lieu contribution in relation to the additional three car parking bay shortfall be waived for the application at Lot 3, House Number 34, Clifton Crescent, Mount Lawley.

The motion was put and declared CARRIED (14/1).**For:** Councillors Creado, Ferrante, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Re, Sandri, Sargent, Thornton and Mayor Irwin.**Against:** Councillor Farrelly.

Committee Recommendation

THE COMMITTEE RECOMMENDS TO COUNCIL

1. That pursuant to Clause 77 (4) of the Planning and Development (Local Planning Schemes) Regulations 2015, the application to amend the existing development approval (DA14/0279) at Lot 3, House Number 34, Clifton Crescent, Mount Lawley be APPROVED subject to the following conditions:
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 - b. The total number of staff be restricted to no more than five at any time;
 - c. The operating hours of the Child Care Premises be limited to 7.00am – 6.00pm Monday to Friday; and
 - d. Notwithstanding condition c, the operating hours of the Child Care Premises are not permitted to coincide with the operating hours of the Place of Worship or the Social Hall which already operate from the subject site.
2. That pursuant to Clause 5.5 of the City's Local Planning Scheme No.3, the cash-in-lieu contribution in relation to the additional three car parking bay shortfall be waived for the application at Lot 3, House Number 34, Clifton Crescent, Mount Lawley.

The motion was put and declared CARRIED (8/0).

For: Councillors Creado, Krsticevic, Lagan, Migdale, Perkovic, Proud, Thornton and Mayor Irwin.

Against: Nil.

Officer's Recommendation

1. That pursuant to Clause 77 (4) of the Planning and Development (Local Planning Schemes) Regulations 2015, the application to amend the existing development approval (DA14/0279) at Lot 3, House Number 34, Clifton Crescent, Mount Lawley be APPROVED subject to the following conditions:
 - a. The number of children attending the Child Care Premises be limited to no more than 45 at any one time;
 - b. The total number of staff be restricted to no more than five at any time;
 - c. The operating hours of the Child Care Premises be limited to 7.00am – 6.00pm Monday to Friday; and
 - d. Notwithstanding condition c, the operating hours of the Child Care Premises are not permitted to coincide with the operating hours of the Place of Worship or the Social Hall which already operate from the subject site.
2. That pursuant to Clause 5.5 of the City's Local Planning Scheme No.3, the cash-in-lieu contribution in relation to the additional three car parking bay shortfall be waived for the application at Lot 3, House Number 34, Clifton Crescent, Mount Lawley.

Report Purpose

To consider an application to amend the conditions of development approval (DA14/0279) for the existing Child Care Premises located at Lot 3, House Number 34, Clifton Crescent, Mount Lawley ('the site').

Determination of the proposal by Council is required as the delegated authority provided to officers does not apply to a previous decision of Council where it is considered that the proposed amendments will have a greater impact on the locality.

Relevant Documents

Attachments

Attachment 1 - Plans [↓](#)

Attachment 2 - Planning Policy Implications and Assessment [↓](#)

Attachment 3 - Applicant's Planning Report [↓](#)

Available for viewing at meeting

Nil

Description of Development

Site Area: 2,276m²

Nearest Cross Street: Lawley Crescent



Location Plan



Aerial Photograph

Proposal

The application seeks to extend the operating hours from 7.00am – 6.00pm, and permit 10 additional children and two staff, which increases the existing on-site car parking bay short fall by a further three car-bays.

The application does not propose any alterations to the premises.

Background

The site is zoned Residential (R12.5) under the City's Local Planning Scheme No.3 (LPS3). The site fronts Clifton Crescent, backs onto St Monica Lane, and is bounded by residential properties to the north-east and south-west. The primary land use of the site is a 'Place of Worship' used by the Temple David Synagogue. Temple David holds regular Saturday morning services, with other activities and functions during the week.

In December 2002 a Child Care Premises was approved by Council (M20/15231.01) with a maximum of 20 children to operate from the existing hall. In June 2014, Council conditionally approved (DA14/0279) for the expansion of the existing Child Care Premises for 35 children subject to the following conditions:

1. *"The number of children attending the Child Care Premises be limited to no more than 35 at any one time.*
2. *The total number of staff be restricted to no more than three (3) at any time and one (1) additional staff member to cater for a child with special needs if required.*
3. *The operating hours of the Child Care Premises being limited to*
 - *2.00pm to 6.30pm Monday to Thursday*
 - *2.00pm to 6.00pm Friday*
 - *7.45am to 6.30pm Monday to Thursday during school holidays; and*
 - *7.45am to 6.00 pm Friday during school holidays*
4. *Notwithstanding condition 3, the operating hours of the Child Care Premises are not permitted to coincide with the operating hours of the Place of Worship or the Child Day Care Centre which already operate from the subject site."*

Principal Statutory Provisions

Use Table

Zoning

MRS Urban

LPS3 Residential R12.5

NA

Use

Class Child Care Premises

Type A – Not permitted unless the Council has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4

Assessment

An assessment of the proposal is contained within Attachment 2.

Consultation/Communication Implications

The application proposes a change to how the existing Child Care Premises operates. As this use is an 'A' use, the City's planning scheme requires the changes to be advertised. The proposal was advertised for a period of 21 days, in accordance with Clause 64 (4) and (7) of the Planning and Development (Local Planning Schemes) Regulations 2015, Deemed Provisions.

The potentially affected owners and occupiers were contacted by mail and invited to view the plans of the proposal. Six submissions were received.

Submissions Received	Within 200m of proposed site	Remainder of Submissions	All Submissions
SUPPORT	0%	0%	0% (0)
OBJECT	100% (6)	0%	100% (6)
OTHER (Not Stated/No Opinion/Conditional)	0%	0%	0%

Submission Number	Submission Comment	Officer Comment
1	<p>At the time of DA14/0279 informed that parking was suitably catered for via onsite parking. This is not the case with either not sufficient parking or users of the Child Care Premises ignoring designated space.</p> <ol style="list-style-type: none"> 1) Road safety 2) Amenity 3) Verge damage 4) Additional noise 	<p>The existing on site car parking requirement was approved by Council in 2014. The additional parking shortfall has been assessed against the objectives of the City's Parking Policy further in this report.</p> <p>The impact of the proposed additional children and staff arising from the proposal on the surrounding road network is discussed further in this report.</p> <p>The application was referred to City's Environmental Health team who noted that the additional occupancy increase will not exceed assigned noise levels. Officer noted regardless they are still required to comply with <i>Environmental Protection Regulations 1997</i>.</p>
2	<p>Current traffic users of Clifton Crescent do not allow for safe ingress or egress to the site. Patrons travel this portion of Clifton Crescent at high speeds which has potential for collision and/or potential of injury. Previous requested traffic calming techniques to be installed within the area with no action as of yet.</p>	<p>The impact of the proposed additional children and staff arising from the proposal on the surrounding road network is discussed further in this report.</p>
3	<p>Unless traffic arrangements of Clifton Crescent are made to be resolved there is potential for serious accident.</p>	<p>The impact of the proposed additional children and staff arising from the proposal on the surrounding road network is discussed further in this report.</p>

Submission Number	Submission Comment	Officer Comment
4	Increased safety risk of travelling along Clifton Crescent associated with the additional children and associated staff will increase traffic of Clifton crescent coupled with the parking inefficiencies on site.	The existing on site car parking requirement was approved by Council in 2014. The additional parking shortfall has been assessed against the objectives of the City's Parking Policy further in this report. The impact of the proposed additional children and staff arising from the proposal on the surrounding road network is discussed further in this report.
5	Increased safety risk of travelling along Clifton Crescent associated with the drop off and pick up of childcare centres. Recent commercial approvals bringing greater traffic to the area of Mount Lawley.	The impact of the proposed additional children and staff arising from the proposal on the surrounding road network is discussed further in this report.
6	Guardians utilising neighbouring properties designated parking bays for pick up and drop off. Patrons travel this portion of Clifton Crescent at high speeds which has potential for collision and/or potential of injury.	The impact of the proposed additional children and staff arising from the proposal on the surrounding road network is discussed further in this report.

Comment

Under Clause 77 of the Planning and Development (Local Planning Schemes) Regulations 2015, an owner of land in respect of which development approval has been granted by the local government may make an application to the local government requesting the local government to amend or delete any condition to which the approval is subject.

The additional children and staff result in an on-site car parking shortfall of three car parking bays in addition to the eight previously approved. A number of submissions to the proposal raised concerns regarding the shortfall, and the impact of additional traffic on Clifton Crescent.

Parking shortfall

In considering the previous expansion of the existing Child Care Premises, Council approved the development with an eight-car parking bay shortfall. In arriving at this decision, Council acknowledged that the existing Place of Worship and Child Care Premises operated at different times, and that 20 on-site car-parking bays provided as a part of 2002 approval were sufficient.

In 2014, the technical parking shortfall resulted if the Place of Worship and Child Care Premises operated at the same time. However, in line with the 2002 approval, Council waived any additional car parking requirement based on this reciprocal use of car-bays. A condition of development approval restricted these uses from operating at the same time.

For the purpose of this assessment, car parking for the additional children and staff has been assessed against Local Planning Policy 6.7 – Parking and Access (the Parking Policy) and Clause 77D(2)(b)(ii) of the *Planning and Development Regulations 2015*.

Based on current requirements, the proposed 45 children and five staff require 12 additional car parking bays. Application of a 10% concession due to proximity to a high frequency bus route along Beaufort Street reduces the on-site requirement for the Child Care Premises to 11 bays - an increased shortfall of three car parking bays.

Land Use	Car Parking Ratio	Measurement	Parking Bay Requirements
Existing Land Uses (DA14/0279)	-		20 Car Parking Bays
Child Care Premises	1 bay per 7 children; 1 bay per staff	45 children 5 Staff	12 Car Parking Bays
LPP 6.7 Applicable 10% Concession (10% concession only applied to Child Care Premises as concession has previously been applied site under DA14/0279)			1.2 Car Parking Bays
Total Car Bays Required			30.8 (31) Car Parking Bays
Total Car Parking Bays Onsite			20 Car Parking Bays
Existing Approved Shortfall			8 Car Parking Bays
Additional Shortfall			3 Car Parking Bays

A number of submissions received during consultation disputed the proposal because of a lack of parking.

In addition to the 20 on-site car parking bays, there are an additional 10 car parking bays constructed within the road reserve in front of the site. The Child Care Premises policy does not allow the additional 10 car parking bays to be captured in the parking calculations.

The Parking Policy permits a 10% parking concession to these on-site requirements as the site is within 400m of a high frequency bus route along Beaufort Street. The Parking Policy specifies that any further parking concessions beyond those allowed for in the Parking Policy must be determined by Council, “...*having due regard to the circumstances of a particular case, any justification submitted by the applicant and the likely impact on the amenity of the surrounding area and residents*”.

Additionally, the Parking Policy permits reciprocal car parking to be considered where demand for car parking generated by the uses on site will not coincide during peak hours of operation and the parking facilities are located on the same lot.

Variations to the Parking Policy are to be considered against the key objectives of the policy, which is to ‘*ensure that a major parking problem is unlikely to occur*’.

The City’s records indicate that there have been no complaints made to the City relating to car parking associated with the existing centre.

To assist in the assessment of the shortfall, the City's officers have relied on the findings of a review of the Parking Policy currently being undertaken. That review, which will be reported to Council in the coming months, examines specific land uses, the car parking required for those uses, and driver parking behaviour, including surveys with users.

This review included a review of four Child Care Premises and found that:

- The morning peak was 7.30am - 9.30am.
- The evening peak was 4.00pm to 6.00pm.
- Average on site dwell time was six minutes.
- 7% of patrons walked or cycled to the centre.
- 10% of drivers had more than one child in the car.
- While there are anecdotal reports of 'parking bedlam', none was witnessed during the peak time surveys.
- Surveyors witnessed staff being dropped off, or parking off site and walking to the location.
- Some parents made a concerted effort to get to the centres early, before peak time.

It is the City's opinion that, in this instance, a major parking problem due to the additional children and employees using the existing centre is unlikely to result, for the following reasons:

- The three bay shortfall can be accommodated on site, utilising existing available car parking bays. Conditions are recommended to be imposed, should Council approve the proposal, preventing the Child Care Premises and Place of Worship from operating at the same time. When assessed individually, there is sufficient car parking for the Child Care Premises.
- The operation of the existing centre is not causing parking problems in the area.
- The contemporary review of parking for Child Care Premises demonstrates that car parking bay turnover is quick, meaning that bays are likely to be available when required.

Local Planning Scheme No. 3 and the Parking Policy allow an applicant to make a cash payment instead of providing parking bays on site. This cash payment can be waived where sufficient car parking is provided. Council has previously resolved to waive a cash-in-lieu contribution requirements for an eight car parking bay shortfall for this Child care Premises in 2014.

For the reasons in this report, the City's officers recommend that the cash in lieu requirement for the further three car bay shortfall is waived, as sufficient car parking is provided for the development.

Traffic behaviour in the area

A number of submissions raised concerns that the proposal would have an unacceptable impact on traffic movements along Clifton Crescent.

The City's Engineering Services Business Unit provided the following advice in relation to these concerns:

“Clifton Crescent is classified as a Local Access Road with the most recent traffic counts (September 2019, north of Queens Crescent) indicating an average weekday traffic count of 3,045 vehicles per day. Although this is slightly over the recommended 3,000 vehicles per day, the proposed increase is modest and likely to be less than one vehicle every three minutes during peak. It is also noted that traffic on this section of Clifton Crescent has dropped considerably between the counts taken in 2016 (3,706 vpd) and 2019 (3,045 vpd).

The operating (85th percentile) speed for these counts was 48.8 km/h. There are no short-term plans to install traffic treatments as the City has a large number of other roads where they would provide more benefit to the community.

There are not suitable traffic grounds for the City to object to this proposal. The increase in traffic is minimal and would be considered Low impact under the Western Australian Planning Commission’s Guidelines (<10 trips during peak hour).”

For these reasons, the City’s Engineering Services Business Unit has no objection to the proposed development.

City of Stirling Local Planning Policy – Child Care Premises

The City’s Local Planning Policy 6.4 – Child Care Premises (the Child Care policy) applies to child day care developments. The relevant key objectives of the Child Care policy in this instance are:

- *To minimise the adverse impacts of the bulk and scale of Child Care Premises on neighbouring properties and the streetscape, and that buildings are consistent with the built form of an area, including future character;*
- *To minimise the impact of traffic associated with Child Care Premises on the function and safety of the local road network.*

The proposal is to expand the use of the existing Child Care Premises and is therefore considered consistent with the objectives of the Child Care Premises policy. The proposed additional children and extension to operating hours are considered to be a minor intensification to an existing approved Child Care Premises. Land uses directly adjacent to the site are residential, providing little conflict with the proposed use.

The application does not propose any alterations to the existing building, and the City’s officers do not consider there are any bulk and scale concerns arising from the development. The impact of the development on the local road network has been assessed earlier in this report and considered acceptable.

Policy and Legislative Implications

Should Council refuse the application for development approval, the applicant may have the right to have the decision reviewed in accordance with Part 14 of the *Planning and Development Act 2005*.

Financial Implications

Nil.

Strategic Implications

Key Result Area: Liveable neighbourhoods

Outcome B1: Places to live, work and enjoy

Sustainability Implications

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

ENVIRONMENTAL	
Issue	Comment
Nil.	

SOCIAL	
Issue	Comment
Amenity	The extension of operating hours and additional 10 children is not considered to have the potential to detract from the amenity of the area, while increasing the number of services available to the local community.

ECONOMIC	
Issue	Comment
Job Creation	The development provides a basis for local employment.

Conclusion

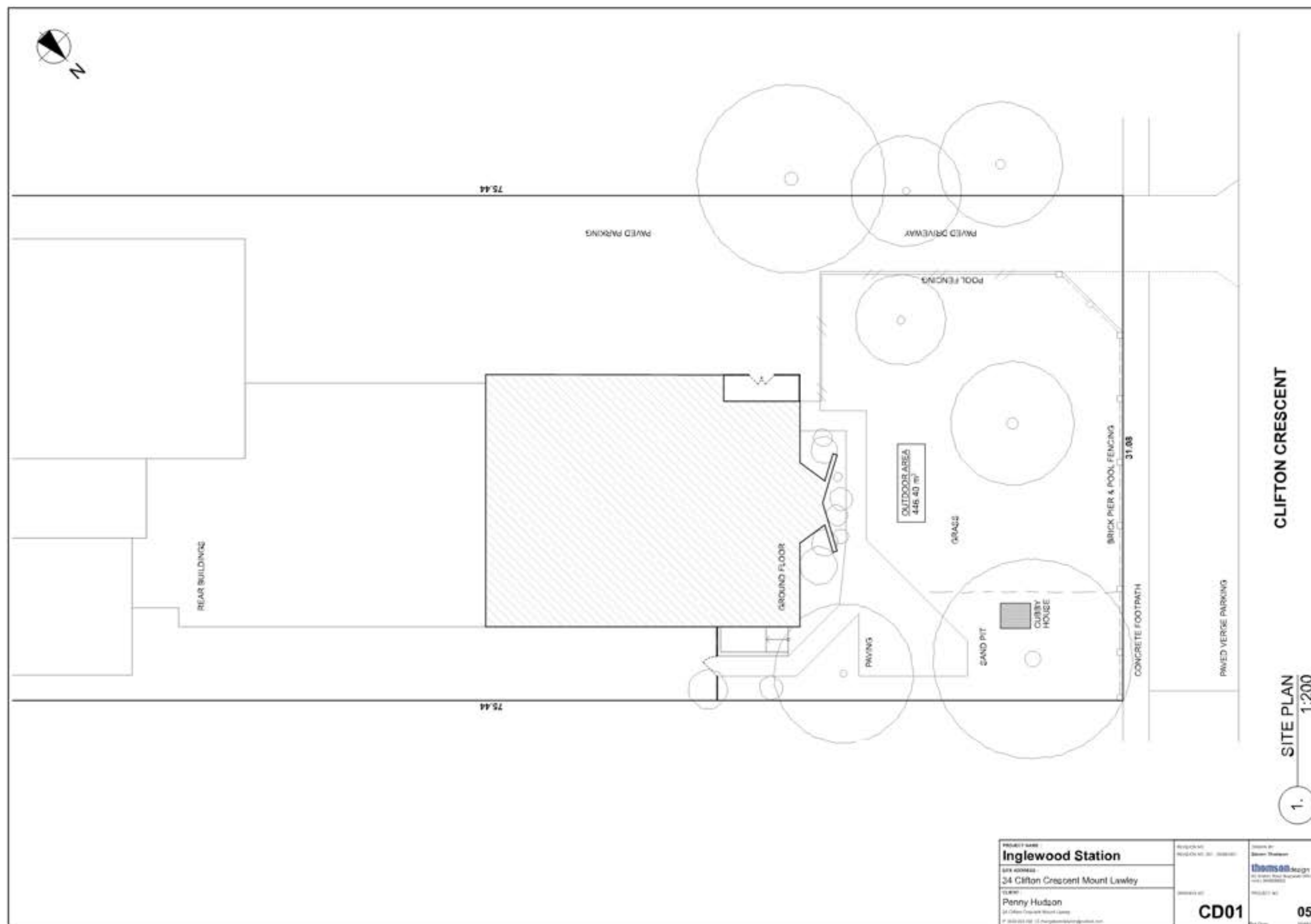
The proposal seeks to vary the existing conditions of development approval to allow an extension of operating hours to cater for an additional 10 children and two employees. This will result in the existing eight car parking bay shortfall increasing by an additional three, to a total of eleven bays. Although additional car parking is required technically under the planning framework, it cannot be provided on site.

As the site is unable to accommodate additional car parking, the application has been assessed against the requirements of the City's Parking Policy. A key objective of that policy is to ensure that a major parking problem is unlikely to occur.

The City's officers have assessed the proposed development and consider, due to the availability of parking in the locality, the development will not result in a major parking problem.

Additionally, determination of the proposal by Council is required. This is because the delegated authority provided to officers does not apply to a previous decision of Council where it is considered that the proposed amendments will have a greater impact on the locality. For the reasons given in this report, the proposal will not have a greater impact on the locality.

It is considered that the proposal satisfies the planning framework and is therefore recommended for approval, subject to relevant planning conditions, including that the Child Care Premises does not operate at the same time as other uses on site.



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Revision: 3 - Working Draft - 14/05/2021



Policy and Legislative Implications

The following policy and legislation was considered in assessing this application;

- Local Planning Scheme No.3
- Local Planning Policy 6.4 Child Care Premises
- Local Planning Policy 6.7 Parking and Access
- Planning and Development (Local Planning Scheme) Regulations 2015.

Non-Residential Assessment - Local Planning Scheme No.3

Element		Satisfies Scheme/ Policy	OR	Variation Required	Comment
1	Site Requirements	✓			Not proposed to change as part of this application.
2	Setbacks	✓			Not proposed to change as part of this application.
3	Car Parking			✓	Child Care Premises has a parking requirement of one (1) bay per staff member and one (1) bay per seven (7) children. The additional 10 children and 2 staff members results in the existing eight (8) car parking bay shortfall increasing by three (3) to eleven (11).
4	Landscaping	✓			Not proposed to change as part of this application.
5	Facades	✓			Not proposed to change as part of this application.
6	Service Access	✓			Not proposed to change as part of this application.
7	Building Height	✓			Not proposed to change as part of this application.

Element		Satisfies Scheme/ Policy	OR	Variation Required	Comment
8	Child Care Premises Policy	✓			The proposal meets the development standards of Local Planning Policy 6.4 – Child Care Premises.

10th October 2021

Penny Hudson
148 Normanby Rd
Inglewood
WA 6052

Attn: City of Stirling Officer

RE: PROPOSED AMENDMENT TO CHILD CARE PREMISES AT 34 CLIFTON CRESCENT MOUNT LAWLEY –
PARKING MANAGEMENT PLAN

INTRODUCTION

Please find parking management plan for 34 Clifton Crescent Mt Lawley below. It is important to note that the premises will be used for an Out of School Hours Centre (OSHC) for Mount Lawley Primary School.



BACKGROUND

The Development application for the Child Care premises (DA14/0279) was approved on 24th June 2014 with the following conditions

- a. The number of children attending the CCP (OSHC) be limited no more than 35 at any one time
- b. The total number of staff be restricted to no more than three at any one time and 1 additional staff member to cater for a child with special needs if required
- c. The operating hours of the CCP (OSHC) being limited to:-
 - 2.00pm to 6.30pm Monday to Thursday
 - 2.00pm to 6.00pm on Friday
 - 7.45am to 6.30pm Monday to Thursday during school holidays
 - 7.45am to 6.00pm Friday during school holidays
- d. Notwithstanding condition c, the operating hours are not permitted to coincide with the operating hours of the Place of Worship or the Child Day Care Centre which already operate from the subject site.

An application has been lodged with the City of Stirling to increase the number of children at any one time to 45. This would mean that staff would increase to a maximum of 5 at any one time. The operating hours would increase to include Before School Care from 7am to 9am.

CHILD CARE OPERATIONS

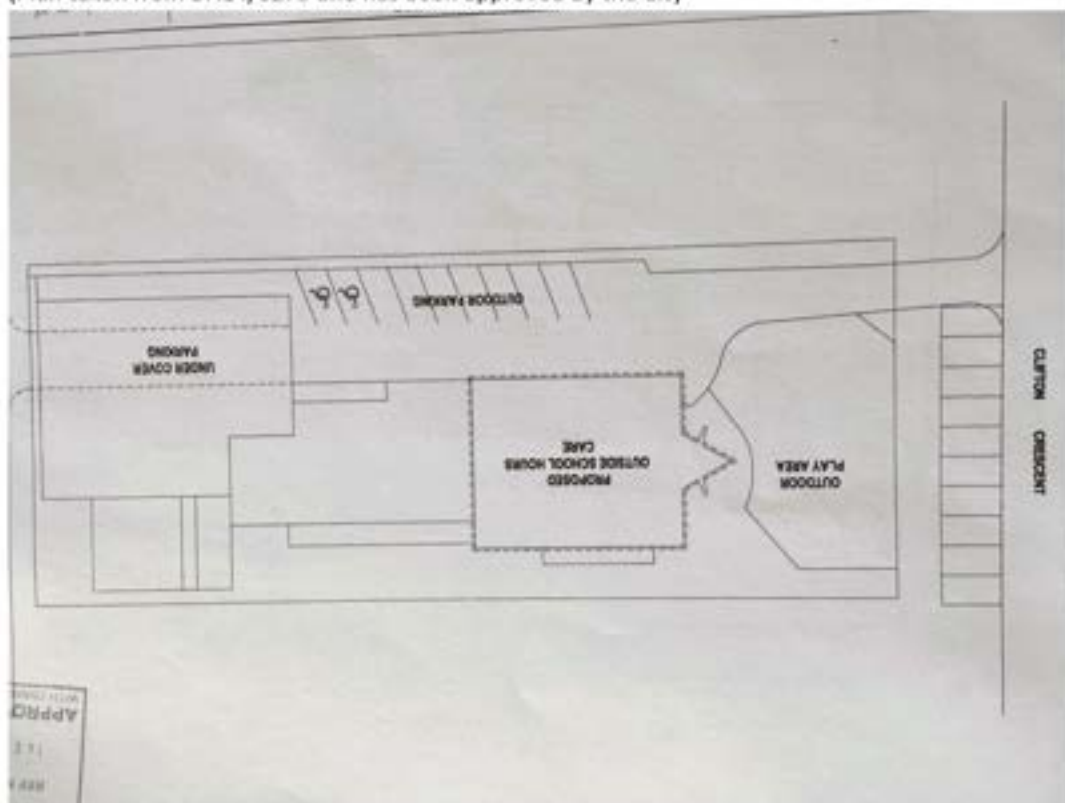
The CCP will be an Out of School Hours Care (OSHC) facility, meaning children are not on site between 8.30am and 3pm unless it is school holidays or a designated pupil free day. There is one permanent staff member and there will be a maximum of 4 other casual staff daily, depending on the numbers of children and working on a 1:10 staff to child ratio.

PARKING MANAGEMENT PLAN MISSION

The objective of the Parking Management Plan is to ensure efficient, effective and safe use of the car park and to provide effective management of the different types of car parking needs relating to employees and visitors/parents through the application of paving markings, signage and communication/education.

MANAGEMENT PLAN

(Plan taken from DA14/0279 and has been approved by the City)



The parking associated with this development is to serve employees and visitors/parents, of the OSHC including occasional service/waste collection vehicles as needed.

The access to the car park is located so to ensure good views of the car park (on entry), vehicles on abutting roads on exit, and pedestrian paths. The crossover is in accordance with the City's "Local Planning Policy 6.7 – Parking and Access" and as such ensures ease of access and egress for site patrons.

Given the City of Stirling's ratio of 1 parking bay for 7 children and 1 bay per staff member, the CCP would require a maximum of 12 bays. There are a total of 10 bays on Clifton Crescent and 9 bays, including two disabled bays, running alongside the building. Temple David also has a number of bays available for their own use in their undercover parking.

The OSHC (CCP) is able to use any bays available in the facility so marking the bays may be unnecessary. Signage will be placed on the external fence on Clifton Crescent and on the boundary fence inside letting the community know that the parking is for Temple David users only, and this includes the OSHC (CCP).

A schedule of activities for Temple David has been sent through as part of the DA application. As part of the CCP's lease agreement, the premises will be closed on the Festival and Holy days where larger numbers of the congregation will be there. We have an agreement with the local school to use their premises on those days, which will be two or three a year and will change annually. The 2022 list is on the schedule and only two of those days will impact the CCP (OSHC).

The number of staff will fluctuate throughout the typical weekday in accordance with the children's attendance but is envisaged to occur as follows.

- 7am – 9am: 2 staff rostered. There are very limited numbers of children who attend Before School Care during the school term, and we have had a maximum of 7 since 2019. We don't expect this to increase significantly or at all.
- 9am – 3pm: No staff during school hours, up to 5 staff during school holidays
- 3pm – 4.30pm: Maximum of 5 staff
- 4.30pm – 5.30: staff rostered
- 5pm – 6pm: 2 staff rostered

There is also the option for parents to enter the premises via Clifton Crescent and exit via St Monica Lane, at the rear of the premises, which would reduce vehicle entry on to Clifton Crescent.

COMMUNICATION AND EDUCATION

The car park is ultimately managed by Temple David, and we have use of all bays outside of the undercover area. Staff and parents will be made aware of this and be encouraged to use the internal bays to lessen the impact on Clifton Crescent. The CCP management will monitor and make adjustments as necessary.

Yours Sincerely

Penny Hudson

Director

The Inglewood Station Pty Ltd

0439 930 299

Council Resolution**0222/005****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 (15/0).

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

Against: Nil.

**12.1/DS2 LOCAL PLANNING POLICY 6.15 - EXEMPTION FROM REQUIRING
DEVELOPMENT APPROVAL - ADOPTION****Report Information**

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

Authority/Discretion**Definition**

- | | | |
|-------------------------------------|----------------------|---|
| <input type="checkbox"/> | Advocacy | <i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input checked="" type="checkbox"/> | Legislative | <i>includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>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.</i> |
| <input type="checkbox"/> | Information Purposes | <i>includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').</i> |

Council Resolution**0222/006****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 6.15 – ‘Exemption from Requiring Development Approval’ as contained in Attachment 1.
2. That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council **DETERMINES** that the modifications to Local Planning Policy 6.15 – ‘Exemption from Requiring Development Approval’ identified in Attachment 2 are minor and therefore public consultation is not required.

The motion was put and declared CARRIED (15/0) by exception resolution.**For:** Councillors Creado, Farrelly, Ferrante, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Re, Sandri, Sargent, Thornton and Mayor Irwin.**Against:** Nil.**Committee Recommendation****THE COMMITTEE RECOMMENDS TO COUNCIL**

1. That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council **PROCEEDS** with (adopts) amended Local Planning Policy 6.15 – ‘Exemption from Requiring Development Approval’ as contained in Attachment 1.
2. That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council **DETERMINES** that the modifications to Local Planning Policy 6.15 – ‘Exemption from Requiring Development Approval’ identified in Attachment 2 are minor and therefore public consultation is not required.

The motion was put and declared CARRIED (8/0).**For:** Councillors Creado, Krsticevic, Lagan, Migdale, Perkov, Proud, Thornton and Mayor Irwin.**Against:** Nil.

Officer's Recommendation

1. That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council PROCEEDS with (adopts) amended Local Planning Policy 6.15 – 'Exemption from Requiring Development Approval' as contained in Attachment 1.
2. That pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Council DETERMINES that the modifications to Local Planning Policy 6.15 – 'Exemption from Requiring Development Approval' identified in Attachment 2 are minor and therefore public consultation is not required.

Report Purpose

To consider amendments to Local Planning Policy 6.15 – 'Exemption from Requiring Development Approval' and to obtain a Council resolution to proceed with adopting the amended policy.

The amendments are required as a result of the gazetted amendments to the Residential Design Codes Volume 1 in July 2021, which informed the Western Australian Planning Commission's (WAPC's) assessment of the City's proposed exemptions.

Relevant Documents

Attachments

Attachment 1 - Local Planning Policy 6.15 (As Amended for Council Adoption) [↓](#)

Attachment 2 - Local Planning Policy 6.15 (Proposed Amendments and Track Changes) [↓](#)

Attachment 3 - Local Planning Policy 6.15 (Approved by WAPC 26 October 2021) [↓](#)

Attachment 4 - Local Planning Policy 6.15 (As Adopted by Council 26 May 2020) [↓](#)

Available for viewing at meeting

Nil

Background

Development in Western Australia requires approval unless exempted by legislation. However, the Planning and Development (Local Planning Schemes) Regulations 2015, Local Planning Scheme No.3 (LPS3), Local Planning Policies and Local Development Plans contain specific exemptions for various forms of development.

In late 2019, in recognition of the efficiencies to be gained by streamlining the planning system and exempting applications for proposals that had limited off-site impacts, draft Local Planning Policy 6.15 – 'Exemption from Requiring Development Approval' (Exemption Policy) was prepared by the City. This policy was adopted by Council on 26 May 2020.

The draft Exemption Policy focussed on aspects of developments that were routinely approved under delegated authority. These types of applications were selected for inclusion in the Exemption Policy because they have limited off site impacts and do not affect the amenity of adjoining properties.

The draft Exemption Policy proposed the following:

1. Introducing a number of new exemptions for development that are not currently exempted from requiring development approval; and
2. Amending certain Residential Design Codes Volume 1 (R-Codes) deemed-to-comply requirements relating to single houses and grouped dwellings, to broaden the effect of the existing exemptions.

Specifically, the draft Exemption Policy proposed to exempt the following:

- Alterations to non-residential front facades (that do not alter the street alignment by more than 30cm or increase the height of the facade);
- Up to two grouped dwellings (where compliant with the deemed-to-comply provisions of the R-Codes);
- Additions to a grouped dwelling (where compliant with the deemed-to-comply provisions of the R-Codes);
- Transportable containers for up to nine consecutive days in a year; and
- Viewing platforms for residential sales.

The draft Exemption Policy proposes to amend certain R-Codes 'deemed-to-comply' provisions to:

- Amend the building lot boundary setback requirements by allowing a structure 3.5m in height instead of the 2.7m allowed in the R-Codes;
- Amending the boundary wall requirements in R30 and higher coded areas to allow boundary walls on any number of site boundaries;
- Replace sight line requirements to reflect a decision of the State Administrative Tribunal regarding visual permeability;
- Allow two thirds of an outdoor living area to be covered instead of the one third allowed in the R-Codes; and
- Allow large or multiple outbuildings to have a wall height of 3m instead of 2.4m.

A timeline of events related to the approval of the draft Exemption Policy is detailed below:-

11 Feb 2020	Council resolved to advertise for public comment the draft Exemption Policy (Council Resolution Number 0220/005).
26 May 2020	Council resolved to adopt the draft Exemption Policy (as shown in Attachment 4), pending WAPC approval of the certain provisions (Council Resolution Number 0520/022).
10 July 2020	The WAPC released draft amendments to the R-Codes for public consultation (separate to the City's proposed Exemption Policy).
17 July 2020	The draft Exemption Policy was sent to the WAPC for approval of the certain provisions.
9 Dec 2020	The R-Codes amendments were approved by the WAPC.
2 July 2021	The R-Codes amendments came into effect.
26 Oct 2021	The WAPC approved elements of the Exemption Policy that required its approval, with modifications (as shown in Attachment 3).

The reason for the delay in progressing the Exemption Policy was that the WAPC wanted to ensure the exemptions proposed under the City's Exemption Policy did not conflict with changes to the R-Codes that came into effect in July 2021.

The changes proposed by the City are broader than those contained in the R-Codes, and therefore exempt more development. However, given the changes to the R-Codes that came into effect in July 2021, further amendments to the City's Exemption Policy are required.

For this reason, a resolution of Council is required to adopt the Exemption Policy in an amended form.

Comment

Additional Amendments to Exemption Policy

As a consequence of changes to the R-Codes, the following amendments to the Exemption Policy are required:

- Updating Boundary Wall provisions;
- Updating Outbuildings (Sheds) provisions; and
- Removing Site Works and Retaining Walls provisions.

Boundary Walls

The Exemption Policy prepared (adopted) by Council relating to Boundary Walls permitted Boundary Walls on multiple boundaries, subject to a maximum average height of 3m. This was drafted prior to the R-Codes changes which now permit boundary walls on up to two lot boundaries, with a maximum height of 3.5m.

As a result of the R-Codes changes, most of the Boundary Wall provisions in the Exemption Policy are recommended to be deleted, with the R-Codes provisions prevailing. However, as Council previously supported exempting Boundary Walls on multiple boundaries in areas coded R30 or higher, it is recommended this be retained.

Outbuildings

The Exemption Policy, as it applies to Outbuildings, proposed to increase the maximum wall height to 3.0m from the R-Code requirement of 2.4m. The Exemption Policy was drafted prior to the R-Codes changes that created two sets of requirements for Outbuildings (single small outbuildings vs multiple/larger outbuildings).

As a result of the R-Codes changes, the Exemption Policy is now more restrictive as it limits wall heights to a maximum of 2.4m. An amendment to the Exemption Policy is proposed to ensure the policy reflects different Outbuilding types, but with a maximum wall of 3.0m as previously supported by Council.

Removing Site Works provisions

The changes to the R-Codes resulted in changes that mirrored those proposed by the City – that is, to simplify the assessment. As a result, the proposed Policy duplicated the R-Codes, and in order to address this, this provision is recommended to be removed.

Minor Amendments to the Exemption Policy

As a result of the changes to the R-Codes and the Planning and Development (Local Planning Schemes) Regulations 2015, administrative changes are also necessary to ensure the policy reflects State planning instruments.

In addition, the Exemption Policy is proposed to be updated to the latest formatting style for Local Planning Policies (shown in Attachment 1).

Each of these amendments to the Exemption Policy are considered to be minor in nature as they are aligning the City's Local Planning Policy with a State Planning Policy, or are textual updates.

Ability to Adopt Amended Policy without Advertising

The Planning and Development (Local Planning Schemes) Regulations 2015 allow Local Governments to amend a Local Planning Policy without advertising the change if it considers that the amendment is minor, but the Regulations do not define a minor amendment for the purpose of a Local Planning Policy.

The changes to Local Planning Policy 6.15 – 'Exemption from Requiring Development Approval' are administrative as they are necessary to make the policy consistent with the R-Codes as amended in July 2021. For this reason, they are considered minor and do not require public advertising.

Consultation/Communication Implications

The Exemption Policy was previously advertised prior to Council adoption in May 2020. As the proposed amendments to the Exemption Policy are considered minor, public advertising is not required (refer to section below).

Policy and Legislative Implications

The Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 outline the process for amending a Local Planning Policy, and state that:-

“4. Procedure for making local planning 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).*

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.”*

Should Council adopt the Exemption Policy with amendments, it must resolve that the changes are a minor amendment which do not require public consultation.

The proposed amendments are considered minor for the reasons outlined in this report.

Financial Implications

There are no costs associated with adopting the amended Local Planning Policy 6.15 – ‘Exemption from Requiring Development Approval’.

Strategic Implications

Key Result Area: Governance and leadership

Outcome G3: Customer-focussed organisation

Sustainability Implications

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

ENVIRONMENTAL	
Issue	Comment
Nil.	

SOCIAL	
Issue	Comment
Community services	A Local Planning Policy that provides further exemptions from requiring a development approval allows members of the community to avoid the administrative burden.

ECONOMIC	
Issue	Comment
Job creation	A Local Planning Policy that provides further exemptions from requiring a development approval allows less administrative burden and expenses through the City, to allow the money to be spent elsewhere in the economy.

Conclusion

The Exemption Policy previously considered by Council, and which has not yet come into effect, needs to be amended by Council to reflect recent changes to the R-Codes.

The changes required do not fundamentally alter the intent of the Exemption Policy. They are considered minor and therefore do not require public consultation.

It is recommended that Council proceed with (adopt) amended Local Planning Policy 6.15 – ‘Exemption from Requiring Development Approval’ as shown in Attachment 1.

6.15 EXEMPTION FROM REQUIRING DEVELOPMENT APPROVAL

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

This Policy outlines development that is exempt from requiring development approval in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Clause 61(1)(Table Item 20) and Clause 61(2)(g). These are additional to the exemptions from requiring development approval contained in the City of Stirling's Local Planning Scheme No. 3, the Planning and Development (Local Planning Schemes) Regulations 2015, Local Development Plans and other City of Stirling Local Planning Policies.

2. PURPOSE

To exempt certain development from requiring a development approval where the development will not have an adverse impact on the streetscape or adjoining properties.

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. This Policy does not exempt development from obtaining other approvals and compliance with relevant local laws, statutes and policies such as building and health permits.

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.

Transportable Containers:	means a moveable container, sea container, shipping container or the like, that is being used to transport goods to and/or from the property.
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5. REQUIREMENTS FOR RESIDENTIAL DWELLINGS

These provisions replace or amend the relevant deemed-to-comply requirements of the R-Codes Volume 1, except where modified elsewhere by the local planning framework (i.e. Character Retention Guidelines):

a) R-CODES CLAUSE 5.1.3 LOT BOUNDARY SETBACK is amended to include:

"C3.1 Buildings which are set back in accordance with the following provisions, subject to any additional measures in other elements of the R-Codes:

- vii. for patios, verandas or equivalent structures, (with pillars and posts with a horizontal dimension of 450mm by 450mm, or less), that are additions to an existing dwelling, the lot boundary setbacks in Table 1 and Table 2a and 2b may be reduced to nil to the posts where the structure;
 - a. is not more than 10m in length or 3.5m in height; and
 - b. is located behind the primary street setback; and
 - c. has eaves, gutters and roofs set back at least 450mm from the lot boundary."

- b) R-CODES CLAUSE 5.1.3 LOT BOUNDARY SETBACK C3.2 iii. is replaced with:
- "C3.2 Boundary walls may be built behind the street setback (specific in Table 1 and in accordance with clauses 5.1.2 and 5.2.1), within the following limits and subject to the overshadowing provisions of clause 5.4.2 and Figure Series 11:
- iii. in areas coded R30 and higher, walls not higher than 3.5m for two-thirds the length of the balance of the site boundary behind the front setback, to any number of site boundaries; or"
- c) R-CODES CLAUSE 5.2.5 SIGHT LINES C5 is replaced with:
- "C5.1 Development no higher than 0.75m above natural ground level within 1.5m of where:
- i. a driveway meets a street; or
 - ii. two streets intersect.
- C5.2 Fencing no higher than 1.8m high above natural ground level within 1.5m of where a driveway meets a street with:
- i. no more than one support pier with a maximum horizontal dimension of 350mm; and
 - ii. no more than two panels (inclusive of a sliding or swinging gate) with open style pickets that individually achieve a 1:10 spacing ratio (i.e. a 10mm picket with a 100mm space to the next picket)."

d) R-CODES CLAUSE 5.3.1 OUTDOOR LIVING AREA is amended to include:

"C1.3 Where patios are an addition to an existing dwelling, the outdoor living area is to be provided:

 - i. in accordance with Table 1;
 - ii. behind the street setback area;
 - iii. directly accessible from the primary living space of the dwelling;
 - iv. with a minimum length and width dimension of 4m; and
 - v. with at least one-third of the required area without permanent roof cover."

e) R-CODES CLAUSE 5.4.3 OUTBUILDINGS C3 TABLE B. LARGE AND MULTIPLE OUTBUILDINGS is replaced with:

 - i. individually or collectively does not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser;
 - ii. set back in accordance with Table 2a;
 - iii. do not exceed a wall height of 3.0m;
 - iv. do not exceed a ridge height of 4.2m;
 - v. not located within the primary or secondary street setback area; and
 - vi. does not reduce the open space and outdoor living area requirements in Table 1."

6. WORKS ON A PROPERTY EXEMPT FROM REQUIRING DEVELOPMENT APPROVAL

Works within a lot that are:

- not located on a property affected by the *Heritage Act 2018*;
- not on a place listed on the City of Stirling Heritage List;
- not on a property within a Heritage Protection Area;
- not required to be referred by the Metropolitan Region Scheme Instrument of Delegation prior to determination; or
- not subject to the bushfire requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*;

do not require development approval in the following instances:

- a) ALTERATIONS OF FRONT FACADES of non-residential components of buildings where:
 - i. the height of the building is not increased; and
 - ii. the alignment to the street is not altered by more than 300mm; and
 - iii. meets all requirements of Local Planning Scheme No. 3 and relevant Local Planning Framework.
- b) GROUPED DWELLING development that results in no more than two dwellings on a parent lot, that meets all requirements of Local Planning Scheme No. 3, relevant Local Planning Framework and the deemed-to-comply provisions of the R-Codes Volume 1.
- c) Additions or alterations to a GROUPED DWELLING that meets all requirements of Local Planning Scheme No. 3, relevant Local Planning Framework and the deemed-to-comply provisions of the R-Codes Volume 1.
- d) TRANSPORTABLE CONTAINERS that are present on the property for no more than 9 consecutive days in total for a 12 month period.
- e) VIEWING PLATFORMS used as part of the sale of individual dwellings in an approved development, to demonstrate the prospective views, that are:
 - i. limited to one per development site; and
 - ii. on-site for a maximum of 3 months in any 12 month period; and
 - iii. within the maximum building height of the approved development; and
 - iv. behind all street setback areas; and
 - v. setback a minimum of 7.5m from any lot boundary.

OFFICE USE ONLY:

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

Action	Council Date	Resolution No.	Effective Date
Council Adopted	26 May 2020	0520/022	Nil
WAPC Approval	26 October 2021	-	dd/mm/yyyy
Modified	-	-	dd/mm/yyyy

6.15 EXEMPTION FROM REQUIRING DEVELOPMENT APPROVAL

1. Introduction

This Policy outlines **development** that is exempt from requiring development approval in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 Clause 61(1)(**Table Item 20**) and Clause 61(2)(**eg**). These are additional to the exemptions from requiring development approval contained in the City of Stirling's Local Planning Scheme No. 3, the *Planning and Development (Local Planning Schemes) Regulations 2015*, Local Development Plans and other City of Stirling Local Planning Policies.

2. Purpose

To exempt certain **development** from requiring a development approval where the **development** will not have an adverse impact on the streetscape or **adjoining properties**.

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. This Policy does not exempt **development** from obtaining other approvals and compliance with relevant local laws, statutes and policies such as building and health permits.

4. Definitions

Unless otherwise provided for in this Policy, definitions have the same meaning as the Residential Design Codes (R-Codes) Volume 1 (**bolded**), Local Planning Scheme No. 3 (**bolded and underlined**) and the *Planning and Development (Local Planning Schemes) Regulations 2015* (**bolded and italic**).

The following additional definitions apply to this policy.

Boundary Walls:	means a wall of a building built 0.6m or less from any property boundary (green title lot, or survey strata lot, or strata lot, or indicative boundary between dwellings), other than a street boundary.
Transportable Containers:	means a moveable container, sea container, shipping container or the like, that is being used to transport goods to and/or from the property.

5. Requirements for Residential Dwellings

These provisions replace **or amend** the relevant deemed-to-comply requirements of the R-Codes Volume 1, except where modified elsewhere by the **local planning framework** (i.e. Character Retention Guidelines):

- a) R-CODES CLAUSE 5.1.3 LOT BOUNDARY SETBACK **is amended to include**

C3.1 **Buildings** which are set back in accordance with the following provisions, subject to any additional measures in other elements of the R-Codes:

- vii. for **patios, verandas** or equivalent structures, (with pillars and posts with a horizontal dimension of 450mm by 450mm, or less), that are additions to an existing **dwelling**, the **lot boundary** setbacks in Table 1 and Table 2a and 2b may be reduced to nil to the posts where the structure;
 - a. is not more than 10m in length or 3.5m in height; and
 - b. is located behind the **primary street setback**; and
 - c. has eaves, gutters and roofs set back at least 450mm from the lot boundary.

~~C3.2—Boundary Walls behind the street setback area;~~

- ~~i. where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension;~~
- ~~ii. in areas coded R20 and R25:~~
 - ~~A. walls not higher than 3.5m, with an average height of 3.0m or less; and~~
 - ~~B. located on no more than two boundaries; and~~
 - ~~C. up to one-third the length of the balance of the lot boundary behind the front setback or 9.0m (whichever is greater);~~
- ~~iii. in areas coded R30 and higher:~~
 - ~~A. walls not higher than 3.5m, with an average height of 3.0m or less; and~~
 - ~~B. located to any number of boundaries; and~~
 - ~~C. up to two-third the length of the balance of the lot boundary behind the front setback;~~
- ~~iv. where both the subject site and the affected adjoining site are created in a plan of subdivision concurrently with the development application.~~

b) R-CODES CLAUSE 5.1.3 LOT BOUNDARY SETBACK C3.2 iii. is replaced with:

- C3.2 Boundary walls may be built behind the street setback (specific in Table 1 and in accordance with clauses 5.1.2 and 5.2.1), within the following limits and subject to the overshadowing provisions of clause 5.4.2 and Figure Series 11:
- iii. in areas coded R30 and higher, walls not higher than 3.5m for two-thirds the length of the balance of the site boundary behind the front setback, to any number of site boundaries; or

bc) R-CODES CLAUSE 5.2.5 SIGHT LINES C5 is replaced with:

- C5.1 Development** no higher than 0.75m above **natural ground level** within 1.5m of where:
- i. a **driveway** meets a **street**; or
 - ii. two **streets** intersect.
- C5.2 Fencing** no higher than 1.8m high above **natural ground level** within 1.5m of where a **driveway** meets a **street** with:
- i. no more than one support pier with a maximum horizontal dimension of 350mm; and
 - ii. no more than two panels (inclusive of a sliding or swinging gate) with open style pickets that individually achieve a 1:10 spacing ratio (i.e. a 10mm picket with a 100mm space to the next picket).

~~c) R-CODES CLAUSE 5.3.7 SITE WORKS C7.1, C7.2 AND C7.3~~

~~C7.1—Excavation or filling within a street setback area:~~

- ~~i. necessary to provide for pedestrian or vehicle access; or~~
- ~~ii. where not providing pedestrian or vehicle access that is 0.5m or less above or below natural ground level.~~

~~C7.2 — Excavation or filling outside a **street setback area**:~~

- ~~i — that is 0.5m or less in height above the **natural ground level**; or~~
- ~~ii — where greater than 0.5m in height above **natural ground level** is proposed, site works must be **setback** a minimum 1.0m from the **lot boundary**. Any excavation or filling must comply with **building height** and **lot boundary setbacks** as if the site works were a **building** as contained in Tables 1, 2a, 2b and 3 of the R-Codes Volume 1.~~

~~d) — R-CODES CLAUSE 5.3.8 RETAINING WALLS C8~~

~~C8.1 — **Retaining walls** within a **primary street setback area**, are to be included in the assessment for height of a front wall or fence from the natural ground level in accordance with Clause 5.2.4 of the R-Codes Volume 1.~~

~~C8.2 — **Retaining walls** outside a **primary street setback area**:~~

- ~~i — that are 0.5m or less in height above the **natural ground level**; or~~
- ~~ii — where greater than 0.5m in height above **natural ground level** and are **setback** from **lot boundaries** in accordance with the **setback** provisions as contained in Tables 1, 2a and 2b of the R-Codes Volume 1.~~

~~e) — R-CODES CLAUSE 5.4.3 OUTBUILDINGS C3~~

~~C3 — **Outbuildings** that:~~

- ~~i — are not attached to a **dwelling** and are non-habitable;~~
- ~~ii — collectively do not exceed 60m² in area or 10 per cent in aggregate of the **site area** (whichever is the lesser);~~
- ~~iii — do not exceed a **wall height** of 3.0m;~~
- ~~iv — do not exceed a ridge height of 4.2m; and~~
- ~~v — are not within the **primary street setback area** or **secondary street setback area**;~~
- ~~vi — provide **building setbacks**, **open space** and **outdoor living area** in accordance with Clause 5.1.3, 5.1.4 and 5.3.1 of the R-Codes Volume 1.~~

~~1d) R-CODES CLAUSE 5.3.1 OUTDOOR LIVING AREA is amended to include:~~

~~C1.3 Where **patios** are an addition to an existing **dwelling**, the **outdoor living area** is to be provided:~~

- ~~i. in accordance with Table 1;~~
- ~~ii. behind the **street setback area**;~~
- ~~iii. directly accessible from the **primary living space** of the **dwelling**;~~
- ~~iv. with a minimum length and width dimension of 4m; and~~
- ~~v. with at least one-third of the required area without permanent roof cover.~~

~~e) R-CODES CLAUSE 5.4.3 OUTBUILDINGS C3 TABLE B. LARGE AND MULTIPLE OUTBUILDINGS is replaced with:~~

- ~~i. individually or collectively does not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser;~~
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- ~~iii. do not exceed a wall height of 3.0m;~~
- ~~iv. do not exceed a ridge height of 4.2m;~~
- ~~v. not located within the primary or secondary street setback area; and~~
- ~~vi. does not reduce the open space and outdoor living area requirements in Table 1.~~

6. Works on a Property Exempt from Requiring Development Approval

Works within a lot that are:

- not located on a property affected by the *Heritage Act 2018*;
- not on a place listed on the City of Stirling Heritage List;
- not on a property within a Heritage Protection Area;
- not required to be referred by the Metropolitan Region Scheme Instrument of Delegation prior to determination; or
- not subject to the bushfire requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*;

do not require development approval in the following instances:

- a) ALTERATIONS OF FRONT FACADES of non-residential components of buildings where:
 - i. the height of the building is not increased; and
 - ii. the alignment to the street is not altered by more than 300mm; and
 - iii. meets all requirements of Local Planning Scheme No. 3 and relevant **Local Planning Framework**.
- b) **GROUPED DWELLING** development that results in no more than two **dwellings** on a **parent lot**, that meets all requirements of Local Planning Scheme No. 3, relevant **Local Planning Framework** and the deemed-to-comply provisions of the R-Codes Volume 1.
- c) Additions or alterations to a **GROUPED DWELLING** that meets all requirements of Local Planning Scheme No. 3, relevant **Local Planning Framework** and the deemed-to-comply provisions of the R-Codes Volume 1.
- d) TRANSPORTABLE CONTAINERS that are present on the property for no more than 9 consecutive days in total for a 12 month period.
- e) VIEWING PLATFORMS used as part of the sale of individual **dwellings** in an approved development, to demonstrate the prospective views, that are:
 - i. limited to one per development site; and
 - ii. on-site for a maximum of 3 months in any 12 month period; and
 - iii. within the maximum **building height** of the approved development; and
 - iv. behind all **street setback areas**; and
 - v. **setback** a minimum of 7.5m from any **lot** boundary.

Office Use Only:

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

Action	Resolution Number	Date
Council Adoption	0520/022	26 May 2020
WAPC Approval		26 October 2021

6.15 EXEMPTION FROM REQUIRING DEVELOPMENT APPROVAL

1. Introduction

This Policy outlines development that is exempt from requiring development approval in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 Clause 61(1)(i) and Clause 61(2)(e). These are additional to the exemptions from requiring development approval contained in the City of Stirling's Local Planning Scheme No. 3, the *Planning and Development (Local Planning Schemes) Regulations 2015*, Local Development Plans and other City of Stirling Local Planning Policies.

2. Purpose

To exempt certain development from requiring a development approval where the development will not have an adverse impact on the streetscape or adjoining properties.

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. This Policy does not exempt development from obtaining other approvals and compliance with relevant local laws, statutes and policies such as building and health permits.

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Transportable Containers:	means a moveable container, sea container, shipping container or the like, that is being used to transport goods to and/or from the property.

5. Requirements for Residential Dwellings

These provisions replace the relevant deemed-to-comply requirements of the R-Codes Volume 1, except where modified elsewhere by the **local planning framework** (i.e. Character Retention Guidelines):

a) R-CODES CLAUSE 5.1.3 LOT BOUNDARY SETBACK **C3.2**

C3.2 Boundary Walls behind the **street setback area**:

- i. where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension;
- ii. in areas coded R20 and R25:
 - A. **walls** not higher than 3.5m, with an average height of 3.0m or less; and
 - B. located on no more than two boundaries; and
 - C. up to one-third the length of the balance of the **lot boundary** behind the **front setback** or 9.0m (whichever is greater);
- iii. in areas coded R30 and higher:
 - A. **walls** not higher than 3.5m, with an average height of 3.0m or less; and
 - B. located to any number of boundaries; and
 - C. up to two-third the length of the balance of the **lot boundary** behind the **front setback**;
- iv. where both the subject **site** and the affected adjoining **site** are created in a plan of subdivision concurrently with the **development** application.

C3.1 Buildings which are set back in accordance with the following provisions, subject to any additional measures in other elements of the R-Codes:

vii. for **patios, verandas or equivalent structures, (with pillars and posts with a horizontal dimension of 450mm by 450mm, or less), that are additions to an existing dwelling, the lot boundary setbacks in Table 1 and Tables 2a and 2b may be reduced to nil to the posts where the structure:**

- a. is not more than 10m in length or 3.5m in height; and
- b. is located behind the primary street setback; and
- c. has eaves, gutters and roofs set back at least 450mm from the lot boundary.

b) R-CODES CLAUSE 5.2.5 SIGHT LINES **C5**

C5.1 **Development** no higher than 0.75m above **natural ground level** within 1.5m of where:

- i. a **driveway** meets a **street**; or
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C5.2 **Fencing** no higher than 1.8m high above **natural ground level** within 1.5m of where a **driveway** meets a **street** with:

- i. no more than one support pier with a maximum horizontal dimension of 350mm; and
- ii. no more than two panels (inclusive of a sliding or swinging gate) with open style pickets that individually achieve a 1:10 spacing ratio (i.e. a 10mm picket with a 100mm space to the next picket).

c) R-CODES CLAUSE 5.3.7 SITE WORKS **C7.1, C7.2 AND C7.3**

- C7.1 Excavation or filling within a **street setback area**:
- necessary to provide for pedestrian or vehicle access; or
 - where not providing pedestrian or vehicle access that is 0.5m or less above or below **natural ground level**.
- C7.2 Excavation or filling outside a **street setback area**:
- that is 0.5m or less in height above the **natural ground level**; or
 - where greater than 0.5m in height above **natural ground level** is proposed, site works must be **setback** a minimum 1.0m from the **lot boundary**. Any excavation or filling must comply with **building height** and **lot boundary setbacks** as if the site works were a **building** as contained in Tables 1, 2a, 2b and 3 of the R-Codes Volume 1.
- d) R-CODES CLAUSE 5.3.8 RETAINING WALLS C8
- C8.1 **Retaining walls** within a **primary street setback area**, are to be included in the assessment for height of a front wall or fence from the natural ground level in accordance with Clause 5.2.4 of the R-Codes Volume 1.
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- that are 0.5m or less in height above the **natural ground level**; or
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- e) R-CODES CLAUSE 5.4.3 OUTBUILDINGS C3
- C3 **Outbuildings** that:
- are not attached to a **dwelling** and are non-habitable;
 - collectively do not exceed 60m² in area or 10 per cent in aggregate of the **site area** (whichever is the lesser);
 - do not exceed a **wall height** of 3.0m;
 - do not exceed a **ridge height** of 4.2m; and
 - are not within the **primary street setback area** or **secondary street setback area**;
 - provide **building setbacks**, **open space** and **outdoor living area** in accordance with Clause 5.1.3, 5.1.4 and 5.3.1 of the R-Codes Volume 1.

f) R-Codes Clause 5.3.1 OUTDOOR LIVING AREA is amended to include:

C1.3 Where patios are an addition to an existing dwelling, the outdoor living area is to be provided:

- in accordance with Table 1;*
- behind the street setback area;*
- directly accessible from the primary living space of the dwelling;*
- with a minimum length and width dimension of 4m; and*

v. with at least one-third of the required area without permanent roof cover.

6. Works on a Property Exempt from Requiring Development Approval

Works within a lot that are:

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c) Additions or alterations to a **GROUPED DWELLING** that meets all requirements of Local Planning Scheme No. 3, relevant **Local Planning Framework** and the deemed-to-comply provisions of the R-Codes Volume 1.

~~d) PATIOS that:~~

- ~~i. are an addition to an existing Single House or Grouped Dwelling; and~~
- ~~ii. are not located within a street setback area; and~~
- ~~iii. has a wall height not more than 3.5m in height above natural ground level.~~

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- iv. behind all **street setback areas**; and
- v. **setback** a minimum of 7.5m from any **lot** boundary.

Office Use Only:**Policy Adoption and Amendment History:**

Reviewed / Modified	Date	Resolution Number
Council Adoption	26 May 2020	0520/022

6.15 EXEMPTION FROM REQUIRING DEVELOPMENT APPROVAL

1. Introduction

This Policy outlines development that is exempt from requiring development approval in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 Clause 61(1)(i) and Clause 61(2)(e). These are additional to the exemptions from requiring development approval contained in the City of Stirling's Local Planning Scheme No. 3, the *Planning and Development (Local Planning Schemes) Regulations 2015*, Local Development Plans and other City of Stirling Local Planning Policies.

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To exempt certain development from requiring a development approval where the development will not have an adverse impact on the streetscape or adjoining properties.

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This Policy applies to all development on land within the City of Stirling where Local Planning Scheme No. 3 applies. This Policy does not exempt development from obtaining other approvals and compliance with relevant local laws, statutes and policies such as building and health permits.

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5. Requirements for Residential Dwellings

These provisions replace the relevant deemed-to-comply requirements of the R-Codes Volume 1, except where modified elsewhere by the **local planning framework** (i.e. Character Retention Guidelines):

- a) R-CODES CLAUSE 5.1.3 LOT BOUNDARY SETBACK C3.2
- C3.2 Boundary Walls behind the **street setback area**:
- i. where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension;
 - ii. in areas coded R20 and R25:
 - A. **walls** not higher than 3.5m, with an average height of 3.0m or less; and
 - B. located on no more than two boundaries; and
 - C. up to one-third the length of the balance of the **lot boundary** behind the **front setback** or 9.0m (whichever is greater);
 - iii. in areas coded R30 and higher:
 - A. **walls** not higher than 3.5m, with an average height of 3.0m or less; and
 - B. located to any number of boundaries; and
 - C. up to two-third the length of the balance of the **lot boundary** behind the **front setback**;
 - iv. where both the subject **site** and the affected adjoining **site** are created in a plan of subdivision concurrently with the **development** application.
- b) R-CODES CLAUSE 5.2.5 SIGHT LINES C5
- C5.1 **Development** no higher than 0.75m above **natural ground level** within 1.5m of where:
- i. a **driveway** meets a **street**; or
 - ii. two **streets** intersect.
- C5.2 **Fencing** no higher than 1.8m high above **natural ground level** within 1.5m of where a **driveway** meets a **street** with:
- i. no more than one support pier with a maximum horizontal dimension of 350mm; and
 - ii. no more than two panels (inclusive of a sliding or swinging gate) with open style pickets that individually achieve a 1:10 spacing ratio (i.e. a 10mm picket with a 100mm space to the next picket).
- c) R-CODES CLAUSE 5.3.7 SITE WORKS C7.1, C7.2 AND C7.3
- C7.1 Excavation or filling within a **street setback area**:
- i. necessary to provide for pedestrian or vehicle access; or
 - ii. where not providing pedestrian or vehicle access that is 0.5m or less above or below **natural ground level**.
- C7.2 Excavation or filling outside a **street setback area**:
- i. that is 0.5m or less in height above the **natural ground level**; or
 - ii. where greater than 0.5m in height above **natural ground level** is proposed, site works must be **setback** a minimum 1.0m from the **lot boundary**. Any excavation or filling must comply with **building height** and **lot boundary setbacks** as if the site works were a **building** as contained in Tables 1, 2a, 2b and 3 of the R-Codes Volume 1.

d) R-CODES CLAUSE 5.3.8 RETAINING WALLS C8

C8.1 **Retaining walls** within a **primary street setback area**, are to be included in the assessment for height of a front wall or fence from the natural ground level in accordance with Clause 5.2.4 of the R-Codes Volume 1.

C8.2 **Retaining walls** outside a **primary street setback area**:

- i. that are 0.5m or less in height above the **natural ground level**; or
- ii. where greater than 0.5m in height above **natural ground level** and are **setback** from **lot** boundaries in accordance with the **setback** provisions as contained in Tables 1, 2a and 2b of the R-Codes Volume 1.

e) R-CODES CLAUSE 5.4.3 OUTBUILDINGS C3

C3 **Outbuildings** that:

- i. are not attached to a **dwelling** and are non-habitable;
- ii. collectively do not exceed 60m² in area or 10 per cent in aggregate of the **site area** (whichever is the lesser);
- iii. do not exceed a **wall height** of 3.0m;
- iv. do not exceed a ridge height of 4.2m; and
- v. are not within the **primary street setback area** or **secondary street setback area**;
- vi. provide **building setbacks**, **open space** and **outdoor living area** in accordance with Clause 5.1.3, 5.1.4 and 5.3.1 of the R-Codes Volume 1.

6. Works on a Property Exempt from Requiring Development Approval

Works within a **lot** that are:

- not located on a property affected by the *Heritage Act 2018*;
- not on a place listed on the City of Stirling **Heritage List**;
- not on a property within a Heritage Protection Area;
- not required to be referred by the Metropolitan Region Scheme Instrument of Delegation prior to determination; or
- not subject to the bushfire requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*;

do not require development approval in the following instances:

a) ALTERATIONS OF FRONT FACADES of non-residential components of **buildings** where:

- i. the height of the **building** is not increased; and
- ii. the alignment to the **street** is not altered by more than 300mm; and
- iii. meets all requirements of Local Planning Scheme No. 3 and relevant **Local Planning Framework**.

- b) **GROUPED DWELLING** development that results in no more than two **dwellings** on a **parent lot**, that meets all requirements of Local Planning Scheme No. 3, relevant **Local Planning Framework** and the deemed-to-comply provisions of the R-Codes Volume 1.
- c) Additions or alterations to a **GROUPED DWELLING** that meets all requirements of Local Planning Scheme No. 3, relevant **Local Planning Framework** and the deemed-to-comply provisions of the R-Codes Volume 1.
- d) **PATIOS** that:
 - i. are an addition to an existing **Single House** or **Grouped Dwelling**; and
 - ii. are not located within a **street setback area**; and
 - iii. has a wall height not more than 3.5m in height above natural ground level.
- e) **TRANSPORTABLE CONTAINERS** that are present on the property for no more than 9 consecutive days in total for a 12 month period.
- f) **VIEWING PLATFORMS** used as part of the sale of individual **dwellings** in an approved **development**, to demonstrate the prospective views, that are:
 - i. limited to one per **development** site; and
 - ii. on-site for a maximum of 3 months in any 12 month period; and
 - iii. within the maximum **building height** of the approved **development**; and
 - iv. behind all **street setback areas**; and
 - v. **setback** a minimum of 7.5m from any **lot boundary**.

Office Use Only:

Policy Adoption and Amendment History:

Reviewed / Modified	Date	Resolution Number
Council Adoption	26 May 2020	0520/022

**12.1/DS3 PLANNING FOR TOURISM AND ASSOCIATED GUIDELINES DRAFT
POSITION STATEMENT - PROPOSED SUBMISSION****Report Information**

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

Authority/Discretion**Definition**

- | | | |
|-------------------------------------|----------------------|---|
| <input checked="" type="checkbox"/> | Advocacy | <i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>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.</i> |
| <input type="checkbox"/> | Information Purposes | <i>includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').</i> |

Council Resolution

0222/007

Moved Councillor Migdale, seconded Councillor Proud

That Council ENDORSES the submission to the Western Australian Planning Commission on the 'Planning for Tourism and associated Guidelines' Position Statement, as shown in Attachment 1.

The motion was put and declared CARRIED (15/0) by exception resolution.

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

Against: Nil.

Committee Recommendation

THE COMMITTEE RECOMMENDS TO COUNCIL

That Council ENDORSES the submission to the Western Australian Planning Commission on the 'Planning for Tourism and associated Guidelines' Position Statement, as shown in Attachment 1.

The motion was put and declared CARRIED (8/0).

For: Councillors Creado, Krsticevic, Lagan, Migdale, Perkov, Proud, Thornton and Mayor Irwin.

Against: Nil.

Officer's Recommendation

That Council ENDORSES the submission to the Western Australian Planning Commission on the 'Planning for Tourism and associated Guidelines' Position Statement, as shown in Attachment 1.

Report Purpose

To consider the draft Planning for Tourism Position Statement and associated Guidelines. The purpose of these documents is to aid Local Government in planning for tourism, including short stay accommodation.

Relevant Documents

Attachments

Attachment 1 - City of Stirling Submission letter - Draft Planning for Tourism Position Statement and associated Guidelines [↓](#)

Available for viewing at meeting

Nil

Background

On 6 December 2021 the Western Australian Planning Commission (WAPC) released the Draft Position Statement (Position Statement) – Planning for Tourism and associated Guidelines for public comment. Together, they outline the draft policy position of the WAPC for tourism land uses and development in Western Australia.

The Position Statement was an outcome of the 2019 Economics and Industry Standing Committee's Parliamentary inquiry "*Levelling the playing field: Managing the impact of the rapid increase of Short-Term Rentals in Western Australia*".

The Position Statement and Guidelines also give direction to local governments on the definition and treatment of short-term rental accommodation in Western Australia.

The City's main tourism area is the coastal precinct, centred on the Scarborough Beach area. Scarborough's tourism role is reflected in its inclusion in the Top 9 Entertainment Centres identified by Tourism WA.

A draft Economic and Tourism Development Strategy 2021-2025 (Strategy) has been prepared by the City's officers which seeks to harness the Economic and Tourism potential of the City and guide the City to achieve economic and tourism growth through initiatives and actions during the four-year period 2021 - 2025. The Strategy will be considered by Council at its 15 February 2022 meeting.

The Strategy aims to create a modern, global City which provides vibrant places for businesses to invest, jobs to flourish and visitors to enjoy. Through this strategy, the City seeks to deliver a number of aspirational goals by 2041, including:

- Over \$200 million more investment;
- Over 10,000 more jobs; and
- Over 700,000 more visitors

The protection and increase of short-term accommodation encouraged by the Position Statement is in line with these goals, and the Strategy actively promotes encouraging tourism infrastructure development. A recommendation of the Strategy (3.4) is *to support accommodation development by promoting opportunities for short-stay accommodation*. This will be undertaken over the life of the Strategy.

The Position Statement will inform the drafting of Local Planning Scheme No.4, where new 'Tourism Zones' can be explored, including whether they are appropriate for certain areas of the City.

Short Stay Accommodation in the City.

Council considered the appropriateness of Short Stay Accommodation within the City prior to the 2019 Parliamentary Inquiry that resulted in the Position Statement. At its meeting held 8 August 2017, Council considered a Notice of Motion report relating to 'Short Stay Accommodation' and resolved (Council Resolution Number 0817/024) as follows:

"That a report be PRESENTED to the Planning and Development Committee to consider whether existing Local Planning Scheme No.3 provisions for 'Short Stay Accommodation' type activities are a contemporary approach to how this use can be best considered."

This resolution, and subsequent review of Short Stay Accommodation in the City resulted in Council at its meeting held 3 July 2018:

- Adopting a Scheme Amendment which proposed making 'Short Stay Accommodation' a 'P' (permitted) use within the 'Residential' zone; and
- Proceeding with a Short Stay Accommodation Local Planning Policy which exempted Short Stay Accommodation from needing development approval if certain criteria were met. (Note that implementation of the Policy was reliant on the Scheme Amendment being approved by the Minister for Planning).

The Scheme Amendment was submitted to the WAPC in August 2018 for a Ministerial decision. However, before the Minister could make a decision, the Parliamentary Inquiry into Short Stay Accommodation in Western Australia was announced. The City's officers have been advised that the Scheme Amendment will not be considered by the Minister until these actions have been completed.

Comments on the draft Position Statement are to be submitted by Monday 7 March 2022.

The documents can be found at the below links:

Draft Position Statement Planning for Tourism -

https://consultation.dplh.wa.gov.au/++preview++/strategy-and-enagagement/planning-for-tourism-position-statement/user_uploads/position-statement---planning-for-tourism.pdf

Draft Planning for Tourism Guidelines -

https://consultation.dplh.wa.gov.au/++preview++/strategy-and-enagagement/planning-for-tourism-position-statement/user_uploads/draft-planning-for-tourism-guidelines.pdf

Comment

The Position Statement has two key provisions (to be contained in future Regulation changes).

Key Provision 1 - Consistent Strategic Planning Approach

The Position Statement and associated guidelines identify the importance of strategic planning for tourism. The Planning and Development (Local Planning Schemes) Regulations 2015 make reference to a model 'Tourism Zone', which is encouraged for precincts where tourism is the current or desired primary function.

Local Planning Scheme No.3 (LPS3) does not have any 'Tourism Zones', though the City's Local Planning Strategy identifies Scarborough as one of Perth's premier beachside tourism precincts with a variety of tourist activities and accommodation options. However, this tourism area falls under the jurisdiction of DevelopmentWA and therefore is not zoned under the City's LPS3. The City's officers are in discussion with DevelopmentWA on the best way to ensure normalisation of the area to the control of the City, and a separate report on this matter is contained within this agenda.

The preparation of Local Planning Scheme No.4 will consider whether a 'Tourism' zone is appropriate in the City. Some of the issues to be considered include the need to:

- Protect existing hotels that provide a valuable role within established communities; and
- Protect existing tourism nodes, such as Scarborough Beach.

Key Provision 2 - Short Stay Accommodation

Requirement for development approval

The Position Statement and associated Guidelines identify different forms of tourist accommodation, and in particular, traditional accommodation such as caravan parks and emerging short term rental accommodation. The Position Statement supports the protection of these uses in appropriate locations and tries to remove confusion around the planning process.

The Position Statement contains model provisions to allow local governments to exempt certain forms of short stay accommodation, while recognising that individual local governments are best placed to determine what forms of development should be exempt in their areas.

These model provisions exempt fewer short stay accommodation proposals than Council's approach supported at the July 2018 Council Meeting.

The model exemptions suggested are:

- Hosted accommodation: does not exceed a maximum of four adult persons or one family and a maximum of two guest bedrooms.
- Un-hosted accommodation: where it is let for no more than 60 days per calendar year.

The exemptions in the City's Policy are broadly similar for Hosted Accommodation. The City's requirements for un-hosted accommodation differ, and while the City's approach does not limit the duration a property can be used for un-hosted accommodation, it does limit the maximum number of guests permitted.

Additionally, the City's Policy requires car parking to be provided for any additional dwellings, which is not a requirement of the Position Statement.

Although the Policy's implementation has been delayed, a departure from this previously adopted position is not recommended. The City currently has approximately 845 Airbnb style accommodation units (most of which are situated within the Scarborough area). These are operating with very few complaints to the City. The ability for this type of development to occur without affecting the amenity of an area was a reason Council supported its approach.

The City supports in principle the exemption of such uses from requiring development approval as this is consistent with the removal of 'red tape' discussed in Council's July 2018 resolution.

However, the City's officers consider that consistently demonstrating that properties have only been operating for 60 days (or any other specified timeframe) in order to be exempt from requiring development approval as suggested would be problematic, particularly as the operating days do not have to be consecutive.

Land Use definitions

The Position Statement and guidelines discuss two different levels of short-term accommodation; hosted and un-hosted (where guests have exclusive use of an entire house, unit or apartment).

To ensure consistency in local government, the Position Statement proposes to amend the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) (at some future date) to include the following definitions:

- *Hosted accommodation: means a dwelling or ancillary dwelling, or a portion thereof, used for the purpose of short-term accommodation, with a permanent resident who is present overnight for the duration of the stay either in the dwelling or ancillary dwelling.*
- *Holiday house: means a single dwelling used to provide short-term accommodation*
- *Holiday unit: means a grouped dwelling used to provide short-term accommodation*
- *Holiday apartment: means a multiple dwelling used to provide short-term accommodation*

No timeframe has been provided for an amendment to the Regulations to incorporate these definitions.

The Position Statement also identifies that the State Government is working towards implementation of a registration scheme for hosted and un-hosted short-term rental accommodation, which was a key recommendation of the Parliamentary Inquiry into Short-Term Rentals in Western Australia.

The Position Statement identifies that the registration scheme would be run by the State Government.

Clarification is required in relation to the administration of any registration scheme. The City has concerns about how this will be managed by the WAPC. Of particular concern is the ability of the WAPC to monitor breaches to exemptions or noise regulations. Additionally, where a local government seeks to have a property registration removed - for example, due to amenity concerns - how this would operate is unclear.

Although the City in principle supports this approach, further clarification is required.

Overview of comments

The City's officers support the Planning for Tourism Position Statement and Guidelines to provide a consistent approach to land use planning intended to safeguard existing or planned tourism areas from encroachment of incompatible uses.

The City will investigate opportunities to incorporate Tourism zonings through the drafting of Local Planning Scheme No.4 which will be referred to the WAPC in due course.

Consideration should be given to including provisions within the Planning for Tourism Guidelines that provide consistent management and exemptions for short term rentals. This should be reflected in Local Planning Scheme and Local Planning Policy provisions. This would provide greater clarity on exemptions, management and enforcement.

Consultation/Communication Implications

The public consultation period for lodging submissions closes on Monday 7 March 2022.

Policy and Legislative Implications

As this is a draft Position Statement, there is no immediate change to existing planning controls for tourism uses and short-term rental accommodation in the City.

The WAPC will consider all submissions on the Position Statement before releasing a final Position Statement and Guidelines that individual local governments can use to help guide policy-making and local planning scheme provisions in their areas.

Financial Implications

Nil.

Strategic Implications

Key Result Area: Vibrant economy

Outcome E1: Destination City

Sustainability Implications

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

ENVIRONMENTAL	
Issue	Comment
Natural Area Tourism	The City has a range of environmental and natural areas that can be used to enhance the City's attractiveness as a visitor destination.

SOCIAL	
Issue	Comment
Amenity	Encouragement of tourism activities and compatible uses in consolidated areas.

ECONOMIC	
Issue	Comment
Dvlpmnt of key business sectors	The support of the tourism industry can help a wide range of local businesses and community organisations.

Conclusion

The proposed Draft Position Statement Planning for Tourism and Associated Guidelines are supported in principle. Further consideration is required in relation to how un-hosted accommodation will operate under the new exemptions as well as the administration of the proposed registration scheme.

It is recommended that Council endorses the submission to the Draft Position Statement Planning for Tourism and Associated Guidelines, as shown in Attachment 1.



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25 Cedric St, Stirling WA 6021
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Enquiries: Neil Maull – 9205 8555

22 February 2022

Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Dear Sir/Madam

DRAFT POSITION STATEMENT – PLANNING FOR TOURISM AND ASSOCIATED GUIDELINES

Thank you for the opportunity to comment on the Draft Position Statement – Planning for Tourism and associated Guidelines.

At its meeting of 15 February 2022 Council considered a report on the draft document and resolved:

That Council ENDORSES the submission to the Department of Planning, Lands and Heritage of the draft 'Planning for Tourism Guidelines', as shown in Attachment 1 (this letter).

The City is supportive of the Position Statement and Guidelines, however, request the following be considered:

1. Local Governments be provided with advice how owners of properties can consistently demonstrate that un-hosted accommodation have operated for less than 60 days (or any other specified timeframe) in order to be exempt from requiring development approval (as days do not have to be consecutive). The City has concerns this may be problematic to implement.
2. Local Governments be provided with clarification in relation to the administration of any registration scheme. The City has concerns how this will be managed by the WAPC. Of particular concern is the ability of the WAPC to monitor breaches to exemptions or noise regulations. Additionally, where a local government seeks to have a property registration removed, for example, due to amenity concerns, how would this be achieved.

The City again thanks you for the opportunity to comment and would be pleased to discuss any of the comments and recommendations made in a further detail with the Commission.

Yours sincerely

Stevan Rodic

DIRECTOR PLANNING & DEVELOPMENT

Enc: Minutes of Ordinary meeting of Council 15 February 2022.

12.1/CF1 OUTCOMES OF PUBLIC ADVERTISING FOR THE ECONOMIC AND TOURISM DEVELOPMENT STRATEGY 2021-2025

This item was REFERRED to the Council meeting to be held 15 February 2022 at the Council meeting held 7 December 2021 to allow the Director Planning and Development and the Manager City Future to have further discussions with Elected Members to explain how the City promotes tourism in Natural Areas.

Additional information and a Suggested Alternative Recommendation have been included at the end of the report.

Report Information

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

Authority/Discretion**Definition**

- | | | |
|-------------------------------------|----------------------|---|
| <input type="checkbox"/> | Advocacy | <i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>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.</i> |
| <input type="checkbox"/> | Information Purposes | <i>includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').</i> |

Council Resolution**0222/008****Moved Councillor Migdale, seconded Councillor Proud****That Council ENDORSES the Economic and Tourism Development Strategy 2021 – 2025 with the ADDITION of the following new tasks:**

- a. **3.2.1 Develop and implement a Destination Plan including reviewing tourism infrastructure requirements in the City's natural areas and increasing City promotion of natural attractions.**
- b. **3.3.6 Produce a Parking Plan for Scarborough Beach District Centre.**

The motion was put and declared CARRIED (15/0) by exception resolution.**For:** Councillors Creado, Farrelly, Ferrante, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Re, Sandri, Sargent, Thornton and Mayor Irwin.**Against:** Nil.**Committee Recommendation****THE COMMITTEE RECOMMENDS TO COUNCIL****That Council ENDORSES the Economic and Tourism Development Strategy 2021 – 2025 with the ADDITION of the following new tasks:**

- a. **3.2.1 Develop and implement a Destination Plan including reviewing tourism infrastructure requirements in the City's natural areas and increasing City promotion of natural attractions.**
- b. **3.3.6 Produce a Parking Plan for Scarborough Beach District Centre.**

The motion was put and declared CARRIED (8/0).**For:** Councillors Creado, Krsticevic, Lagan, Migdale, Perkov, Proud, Thornton and Mayor Irwin.**Against:** Nil.**Officer's Recommendation**

1. That a new task be ADDED to the Economic and Tourism Development Strategy 2021 – 2025 as 3.3.5 - Produce a Parking Plan for Scarborough Beach District Centre.
2. That Council ENDORSES the Economic and Tourism Development Strategy 2021 – 2025 as shown in Attachment 1

Report Purpose

To consider endorsement of the Economic and Tourism Development Strategy 2021 – 2025 following public advertising.

Relevant Documents

Attachments

Attachment 1 - Draft Economic and Tourism Development Strategy 2021-2025 [↓](#)

Attachment 2 - Draft Economic and Tourism Development Strategy 2021 - 2025 - Table of Submissions [↓](#)

Available for viewing at meeting

Nil

Background

At its meeting held 17 August 2021, Council endorsed the Economic and Tourism Development Strategy 2021 - 2025 for public advertising (Council Resolution Number 0821/047).

The Strategy seeks to support economic and tourism development into the future, while providing initiatives and actions to support economic growth during the period 2021 - 2025.

Consultation

The Strategy was advertised for a 42-day period in accordance with the Engagement Plan developed using the City's engagement tool.

The opportunity for the community to comment was promoted in the City's Business Newsletter and Your Say page on 27 August 2021. Copies of the strategy were made available at all libraries and at the City's Administration Centre, and were promoted through social media and in newspaper advertisements on 2 and 3 September 2021.

A social media campaign ran from 2 September 2021 to 16 September 2021 which reached 42,340 residents and resulted in 369 Your Say page views.

Attachment 1 contains the Draft Strategy with minor amendments based on comments received through the public advertising process.

During the consultation period, 593 people visited the Your Say page. Submissions were provided through an online survey, where respondents were not required to provide their address. 27 valid submissions were received. Of the 27 submissions, nine came from City of Stirling residents, one from a non-resident address, and 17 did not provide an address.

Table 1 below details the results of the survey.

Table 1 – Submissions Summary

SUBMISSIONS RECEIVED	Within City of Stirling	Outside of City / Did Not State Address	All Submissions
Support	9	16	25
Object	0	2	2

Respondents were located in the following City of Stirling suburbs: Doubleview, Karrinyup, Mount Lawley, Scarborough, Stirling, Trigg and Westminster.

The breakdown of responses was as follows:-

- 92.6% of respondents supported the Strategy.
- 7.4% of respondents did not support the Strategy.

Whilst there was a low number of responses relative to the 593 people who visited the Your Say page, the support level for the Strategy was high at 92.6%.

Attachment 2 contains a Table of Submissions and the Officer response to comments received through the public advertising process.

Start-Up Tech Hub

Respondents were asked if they supported the City encouraging the establishment of a start-up Tech Hub:-

- 85.7% of respondents were supportive.
- 14.3% did not support this proposal.

Concerns were raised about local government developing and operating facilities like a start-up Tech Hub and about a possible lack of demand. Respondents suggested the need for a feasibility study, and commented on the perceived role of local government.

A report was presented to Council on the Start-Up Tech Hub at its meeting held 29 June 2021. This report stated that such a facility should be operated by the private sector; is likely to be a co-working space which would widen the market for such a facility; and that the City's role should be facilitation. Given this, any feasibility study would be the responsibility of the operator.

The direction the City is taking is in line with the comments received during the public advertising period, in that it is not intended that the City would establish and operate this proposed facility. No change is recommended to the Strategy.

Trackless Tram / Light Rail

Respondents were asked if they agreed that the trackless tram or light rail project from Glendalough to Scarborough should be the City's major infrastructure priority.

- 90% of respondents believe it should be a major infrastructure priority for the City.
- 10% did not support the proposal.

Feedback on the trackless tram or light rail project suggests that the community strongly supports the project but has concerns that it may not fit into the land available on Scarborough Beach Road. Concerns were also raised about the cost of the project and the route it should take. Some respondents preferred other forms of transport, such as electric buses; this was due to space and cost concerns, and on environmental grounds.

Planning undertaken by the City along the trackless tram or light rail corridor has identified how the infrastructure can fit into the road reserve. The City is currently working on a business case on the project which will examine issues of feasibility and land requirements to accommodate the appropriate type of transport system. Comments received through the public advertising process will be considered as part of the business case.

The issue of parking at Scarborough Beach was raised in relation to this survey question. This issue was also raised in relation to other survey questions on developing and implementing a Smart City Strategy, and encouraging large-scale events and tourism.

It is therefore recommended that an additional task be added to the Strategy to address parking issues at Scarborough Beach.

Innovation and Entrepreneurship

Respondents were asked if they supported the City providing funding for innovation and entrepreneurship.

- 95% of respondents believed that it is important
- 5% did not.

A comment on providing funding for innovation and entrepreneurship suggested that the City should focus on providing training and advisory services rather than individual support to business.

"Rather than funding individual businesses for their specific need (which could only support a handful of businesses), support training and advisory services that can aggregate funding and leverage other sources to provide common services to many more businesses. Effort also needs to go into linking the thousands of small businesses to the City for promotion of initiatives and programs of support."

The City does encourage training and access to advisory services provided by the State and Federal government as its primary method of support, with some limited support provided to individual businesses. The City also promotes these opportunities widely through its Business Newsletter and to local business groups.

No change to the Strategy is recommended.

Developing and Implementing a Smart City Strategy

Respondents were asked if they support the development and implementation of a Smart City Strategy.

- 95% of respondents believed that it is important.
- 5% did not.

The majority of comments received emphasised sustainability and the need to cater for new forms of transport.

"We need to accommodate EVs and Renewable Hydrogen Vehicles, with Renewable Powered EV Stations and Renewable Hydrogen Stations and phase out fossil fuel stations by 2035."

Comments received will be considered in the preparation of the proposed Smart City Strategy as part of that process. Installation of a smart parking system that can inform the community about parking availability may be one option in addressing parking issues at Scarborough Beach.

No change to the Strategy is recommended.

Continuing to Support Town Teams

Respondents were asked if they support the City continuing to support Town Teams.

- 100% of respondents believed that it is important.

Comments received emphasised the importance of listening to the community and creating areas for activities such as markets and other community activities, and highlighted that developing business capabilities is more aligned to economic development.

"The Town Team movement is based on previous initiatives called Mainstreet programs, which were highly effective in focussing efforts of local retailers into what could be collectively achieved, rather than sniping at 'the Council' for not doing enough. Including community members and broadening the conversation from just retail is important and should continue to be supported."

No change to the Strategy is recommended.

Encouraging New Large-Scale Events

Respondents were asked if they support the City encouraging new, large-scale events across the City through marketing and engagement with event organisers to attract visitors.

- 90% of respondents believed that it is important.
- 10% did not.

Feedback highlighted a desire to see events take place across the City with better promotion. There was also specific comment about bringing music back to Scarborough:-

“The Upmarket, The Scarborough Markets, Groundswell and Jazz by the Beach have been excellent but other micro markets would be good ...bring back the music at the beachfront. I remember seeing Hoodoo Gurus at the Scarborough amphitheatre and it was amazing!!”

The strategy addresses this through examining how events that attract over 5,000 people can be accommodated by improving the event approval process. These tasks seek to address similar feedback received when developing the Strategy.

There was also comment about holding events across the City.

“In all suburbs – not just in Scarborough. The small suburbs like Westminister, Balga etc still have a lot of community and it would be great for our area to get more events.”

The City does seek to bring events to suburbs other than Scarborough and has been successful with sporting events such as national BMX events held in Balcatta.

The issue of parking was also raised in connections with proposed new, large-scale events. There was also a call for investment in facilities for cultural and sporting events.

The City has specific plans that address the need for and delivery of arts, events and cultural facilities in the Arts and Events Plan. The City has also invested in and identified existing infrastructure that can support a diverse range of sporting and recreational events.

Recent investments include the Scarborough Beach amenities that have supported the Australian Surf Life Saving Championships (one of the nation’s largest sporting events), along with more localised investment such as installation of permanent power and water services in reserves to support community level events. The City is developing a City-wide Community Infrastructure Plan which will outline the City’s future community sporting, recreational, arts, cultural and social infrastructure needs.

The City also partners with key State Government Departments and other State Sporting Associations and organisations to support and facilitate use of the City’s infrastructure for a range of events and cultural activities.

The City also has a range of buildings that already support localised groups to provide a variety of cultural activities and events. The City’s Arts and Events Plan is due to be reviewed during 2021/2022 and will be the subject of a report to Council.

As these plans are in place or being prepared no change to the Strategy is recommended.

Tourism

Respondents were asked if they had any further comment on tourism in the City.

Comments received suggested types of development or activities that respondents would like to see occur:-

- Bikes and or electric scooters for rental;
- Better parking and more cafes in residential suburbs e.g. Westminster, Balga, Nollamara;
- Better parking at Scarborough Beach;
- Reduction in high rise development;
- Buskers, art exhibits, dancing, music, entertainment, markets on the foreshore every weekend;
- Focus on domestic tourists;
- Smaller unique venues along beaches; and
- Focus on tourism experiences with the beach at Scarborough as the attraction.

Feedback on parking at Scarborough was received multiple times from different respondents which suggests that there is a need to address the issue in the Strategy. It is recommended that an additional task be inserted into the Implementation Plan section as 3.3.5 - Produce a Parking Plan for the Scarborough Beach District Centre. This would be complimentary to the Transport Plan for Scarborough District Centre that is being prepared with the State Government.

Small Business

Respondents were asked if they had any further comment on small business in the City.

Comments received suggested types of development and support that would assist small business in the City:-

- Easier access to start-up funding;
- Affordable rent;
- Parking;
- Unique venues;
- Access to high quality retail, office and industrial premises; and
- Fibre optic broadband available across the City in residential and business premises.

The City has some control over issues such as parking and the provision of business premises. The City can advocate for services such as broadband, but has little influence on access to start-up funding and rental costs.

As the issues the City has some control or influence over are already contained in the Strategy, no change to the Strategy is recommended.

Professional Business Services

Respondents were asked if they had any further comment on whether the City has included all opportunities related to professional business services in the City.

Comments received suggested types of professional services that could be attracted and the requirements of those businesses from the location:-

- Health and well-being centres offering mental health services;
- Parking;
- Fibre optic broadband, energy rated buildings and access to end of trip facilities;
- Telecommunications infrastructure and 5G; and
- The network effect, create districts of similar businesses.

The City has some control over issues such as parking and building approvals and can advocate for services such as telecommunications infrastructure and 5G. This can be included in task “2.1.4 - *Develop and Implement a Smart City Strategy and encourage a Start-Up Tech Hub*”.

The network effect referred to is often described as clustering of similar businesses which is already included in the Strategy as task “1.2.7 - *Undertake a cluster study to better understand the specific drivers of various industries and the support they need*”.

As the issues the City has some control or influence over are already contained in the Strategy, no change to the Strategy is recommended.

Innovations and Entrepreneurship

Respondents were asked if they had any further comment on whether the City has included all opportunities in the Strategy related to innovation and entrepreneurship.

Comments received focussed on the types of development respondents wish to occur and issues that had been raised previously such as:-

- More privately run art exhibitions;
- Create a hub for learning and development; and
- No mention of infrastructure i.e. (Fibre, 5G etc.)

One respondent commented that:-

“Innovation is about new or improved ways of doing things. Usually beneficial to link to key challenges or problems that the city or business / industry need solved i.e., targets innovation to the greater good.”

This is an approach that can be incorporated into task “2.1.4 - *Development Implement a Smart City Strategy and encourage Start-Up Tech Hub to encourage local business to solve key City challenges or problems using technology*”.

Overall Strategy

Respondents were also given the opportunity to provide any additional comment on the overall Strategy.

The responses reiterated previous comments received and have been discussed in this report.

Comment

Nil.

Consultation/Communication Implications

Nil.

Policy and Legislative Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Key Result Area: Vibrant economy

Outcome E2: A great place to work, invest and do business

Sustainability Implications

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

ENVIRONMENTAL	
Issue	Comment
Energy consumption	The Strategy has potential to support renewable energy technologies, encourage energy efficiency and minimise car use through supporting small business development, Smart City and urban regeneration initiatives.
Greenhouse emissions	The Strategy has the potential to encourage alternative technologies and renewable energy through the proposed Smart City project.

SOCIAL

Issue	Comment
Amenity	The Strategy will encourage urban regeneration that will improve the amenity of the public environment.
Community engagement	Supporting the tourism sector will encourage more participation in cultural, leisure or recreational activities, and seeking public comment encourages increased participation in Council decision making.
Community services	The Strategy has potential to increase the range and number of education, leisure, cultural, health and other services available to the community.
Transport and access	The Strategy will encourage an increase in pedestrian access, bicycle access and public transport connections between key services, public spaces and City assets.

ECONOMIC

Issue	Comment
Dvlpmnt of key business sectors	The Strategy highlights key sectors that should be the focus of business development initiatives such as tourism, small business, professional and business services and innovative entrepreneurship.
Business innovation	The Strategy advocates promotion of business innovation and access to advice and training to support small business and innovative entrepreneurship.
Communications infrastructure	The Strategy advocates implementation of a Smart City Strategy which will increase access to new communications technologies.
Job creation	The Strategy facilitates job creation in many ways including major projects, local purchasing, small and innovative business support, urban regeneration, support for the tourism sector and attraction of events.

Conclusion

This report details the outcomes of public advertising of the Economic and Tourism Development Strategy 2021–2025. This process generated significant interest and a significant number of visits to the City's Your Say webpage. Of the 27 valid responses received, 92.6% supported the Strategy as advertised.

Feedback was received multiple times from different respondents which suggests that there is a need to address the issue in the Strategy. It is recommended that an additional task be inserted into the Implementation Plan section as 3.3.5 - Produce a Parking Plan for the Scarborough Beach District Centre. This would be complimentary to the Transport Plan for Scarborough District Centre that is being prepared with the State Government.

Additional Information – 15 February 2022

The report on the Economic and Tourism Development Strategy 2021 – 2025 was referred by Council at its meeting held 7 December 2021 to allow the Director Planning and Development and Manager City Future to have further discussions with Elected Members to explain how the City promotes tourism in natural areas.

On 17 January 2022, officers met with Elected Members to explain how the City promotes tourism in natural areas and to better understand concerns around these activities. The Elected Members referred to tourism research from Tourism Western Australia, highlighting demand for natural experiences and advocated for the City to focus more on local trails and natural areas as visitor attractions.

Whilst the City promotes local trails and natural areas, it was agreed that more could be done to raise the level of promotion and give visitors more reason to visit these areas. One option discussed was to provide more information to visitors (perhaps through an interactive app) outlining more things to do while visiting natural areas.

Elected Members also raised the potential lack of infrastructure in some natural areas that would encourage tourism. The potential to develop large scale regional playgrounds as has occurred in some other locations was also raised as a potential visitor attraction to the City.

The concerns raised involve more than marketing and promotion activities; they also relate to the provision of infrastructure to support tourism.

In order to address the concerns raised by Councillors, it is proposed that a new task be added to the implementation section of the Economic and Tourism Development Strategy 2021 – 2025. The proposed new task is as follows:

“3.2.1 Develop and implement a Destination Plan including reviewing tourism infrastructure requirements in the City’s natural areas and increasing City promotion of natural attractions.”

Accordingly, an alternative recommendation is provided below.

Alternative Recommendation

That Council ENDORSES the Economic and Tourism Development Strategy 2021 – 2025 with the ADDITION of the following new tasks:

- a. **3.2.1 Develop and implement a Destination Plan including reviewing tourism infrastructure requirements in the City’s natural areas and increasing City promotion of natural attractions.**
- b. **3.3.6 Produce a Parking Plan for Scarborough Beach District Centre.**



Economic and Tourism Development Strategy 2021 – 2025

FAVOURITE
DAUGHTER

ACTIVEWEAR • WELLNESS • LIFESTYLE

OUR FAVORITE STRINGS

BECAUSE FAVORITE DAUGHTER

IS YOUR FAVORITE

OPEN

MON-WED 9-3

THUR-FRI 9-4

SATURDAY 9-4

SUNDAY 9-1

YOUR OWN
FAVOURITE

Acknowledgement of Country

Ngalak kaadatj Nyoongar nedingar wer birdiya, baalap barn boodja-k wer kaaratj boodja-k koora koora wer yeyi. Ngalak kaadatj baalabang malayin wer nakolak baalap yang ngalany-al City of Stirling dandjoo Nyoongar moort-al kolbang koorliny. City of Stirling kaadatj Nyoongar moort Nyoongar boodja-k Wadjak boodja-k, Mooro boodja-k.

The City of Stirling acknowledges the Wadjak people of the Nyoongar nation as the traditional custodians of Mooro country. We pay our respects to Aboriginal and Torres Strait Islander Elders past and present, for they hold the memories, the traditions, the culture and the hopes for Aboriginal Australia.

The City is committed to forging stronger relationships and a deeper respect for Aboriginal and Torres Strait Islander Australians. By acknowledging and respecting the diversity and history of our Aboriginal and Torres Strait Islander community, we will continue to realise our vision for reconciliation.

Executive summary

Introduction

The City of Stirling (the City) is the largest local government area in Western Australia by population. It has an economy of \$17.5 billion and is home to the largest employment hub in the state outside of the Perth CBD. The City is a diverse area that has considerable opportunities for further economic and tourism development.

This strategy seeks to harness the potential of the City and guide the City to achieve economic and tourism growth through initiatives and actions during the four-year period 2021 - 2025.

This strategy aligns and supports the City's Strategic Community Plan 2018 - 2028 as well as the City's Local Planning Strategy.

The strategy is being produced during a time of great change. The COVID-19 pandemic will have far reaching economic and social impacts. Therefore, in implementing the strategy there will be a need for flexibility as economic conditions evolve.

This strategy was developed through a thorough process of detailed review (of the previous strategy), rigorous analysis of economic and tourism data as well as considerable engagement with local businesses (including over 200 stakeholders).

Backdrop for action

The City's economy has changed dramatically over the last two decades and will continue to evolve amongst numerous local and macro-economic drivers.

This strategy was developed in and amongst the COVID-19 pandemic, so it has already demonstrated flexibility and agility to adapt to change. Amongst the set of a new Local Planning Strategy, considerable planning into various centres and corridors, the City is poised to rebound strongly from the COVID-19 pandemic.

While international borders remain closed and various COVID-19 clusters still emerge requiring various border closures, the local economy and tourism sector is learning to adapt, change and overcome.

The area has benefited from positive growth, population increases, investment and economic and tourism progress.

At the same time, the City realises that, while it cannot control economic or tourism outcomes, it can have an impact and influence upon them. As such, the City seeks to create an even brighter future than the past growth it has experienced.

We want to create a modern, global City providing vibrant places for businesses to invest, jobs to flourish and visitors to enjoy.

To achieve this outcome, we will aspire to go beyond current trends and the status quo. Through this strategy, we seek to deliver a number of aspirational goals by 2041:

- Over \$200 million more investment
- Over 10,000 more jobs
- Over 700,000 more visitors

Through achieving these goals, we seek to deliver a more equitable and vibrant local community. We seek to enhance the prosperity and economic wellbeing of our community.

We know that through our policy development and actions, the City alone cannot deliver these outcomes. We seek to create an environment that allows our business community to flourish, so that they can propel our economy and tourism sector forward into the future.

Through this strategy we seek to enable and facilitate outcomes through implementing a variety of targeted and intentional strategies, initiatives and activities as outlined in this strategy.

The City looks forward to partnering with local businesses, stakeholders and various government departments to achieve our aspirational goals.

Economic and Tourism Development Strategy

The City of Stirling Economic and Tourism Development Strategy is outlined below. The strategy has identified aspirational goals and has created three key pillars that reflect specific strategies and initiatives to achieve these goals. The strategy was designed in conjunction with feedback from over 200 stakeholders in the local community, Councillors and City employees and considers various local and macro-trends.

Our desired future...

Creating a modern, global City providing vibrant places for business to invest, jobs to flourish and visitors to enjoy

Our aspirational goals



Over \$200 million in investment



Over 10,000 new jobs



700,000 new visitors

Our key industries and focus areas

- Professional services
- Small business

Our strategy to get there...

1. Encouraging investment

- Provide effective planning to support investment
- Attract catalytic investment into urban regeneration
- Market and promote the City as a premier investment destination
- Advocate for greater State and Commonwealth investment.

2. Supporting new jobs

- Support local businesses
- Ensure vibrant centres through place activation
- Continue to plan for development of corridors and centres.

3. Attracting more visitors

- Support existing and new events
- Develop destination marketing and promote the City for tourism
- Encourage tourism infrastructure development
- Support accommodation development.

Implementing the Strategy

A detailed annual implementation plan accompanies this strategy and will function as the program of work for the City to support economic and tourism development. It will be reviewed annually to monitor actions and results as well as to adjust to changing market conditions.

The identified aspirational goals will also be tracked on an annual basis to better understand how the area is progressing.

Additionally, an annual economic and tourism scorecard will be prepared (in March/April) to consider various data sets and trends, which will inform how the strategy needs to adapt to changes in the economy.

It should be noted that the economic and tourism scorecard reflects the overall health of the economy and progress towards the identified aspirational goals. It does not reflect the City's contribution to economic and tourism development, which will be measured by the implementation plan. It is important to recognise that the City, through this strategy, is seeking to create an environment that is conducive to economic and tourism development.

A formal review of the Strategy should be undertaken after five years to ensure the overarching direction remains relevant and is producing the desired effects.

Figure E.1: City of Stirling, precincts and corridors



COVID-19 pandemic

The coronavirus pandemic (COVID-19) emerged during the development of this strategy and has had immediate and significant impacts for many businesses across the City. The City has already implemented various support programs and developed an overarching COVID-19 Economic Stimulus and Community Recovery Package.

This strategy appreciates the immediate need to support businesses and provide a strong foundation for the recovery from the circumstances created by the pandemic. The immediate phases of the strategy will include the recovery efforts, which will then be followed by the implementation of tasks and activities to support long-term growth that is the focus of this strategy.

Table of contents

Executive summary	3
Table of contents	6
1. Introduction	7
2. What is economic and tourism development?	10
3. Economic and tourism context	12
4. What stakeholders said	15
4.1. City of Stirling strengths	15
4.2. Areas for improvement	16
4.3. Role of the City in economic and tourism development	17
5. Our future growth opportunities	18
5.1. Our future growth areas	18
5.2. Future key growth industries	19
6. Where we want to go	20
7. Economic and tourism development strategy	21
7.1. Strategy overview	21
7.2. Encouraging investment	23
7.3. Supporting local jobs	23
7.4. Attracting more visitors	23
8. Implementation plan	24
9. Monitoring Progress	27
References	28

1. Introduction

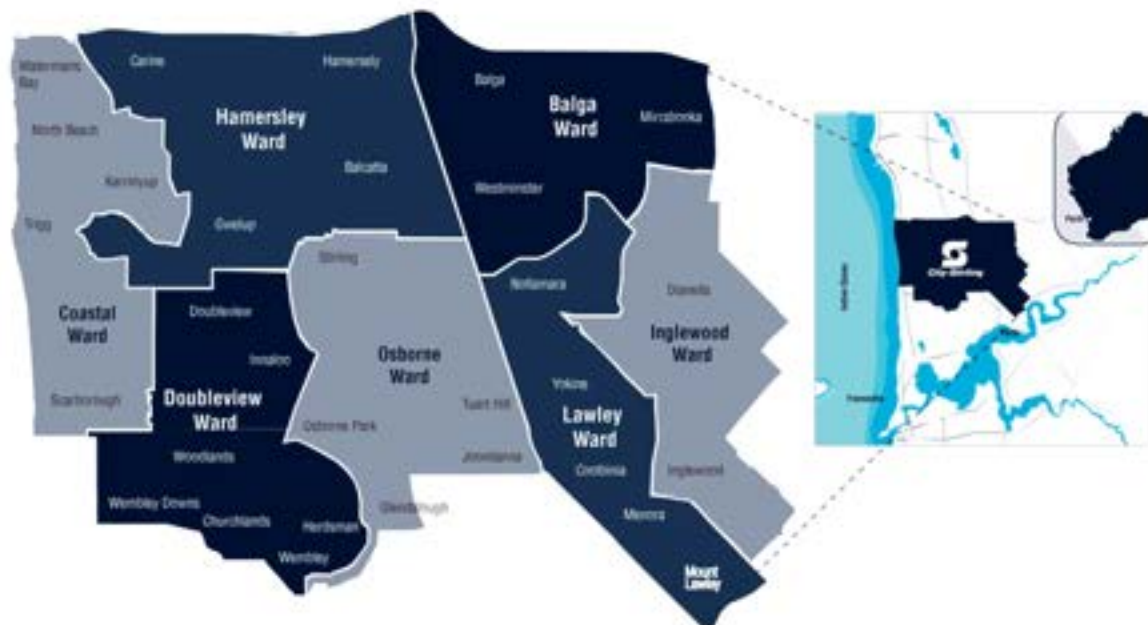
This Economic and Tourism Development Strategy has been developed to position the City of Stirling into the future while providing initiatives and actions to support economic and tourism growth during the four-year period 2021 – 2025.

The City is located in the central area of the Perth metropolitan region. It is strategically located 8km north of the Perth CBD. It is well-served by the north-south freeway running through the region and heavy rail. It has a diverse population with areas of

high and low socio-economic status and its workforce is generally well educated. It is the largest local government area (LGA) in Western Australia by population and has the largest employment area outside of the Perth CBD (Osborne Park and Herdsman/Glendalough).

The City encompasses 105 square kilometres, with its coastal location (which includes 6.5 kilometres of coastline) making it popular with day trippers and national and international tourists.

Figure 1.1 City of Stirling



The City adopted its current Economic and Tourism Development Strategy in 2013.

Given the significant changes to local, state, national and global economies since that time, an updated strategy is required. The strategy should provide organisation-wide direction for future economic and tourism development effort. The Strategy needs to appreciate the area's unique competitive advantages, challenges and future growth opportunities.

This strategy was developed through a robust process of review, analysis and consultation, as highlighted in Figure 1.2.

This strategy further supports the City of Stirling Strategic Community Plan 2018 – 2028 as well as the Local Planning Strategy and Corporate Business Plan as indicated in Figure 1.2.

Figure 1.2: Economic and tourism development strategy review and update process



Figure 1.3: Strategic Alignment for the Economic and Tourism Development Strategy





2. What is economic and tourism development?

Economic development defined

Economic development can be difficult to understand and may have different meanings to various stakeholder groups across business, community and government. While most would agree that the end goals of economic development relate to employment and prosperity, the activities involved in economic development may be considerably varied across the different stakeholder groups.

The International Economic Development Council (IEDC) is the international peak industry body for economic development, with over 5,000 members globally. IEDC provides the following definition for economic development:

Economic development is the intentional practice of improving a community's economic well-being and quality of life. It includes a broad-range of activities to attract, create, and retain jobs, and to foster a resilient, pro-growth tax base and an inclusive economy. The practice of economic development comprises of a collaborative effort involving industry, government and myriad community stakeholders.

In 2019, the Western Australian Local Government Association (WALGA) developed an Economic Development Framework. In this work, WALGA provided some observations on the aims of Economic Development:

Although there is no consistent definition of economic development, most definitions refer to the process of building the economic capacity of an area in order to deliver better social and environmental outcomes.

There is often confusion between economic development and economic growth. Economic development is a sub-discipline of economics and while related to economic growth, is quite different. Economic development is usually transformative and focuses on job and wealth creation to improve quality of life outcomes. Economic growth however focuses on growing the size of an economy. The two are not necessarily mutually exclusive.

These perspectives on economic development provide a foundation of understanding for this strategy and how the City seeks to influence and support an environment that is conducive to quality economic and tourism outcomes.

The 2019 WALGA Economic Development Framework provided an outline of the role of local government in economic development:

- Local Governments should focus on **enabling and facilitating**, i.e. addressing areas of market failure, not competing against businesses
- Economic development activities should form **part of a larger, integrated strategy** which is aligned to the broader regional context and is linked to a community's unique competitive advantages
- **Collaboration** between different levels of government, business and the community is critical to the success of local economic development initiatives
- **Economic development should not be undertaken in isolation** – it is a lens for all local government activities
- Local governments should **foster a business-friendly environment, encouraging competition and productivity**.



3. Economic and tourism context

The **economy has changed considerably over the last decade**, as a number of trends continue to shape the local region and its economy continues to evolve.

Population growth, which was once booming and driving considerable economic expansion, took a downturn after the end of the mining investment boom (consistent with the rest of Perth). While it has recently returned to growth, slowing (and negative) population growth has had an adverse impact on the local economy. **Population growth is much lower than the Perth metropolitan region** and the state and future projections are also lower, which could have flow-on impacts for the future.

Like most regions in Australia, the City's population is ageing and is expected to age rapidly into the future. These demographic shifts will not only provide challenges and opportunities for the future in terms of infrastructure requirements and service provision, they will also change the local population's expenditure pattern, generally reducing overall local expenditure, relative to the population. **The local population is also diverse**. While the City as a whole has similar levels of income, education and unemployment to the broader Perth region and the state, there are pockets of socio-economic disadvantage across the City.

The economic structure of the City has changed. Retail and manufacturing, traditionally two of the largest sectors in the economy, have declined in their overall importance, making way for other sectors such as healthcare, construction and professional services. Over the last year, healthcare has become the largest sector (in terms of contribution to gross regional product), over construction. Construction, retail trade and healthcare are the most important sectors for local jobs.

The City's economy has a jobs deficit (i.e. there were 98,600 resident workers in 2016, but only 80,350 jobs in the City). **Given the location of the City, it is not surprising that 71 per cent of local resident workers leave every day for work**, with the largest majority travelling to the City of Perth.

Interestingly, even large employment sectors within the City experience a large migration of workers every day. One of the reasons behind this migration is the **skills disconnect between local jobs and the local workforce**, particularly for professional business services. Additionally, many of the jobs in the Perth CBD are higher paid than the jobs available in the City.

Directly, **tourism represents 2.3 per cent of the City's gross regional product and 3.7 per cent of all jobs in the City**. While small, tourism provides an important injection of \$686 million into the local economy through visitor expenditure. Much of this expenditure goes to locally owned small businesses, making an important contribution to the local economy, particularly in Scarborough.

In terms of tourism, **visitation had been increasing until the COVID-19 pandemic**, principally due to increases in day-trip visitors, likely drawn to the redeveloped Scarborough Beach foreshore. Domestic overnight visitors have declined, and the number of international visitors has remained stagnant (until the COVID-19 border closure). During this period, visitor nights have been falling. Leisure visitors and the visiting friends and relatives (VFR) market are equally dominant, contributing a combined 75 per cent of all visitors.

The City has a variety of economic precincts (Figure 3.1) that all provide a basis for future growth. The Stirling City Centre and Herdsman precinct forms the major employment area in the City (and **will become Perth's second CBD**), supported by secondary hubs in Karrinyup and Mirrabooka. Balcatla and Osborne Park form major **trade and service hubs** and Scarborough is the main tourist destination. **There are a variety of economic corridors** (e.g. Scarborough Beach Road, Beaufort Street, Wanneroo Road and Morley Drive) that provide connectivity across the City as well as with other parts of the Perth metropolitan region. There is also a wide range of local community hubs and numerous natural areas that provide local services and amenity. **This tapestry of different economic precincts provides a strong foundation for future economic growth.**

Where we are now

Largest LGA in WA (and still growing)

Second largest concentration of jobs outside Perth CBD

Home to WA's media industry

One of Perth's major tourism destinations

The City has a jobs deficit

Lack of available greenfield land for new development

Pockets of socio-economic disadvantage

Reliance on day trip visitors

Lack of key transport infrastructure

Population

Largest LGA in Western Australia



Small business



Job growth 2019 - 2024



Top 5 industry sectors

Industry contribution \$m 2020



Top 5 industry sectors

Jobs 2016



Tourism



846,000
total visitors
SOURCE: THE 2020



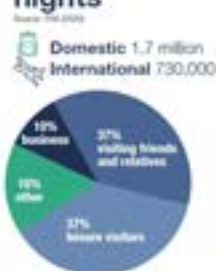
Tourism economic contribution



Average length of stay



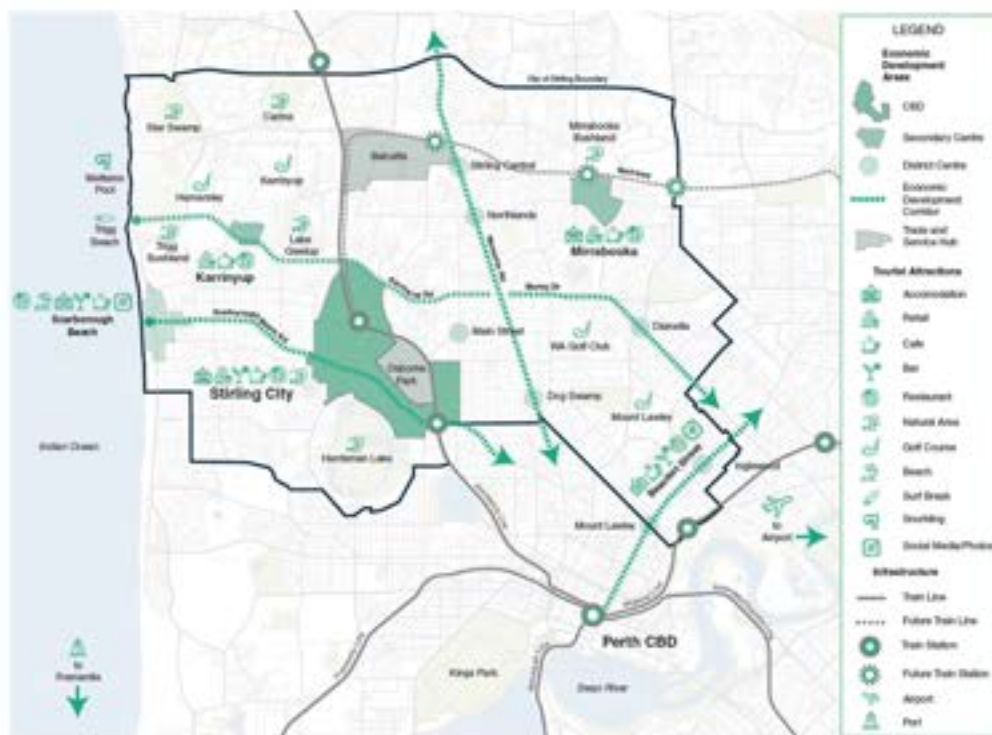
Visitor nights



Accommodation



Figure 3.1. City of Stirling, precincts and corridors



Impact of the COVID-19 pandemic

To curb the spread of the COVID-19 virus and manage the pandemic, severe restrictions were implemented, including forced lockdowns, closure of non-essential businesses, patronage restrictions based on floorspace, border closures and others. Fortunately, Australia (and Western Australia) has coped with the pandemic far better than many other jurisdictions around the world.

Analysis of payroll data published by the Australian Bureau of Statistics (ABS) shows that at the peak of the crisis in Western Australia (week of 25 April 2020), the City's economy lost 7.9 per cent of jobs. Fortunately, by mid-July 2020, employment returned to pre-COVID levels.

While the long-term effects of the COVID-19 pandemic on the economy are currently uncertain, there are a number of potential trends, including an increase in people working remotely and potentially less demand for commercial office space. Additional trends could include a re-establishment of some industrial and manufacturing activities locally as well as increases in a variety of healthcare and related fields. As this strategy is implemented, these trends will need to be followed closely and activities adjusted to account for them if they prove long-lasting.

4. What stakeholders said

Extensive consultation with a range of local businesses and stakeholders was conducted as part of the strategy development process. Engagement included individual interviews, a tourism forum, a business forum and an online business survey. Key discussion points included the advantages and disadvantages of operating a business in the City, future growth opportunities for Stirling and the role of the City in economic and tourism development.

4.1. City of Stirling strengths

"Stirling offers great access to very large consumer market in Perth and the northern suburbs."

A number of key themes emerged regarding the advantages of operating in Stirling, including the City's strategic location, providing proximity to Perth and being well-connected to the Perth Airport and all northern suburbs.

"The Scarborough foreshore redevelopment has been a game changer."

The City's coastline, including Scarborough Beach, provides considerable amenities and attractions for visitors and residents alike.

"There are a wide variety of industries offering employment opportunities in Stirling."

Stakeholders also identified that there is a great mix of businesses spread across the City, in key precincts including Osborne Park, Stirling City Centre, Scarborough, Karrinyup, Mirrabooka, Balcatta and Mount Lawley. Stirling offers size and critical mass in terms of a large population and workforce.

"I think one of the best things about our area is our multicultural community."

Stakeholders said...



4.2. Areas for improvement

During consultation, the following key themes emerged as being areas for improvement for doing business in City.

"Many of our businesses are afraid of digital technology and don't understand it."

There is a need to leverage digital and 'smart' technologies as well as embrace innovation across the economy. Ensuring all local businesses are taking advantage of technology will be important to achieving future goals. Specific activities to support the City as a 'smart' city would help to address these challenges.

"Becoming a technology start-up hub would provide so much to the region."

"There is no way to travel up and down the coast if you don't own a car. It would be great to have a hop-on/hop-off bus to go beach and bar hopping."

Public transport is available in and out of Stirling but usually requires using both a bus and train to get to Scarborough, and car drivers noted a lack of car parking across all centres.

Some stakeholders reported difficulties in dealing with the City's planning and building works department.

There is a lack of awareness regarding the tourism offer. People who have not been to Stirling or Scarborough Beach for more than a year still retain old perceptions and there are numerous national and international visitor markets that do not know what the area has to offer.

Stakeholders said

Public transport to scarborough
Lack of digital technology
LACK OF CAR PARKS
LACK OF Awareness
MANY CENTRES NEED
Rejuvenation
COUNCIL COULD BE MORE
BUSINESS FRIENDLY
No alternative to LACK OF GREENFIELD LAND
Private vehicles
SCARBOROUGH BEACH RD AND WEST COAST HWY

4.3. Role of the City in economic and tourism development

Engagement with stakeholders confirmed that the City has an important role to play in economic and tourism development. This role is about creating a local environment that is conducive and inviting to both business and visitor growth. As the local government, the City should seek to facilitate outcomes and influence the future growth and development that is required. This includes event attraction, encouraging innovation, urban regeneration, streamlining processes, identifying conditions for growth of key sectors, and providing these (where possible). These efforts would also include providing training, support and network opportunities for small business and start-ups, as well infrastructure, quality places and spaces, integrated land uses and transportation.

Figure 4.1. Key roles for the City of Stirling



5. Our future growth opportunities

5.1. Our future growth areas

In alignment with the Local Planning Strategy, the following growth areas have been identified to structure future economic growth and investment across the City (see Figure 3.1).

- 1. Perth's second CBD:** the Stirling City Centre and Herdsman precinct is already the second largest employment hub outside of the Perth CBD, acting as a major tourism and employment hub (major retail hub, Australia's largest bulky goods area, government services, education, health and the largest cluster of building and construction business headquarters). There is further scope for employment and business growth in the precinct.
- 2. Secondary employment, retail and service hubs:** Karrinyup is a retail hub and Mirrabooka is a retail and government services hub. Mirrabooka will become an important medical precinct. Both precincts can provide not only expanded residential services but new jobs as well.
- 3. Major trade and service hubs:** Balcatta and Osborne Park provide core trade and service facilities for the northern central sub-region of Perth. These areas have already undergone significant evolution, including becoming the media hub for Western Australia, and can support further innovation, employment and business.
- 4. Employment and tourism corridors:** Scarborough Beach Road, Beaufort Street, Wanneroo Road and Morley Drive provide the main employment and tourism corridors across the City and would benefit from more intense public transport (i.e. light rail). These corridors can support a range of industries from professional services and ICT businesses to tourism and more.

5. Stirling's main tourist destination

Scarborough Beach and the redeveloped foreshore has re-energised the precinct, attracting significant new investment and jobs. The redevelopment can be further leveraged to attract more jobs and investment, particularly with improved transport connections.

6. Local activity centres: Neighbourhood and district centres provide local scale-employment and tourism opportunities.

7. Natural areas: the City is fortunate to have a range of natural areas including the coastline, Herdsman Lake, Lake Gwelup, Trigg Bushland Reserve and others. These natural attributes can be used to enhance the City's attractiveness as a visitor destination.

These growth areas establish a framework for future economic expansion and will be further supported by the identified key growth industries (see Section 5.2). The areas provide the foundation to guide future economic growth and an industry focus that can include a high-value-adding and export emphasis for the economy. These are areas that can not only provide jobs, but also build value across the economy.

Our major infrastructure need: Trackless trams / light rail.

The City has identified in its Scarborough Beach Road activity corridor, the need for rapid transit from Glendalough Train Station to Scarborough Beach. The City is currently developing a business case to identify the planning and funding options required to implement a trackless tram (or other rapid transit solution).

This project is critical to capitalise on the tourism potential of Scarborough Beach and resolve traffic congestion and parking availability within the corridor.

5.2. Future key growth industries

Table 5.1 shows the key industries that can generate valuable economic growth across the City in the future. These industries were identified through the background research as well as through engagement with stakeholders.

Table 5.1. Future economic growth industries

Industry type	Opportunity	Competitive advantages
Tourism	<ul style="list-style-type: none"> • More events and festivals (e.g. sporting events/ festivals/international standard events/business events) • Streamlined events permit process • More outdoor/foreshore active experiences and products (eg, extended trail along the entire coastline, new east-west trails, more equipment hire) • Increased marketing and promotion • More short-stay accommodation development • Bespoke tourism infrastructure in Scarborough (entry statement, 'Instagramable' signage, public art) 	<ul style="list-style-type: none"> • Proximity to Perth and northern suburbs (large population/customer base) • Scarborough Beach and Trigg Beach • Other secondary tourism hubs • Good accessibility • Good visitor infrastructure and shopping centres • Multiculturalism • Existing brand and visitation trends • Scarborough Beach foreshore • Future expected industry growth
Small business	<ul style="list-style-type: none"> • Upskilling existing businesses (workshops, seminars, mentoring, etc) • Business networking and helping to connect local businesses with local customers • Maximising the City's local procurement from local businesses 	<ul style="list-style-type: none"> • Proximity and access to Perth CBD, northern suburbs and key infrastructure (including transport) • Transport infrastructure provides quick, easy access to the region • Diverse range of businesses and precincts • Size and critical mass (population, workforce, markets)
Professional business services	<ul style="list-style-type: none"> • Support a range of local professional services (i.e. engineers, finance, accountants, etc) • Attract technology-oriented businesses • Support and encourage the creative industries 	<ul style="list-style-type: none"> • Stirling City Centre and Herdsman precinct (Perth's second CBD) • Proximity to Perth CBD • Large, local workforce (currently commuting out of the City) • Increased opportunities to work from home or close to where one lives • Large local economy and diverse range of businesses • Future expected industry growth
Innovation and entrepreneurship	<ul style="list-style-type: none"> • Support growing culture of business start-ups • Encourage local businesses to innovate 	<ul style="list-style-type: none"> • Large local economy and diverse range of businesses • Large, educated and highly skilled resident workforce

6. Where we want to go

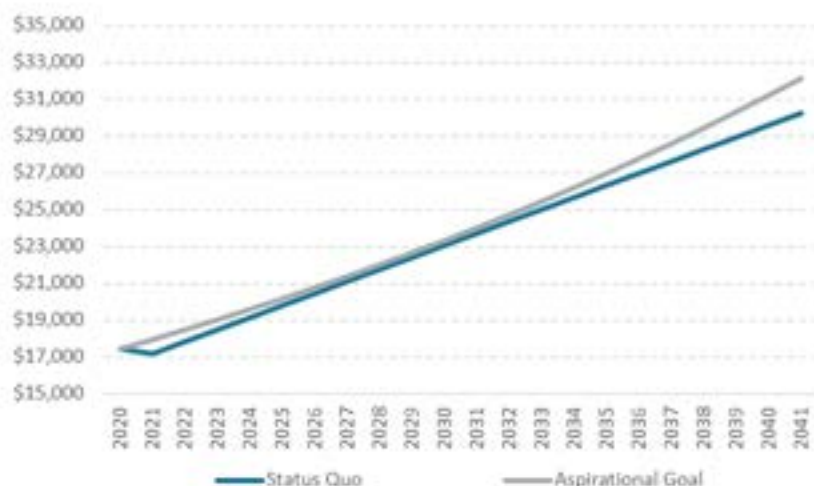
The City's economy and tourism sectors have grown over time and the economy has already begun to show signs of an on-going transition and evolution to a more sophisticated and knowledge-based set of industries. Local businesses have evolved, and many have embraced new technology and innovation. The Scarborough Foreshore redevelopment has significantly increased the appeal of the destination and generated an increase in visitation to the City as well as attracted numerous new businesses to the area.

However, we can go further, we can achieve more into the future. Through intentional action in targeted areas, the City of Stirling can increase the pace of the on-going economic transformation, attract more investment and create new jobs. There are numerous opportunities for our tourism sector to grow beyond its current reach, to support a greater number of events across the City and increase the value contribution of tourism.

We want to create a modern, global City providing vibrant places for businesses to invest, jobs to flourish and visitors to enjoy.

As highlighted below, on current trend, the economy will continue to grow over the next twenty years. However, we aspire to reach beyond the status quo. Through this economic and tourism development strategy, we wish to support the creation of a modern and global City. We believe we can work together with businesses and other stakeholders to create a variety of vibrant places for businesses across our City. These places will attract new residents and visitors alike as well as produce new jobs. Combined, we seek to add an additional \$2 billion to our economy (above the status quo).

Figure 6.1: Status quo vs. aspirational growth, City of Stirling (Gross Regional Product, \$m)



Source: Lucid Economics

Through this economic and tourism development strategy we believe we can have a material impact on the future and contribute to achieving significant results, including:

- Over \$200 million more investment
- Over 10,000 more jobs
- Over 700,000 more visitors

7. Economic and tourism development strategy

7.1. Strategy overview

The following diagram provides an overview of our Economic and Tourism Development Strategy, which has been based on input from local businesses and stakeholders. The strategy provides long-term direction for economic and tourism development over the next twenty years and is based around achieving the three aspirational goals of over \$200 million more in investment, over 10,000 new jobs and 700,000 new visitors by 2041. Under each key pillar, there is a range of strategic initiatives to drive the activities of the City to drive economic and tourism development across the region. The strategy is supported through a detailed 5-year action plan and will be reviewed on an annual basis through an economic and tourism development scorecard. The scorecard to not only track progress towards the identified aspirational goals but to also monitor the health of the economy and tourism sector as well as identify emerging trends and areas for new focus.

Our desired future...

Creating a modern, global City providing vibrant places for business to invest, jobs to flourish and visitors to enjoy

Our aspirational goals



Over \$200 million in investment



Over 10,000 new jobs



700,000 new visitors

Our key industries and focus areas

- Professional services
- Small business

Our strategy to get there...

1. Encouraging investment

- Provide effective planning to support investment
- Attract catalytic investment into urban regeneration
- Market and promote the City as a premier investment destination
- Advocate for greater State and Commonwealth investment.

2. Supporting new jobs

- Support local businesses
- Ensure vibrant centres through place activation
- Continue to plan for development of corridors and centres.

3. Attracting more visitors

- Support existing and new events
- Develop destination marketing and promote the City for tourism
- Encourage tourism infrastructure development
- Support accommodation development

COVID-19 Economic Stimulus and Community Recovery Package

The City adopted a COVID-19 Economic Stimulus and Community Recovery Package totalling \$43.7 million for the 2020/21 financial year.

The package provided a wide variety of support to businesses, the community and individual households. This package is in addition to the \$2.1 million in measures that were already implemented as an immediate response to the crisis. The package included the following:

- **Ratepayer Financial Relief Package:** \$4.9 million in support, including a rate freeze for 2020/21, removal of interest, instalment and arrangement fees, flexible payment options and suspension of debt collection activity.
- **Business and Activation Package:** \$7 million in support, including a range of business assistance, marketing and specific funds to support local businesses.
- **Community Package:** \$2.9 million in support, including the reduction of a number of fees (eg. Meals on Wheels, library fees, animal registration, facility hire), grants for sporting clubs and community groups.
- **Capital Investment Package:** \$28.9 million in support, in terms of capital expenditure across a wide range of projects (eg. acceleration of Recycling Centre Balcalla redevelopment, major refurbishment of the Stirling Leisure Centres - Terry Tyzack Aquatic Centre - Inglewood, upgrade to the Hamersley Public Golf Course, park upgrades and refurbishment to sporting facilities and cycleways). There are also over 400 projects under \$500,000 to provide opportunities for small businesses.

Table 7.1: City of Stirling COVID-19 Economic Stimulus and Community Recovery Package

Package/ program	
Ratepayer financial relief package	
Remove arrangement fees	Rates freeze
Remove instalment interest	Suspension of debt collection
Remove late payment fees	Reduction in domestic bin charges
Business and activation package	
Business counselling service	RMS implementation
Small business activation grants	Major event sponsorship
Business mastermind program	Town team activation fund
Business connect subsidised membership	Minor event sponsorship
Economic development marketing	Community arts & events fund
Holiday at home	City delivered place activations
Stirling business centre grant	Arts & events professional development programs
Rent abatement for small business	Sports marketing australia audit
Exemption of statutory planning fees	Place activation grants
Small business friendly approval projects	Artist residences &/or ephemeral art
Personal trainer permit fees	Community creativity fund
Neighbourhood events	
Community package	
Community group assistance fund	Reduction in animal fees
Reduction in fees - facility hire	Reserve hire fee reduction
Reduction in fees - facility hire	Floodlight fees reduction
Reduction in men's shed fees	Tenancy relief action plan
Job readiness program	Turf curation subsidy
Reduction of home support fees	Community grant - sporting clubs
Reduction of meals on wheels fees	Reduced hire fees
Reduction in community group fees	Financial counselling
Reduction in library fees	Waiver of rates
Capital investment package	
Capital investment projects across the city	

7.2. Encouraging investment

Encouraging investment can provide increased levels of expenditure into the area, which directly supports the construction industry and many local businesses. New investment also provides new residences, new hotel rooms, new commercial offices and other business premises, which deliver added capacity for the economy to grow. New investment can also bring innovation, technology transfer and economic diversity to the City.

Stakeholders consulted identified encouraging investment as part of the City's role in economic and tourism development. This is further supported by WALGA's Economic Development Framework for local government which recommends enabling and facilitating outcomes.

Planning is a statutory function of local governments and probably the most significant tool that local government has to support economic development.

Having a specific process in place to accommodate and efficiently review commercial development applications is important to create an environment conducive to business and investment growth. Businesses and developers will actively look to invest in areas where the local government planning process is well regarded.

There are a number of ways the City can encourage investment:

- Provide effective planning to support investment
- Attract catalytic investment into urban regeneration
- Market and promote the City as a premier investment destination
- Advocate for greater State and Commonwealth investment

7.3. Supporting local jobs

Supporting new local jobs can assist in addressing the identified jobs deficit in the City and could allow more residents to work closer to home. New jobs in the economy can support existing residents (to access employment) as well as provide new residents with employment opportunities. By bringing new skills to the area, the City will assist in increasing innovation and entrepreneurship as well

as growing the diversity and depth of the local workforce. Supporting local jobs also means supporting local businesses (to create these new jobs).

New technology and the evolution of the City to become a 'Smart City' can also support local jobs. For example, the development of a tech start-up hub into the City's Smart City Strategy could encourage new businesses and entrepreneurs, creating local jobs.

Stakeholders identified that the City has a role to play in supporting local businesses and creating places that are attractive to businesses, customers and their employees.

The City can support local jobs several of ways:

- Support local businesses
- Ensure vibrant centres through place activation
- Continue to plan for development of corridors and centres

7.4. Attracting more visitors

Attracting more visitors to the area can better leverage many of the City's existing tourism assets and provide an increase in visitor expenditure, which largely goes to locally owned small business. Tourism is one of the City's largest export-oriented industries that provides a significant boost to local businesses. As many border restrictions remain in place, targeting and catering to local visitors will be important to support many local businesses. The focus can shift as the tourism sector slowly re-emerges from the COVID-19 pandemic with interstate and international visitation to increase in the latter half of 2022.

Stakeholders support the important role that the City has in attracting events, destination marketing and encouraging new tourism infrastructure development, including new accommodation.

- Support existing and new events
- Develop destination marketing and promote the City for tourism
- Encourage tourism infrastructure development
- [Produce a Parking Plan for Scarborough Beach District Centre](#)
- Support accommodation development

8. Implementation plan

The following plan represents the implementation of this strategy.

Table 8.1: Stirling Economic and Tourism Development Strategy Implementation Plan 2021-25

Strategy/task	2021 -22	2022 -23	2023 -24	2024 -25
1. Encouraging investment				
1.1. Provide effective planning to support investment				
1.1.1. Implement the Small Business Friendly Approvals Action Plan				
1.1.2. Ensure an efficient and value-adding approval and permitting process				
1.1.3. Create planning frameworks to allow greater intensity of development to enable urban regeneration in growth areas				
1.1.4. Provide pre-development advice on specific proposals in growth areas				
1.1.5. Create a dedicated group within the City to facilitate large, complex developments				
1.2. Attract catalytic investment into urban regeneration				
1.2.1. Identify and attract infrastructure that can catalyse development				
1.2.2. Continue to support and progress major projects (such as Stirling City Centre)				
1.2.3. Ensure infrastructure, capital investment and the design of infrastructure supports urban regeneration				
1.2.4. Construction of Stephenson Avenue in Stirling City Centre				
1.2.5. Prepare specific infrastructure funding and delivery strategies for complex growth areas to enable urban regeneration				
1.2.6. Provide a dedicated project manager for large, complex developments				
1.2.7. Undertake a cluster study to better understand the specific drivers for various industries and the support they require				
1.3. Market and promote the City as a premier investment destination				
1.3.1. Create a range of marketing materials and an investment prospectus (including online presence)				
1.3.2. Promote the City as a business and investment location across identified growth opportunities				
1.3.3. Conduct a business location marketing campaign				
1.3.4. Meet with key property developers regarding specific investment opportunities in growth areas				
1.3.5. Consider a range of investment incentives that the City can offer for strategic, catalytic projects				
1.3.6. Participate in industry networking events (i.e. PCA events, TCWA events, etc)				

Strategy/task	2021 -22	2022 -23	2023 -24	2024 -25
1.4. Advocate for greater State and Commonwealth investment				
1.4.1. Meet with and host relevant Ministers (State and Commonwealth) to drive key infrastructure projects				
1.4.2. Development business cases for relevant key infrastructure projects and submit for Government funding				
1.4.3. Produce trackless tram business case				
2. Supporting new jobs				
2.1. Support local businesses				
2.1.1. Track and publish the City's annual local expenditure				
2.1.2. Work with Stirling Business Centre to deliver training programs for local businesses				
2.1.3. Providing funding for innovation and entrepreneurship				
2.1.4. Develop and implement a Smart City Strategy and encourage Start-Up Tech Hub				
2.1.5. Conduct annual events (Business Awards)				
2.1.6. Conduct business survey				
2.1.7. Continue to implement the Small Business Friendly Local Government initiative				
2.2. Ensure vibrant centres through place activation				
2.2.1. Ensure vibrant centres across the City through place making initiatives				
2.2.2. Continue to support Town Teams and engagement directly with the community				
2.3. Continue to plan for development of corridors and centres				
2.4. Continue to plan for development of corridors and centres				
2.5. Finalise Local Development Plan for Osborne Park Precinct of Stirling City Centre				
3. Encouraging and supporting tourism				
3.1. Support existing and new events				
3.1.1. Continue to support events that attract visitors to the City				
3.1.2. Develop business cases for relevant major events and submit for Government funding				
3.1.3. Encourage new, large-scale events across the City through marketing and engagement with event organisers				
3.1.4. Investigate opportunities to expand events at Scarborough beyond 5,000 participants				
3.1.5. Ensure an efficient permitting process for events (Event Organiser Toolkit)				
3.2. Develop destination marketing and promote the City for tourism				
3.2.1. Continue to support destination marketing together with industry and other partners				

Strategy/task	2021 -22	2022 -23	2023 -24	2024 -25
3.3. Encourage tourism infrastructure development				
3.3.1. Create unique entry statement and other 'recognisable' features for Scarborough				
3.3.2. Support public art along the Scarborough Foreshore				
3.3.3. Support development of trails along coast as well as east-west into other parts of the City				
3.3.4. Improve public transport access to the beach				
<u>3.3.5. Produce a Parking Plan for Scarborough Beach District Centre</u>		XXX		
3.4. Support accommodation development				
3.4.1. Promote opportunities for short-stay accommodation development				
3.4.2. Work with proponents to deliver iconic visitor accommodation				

9. Monitoring Progress

The City's activities over the past year have been undertaken to directly support the recovery from the COVID-19 crisis. The strategy will be implemented starting in the 2021-22 financial year, as per the implementation table above.

The implementation plan should be reviewed annually to track activities undertaken by the City as well as to adjust to market conditions.

An annual economic and tourism evaluation should be conducted to identify how the local economy and tourism sector is progressing against the identified aspirational targets. The following metrics should be used to track these aspirational goals overtime:

- Non-residential building approvals (provided by the ABS)
- Number of total jobs in the City
- Number of annual visitors to the City

Tracking progress against these aspirational goals should be done in combination with the development of an annual economic and tourism scorecard. While the above indicators will track progress against stated aspirations, the annual economic and tourism scorecard will track progress across the economy and tourism sector, to identify emerging trends as well as how the economy and tourism sector are performing in general. The scorecard should be prepared annually (in March/April) to consider various data sets including:

- Job numbers and self-sufficiency levels against population numbers
- Gross Regional Product (GRP) and industry contribution to GRP (overall value of economy)

- Employment and unemployment (local employed residents and unemployment)
- Building approvals (investment in the City)
- Visitation (overall visitor numbers and events as well as type, source market and nights from visitors)
- Visitor expenditure (value of visitation to the City)

It should be noted that the below economic and tourism scorecard reflects the overall health of the economy and tourism sector. It does not reflect the City's performance in economic and tourism development, which will be measured by the implementation plan. It is important to recognise that the City, through this strategy, is seeking to create an environment that is conducive to economic and tourism development, but private businesses will have to be the ones to invest and create new jobs, something that is out of the control of the City.

A formal review of the strategy should be undertaken after five years to ensure the overarching direction remains relevant and is producing the desired affects. A comprehensive economic report should be conducted in 2022 after the release of the 2021 Census data, which will help to better understand a wide variety of economic indicators. This analysis may inform potential changes that are required in the strategy or initiatives.

The current economic and tourism scorecard is set out in Table 9.1.

Table 9.1. Stirling Economic and Tourism Scorecard

Metric	Value	Reference Period	Source
Jobs	80,350	2016	REMPAN
Self-sufficiency	29%	2016	REMPAN
GRP (\$b)	\$16	2019	REMPAN
Employed persons	119,904	June 2020	DESE
Unemployment rate	6.1%	June 2020	DESE
Building approvals	1041	November 2020	ABS
Visitation ('000)	765	June 2020	TRA
Visitor expenditure (\$m)	\$686	2019	REMPAN

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Submission Number	Support, Object, Other	Additional Comments	Officer Comment
1	Object		n/a
2	Support		n/a
3	Support	<p>Q14 – Tourism – have we included all opportunities relating to this sector? If not, what could we look to add? A – Reduce high rise development.</p> <p>Q15 – Small Business A-Easier access to start-up funding</p> <p>Q16- Professional Business Services A-Have a register of professional based in Stirling.</p>	<p>This issue needs to be dealt with through the planning scheme</p> <p>The City does not provide start-up funding</p> <p>This could be considered without changing the Strategy</p>
5	Support	<p>Q5 – Identify trackless tram or light rail A-I think we need to focus on light rail here, not trackless tram</p>	Noted
6	Support		n/a
7	Support	<p>Q5 – Other comments on trackless tram/light rail. A- it's a bit like a bus, except longer, the roads aren't equipped and there is no room.</p>	Noted. Initial planning indicates that there is sufficient room to accommodate this infrastructure. This will be addressed in the City's business case.

		<p>Q9 – Smart City. Do you have any other comments on this action/focus area?</p> <p>A - Except there isn't enough parking (Scarborough in particular) to then make room for the minority in electric cars, however, will be a good start for the future</p>	<p>Several comments were received and a new task to produce a Parking Plan for Scarborough Beach District Centre is recommended.</p>
8	Support	<p>Q3 – Start up Tech</p> <p>A -Every building must generate its own clean renewable energy and battery storage! Must show strong respect for the science on climate and environment and net zero emissions! EV stations, Renewable Hydrogen Stations, Good 5G coverage and free Wi-Fi! CCTV!</p> <p>Q5-Trackless tram/light rail</p> <p>A-A trackless tram, that does not rely on fossil fuels, is always welcome! :) Would it be free like a cat bus or cheaper than Transperth Buses? Is it faster than a vehicle on wheels? Would it enable more busier roads?</p>	<p>Noted</p> <p>The cost to use a trackless tram or light rail will be part of the city's business case for the project. Speed would depend upon the option chosen and rules set by the relevant authority. Public transport aims to reduce congestion by enabling mass transit.</p>

		<p>Q7-Providing funding for innovation and entrepreneurship A-If it creates employment for medium and low skilled workers to earn a living wage and gravitate or inspire more good visitors and helps the community achieve net zero emissions by 2030. Awesome</p> <p>Q9- Smart City. Do you have any other comments on this action/focus area? A-We need to accommodate EVs and Renewable Hydrogen Vehicles, with Renewable Powered EV Stations and Renewable Hydrogen Stations and phase out fossil fuel stations by 2035</p> <p>Q13-Encouraging new, large scale events across the City through marketing and engagement with event organisers to attract visitors A-If you want regular international visitors, you will need to develop something that gravitates them towards the area e.g. Inspiring high-rise architecture like Dubai, Attract Hollywood, Korean Pop, Bollywood</p> <p>Q14-Tourism - In your opinion, have we included all opportunities relating to this sector? If not, what could we look to add? A-What would keep Hollywood, Bollywood and Korean and Japanese Pop Culture coming to the area forever?</p> <p>Q15-Small Business</p>	<p>Agree.</p> <p>Recent announcements by the Federal Government indicate support for electric vehicles and other climate change measures.</p> <p>Agree that music events are an attraction. There are a range of opinions on high rise architecture.</p> <p>Noted.</p>
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		<p>A-Lower Rent Costs</p> <p>Q17-Innovation and entrepreneurship - In your opinion, have we included all opportunities relating to this sector? If not, what could we look to add?</p> <p>A- A city that no longer reliant on fossil fuels, is a good image for any city.</p> <p>Q18-After reading the Draft Economic and Tourism Development Strategy 2021 - 2025, do you have any feedback on where we can improve the plan?</p> <p>A-Be ahead of our time and compliment the future with elements of the past and present. Most approved building are boring and basic presently. Build inspiring high-density architecture, that international guest, will feel inspired by our exterior and interiors of what is built every time they visit! Clean Renewable Power City is good image for our future! Free Parking for EVs, Renewable Hydrogen Vehicles and Hybrids! Free Reliable Wi-Fi and 5G coverage and charging stations for smartphones! Clean and Safe 24/7 etc.</p>	<p>The City can only set rental costs for its own premises.</p> <p>Noted</p> <p>Noted</p>
9	Support	<p>Q5-Do you have any other comments on this action/focus area?</p> <p>A-With the new apartment blocks being built in Scarborough, it is important to provide more public transport options.</p>	<p>The City is actively developing a business case for either trackless tram or light rail with Scarborough as the</p>

		<p>Q9-Smart City. Do you have any other comments on this action/focus area?</p> <p>A-Focus on new, creative sustainable projects</p> <p>Q14-Tourism - In your opinion, have we included all opportunities relating to this sector? If not, what could we look to add?</p> <p>A-Having a shared bike and walk path is very important. The coast could have stations with bikes and/or electric scooters for rental. From what I know, there isn't any tourist info kiosk or office for tourists, or a map with the attractions (including cafes, bushlands, beaches, etc)</p>	<p>destination. The Strategy also calls for public transport improvement along the coast.</p> <p>Noted.</p> <p>City Officers are working on a report examining the potential for e-bikes or scooters for hire in the City. A map of the Sunset Coast region is produced by a private sector business which the City use to promote the area. Maps are made available at large events such as Scarborough Markets.</p>
10	Support	<p>Q14-Tourism - In your opinion, have we included all opportunities relating to this sector? If not, what could we look to add?</p> <p>A-We have great facilities at Scarborough Beach, but people can't park there so go elsewhere</p>	<p>Several comments were received on parking in Scarborough and a new task to produce a Parking Plan for Scarborough Beach District Centre is recommended.</p>
11	Support		n/a
12	Support	<p>Q4-trackless trams</p> <p>A-It should go from Scarborough Beach past the new Innaloo Shopping Centre once re-done then down Stephenson to Stirling Station as there's nothing in Glendalough to go to other than the train station. There's nowhere to park whilst there would be at Stirling Station if it looped from there to the beach</p>	<p>The City is actively developing a business case for either trackless tram or light rail which will address the proposed route to be taken.</p>
13	Support	Q13-Large Scale events	

		A- Create a Scarborough Festival / Luna Park style Event / Dancing Festivals All throughout summer	Noted.
14	Support		n/a
15	Support	<p>Q14-Tourism - In your opinion, have we included all opportunities relating to this sector? If not, what could we look to add?</p> <p>A-Although it's not in Stirling, but the Swan River (especially in East Perth) is the biggest missed opportunity. Perth is blessed with a great river and it is underdeveloped, look at what Brisbane are making of their tiny river?</p>	Noted.
16	Support	<p>Q13 Events</p> <p>A-In all suburbs - not just in Scarborough. The small suburbs like Westminster, Balga etc still have a lot of community & it would be great for our area to get more events.</p> <p>Q14-Tourism - In your opinion, have we included all opportunities relating to this sector? If not, what could we look to add?</p> <p>A-Better parking, more cafes in the residential suburbs e.g. Westminster, Balga, Nollamara</p> <p>Q15- Small business - In your opinion, have we included all opportunities relating to this sector? If not, what could we look to add?</p> <p>A-Affordable rent for small businesses in local communities.</p> <p>Q18-After reading the Draft Economic and Tourism Development Strategy 2021 - 2025, do</p>	<p>The City does offer events across the area where facilities can accommodate these.</p> <p>Several comments were received on parking in Scarborough and a new task to produce a Parking Plan for Scarborough Beach District Centre is recommended.</p> <p>The City can only set rental costs for its own premises.</p>

		<p>you have any feedback on where we can improve the plan?</p> <p>A-Would love more tourist related things for residential areas such as Westminster & Balga. There is a huge community with not much to do. More cafes, bars & attractions would be great for our area.</p>	Noted.
17	Support	<p>Q13 -Do you have any other comments on this action/focus area?</p> <p>A- Promote events better - more publicity & signage. Provide sufficient parking for events.</p> <p>Q14-Tourism - In your opinion, have we included all opportunities relating to this sector? If not, what could we look to add?</p> <p>A-Buskers, art exhibits, dancing, music, entertainment, markets on foreshore every weekend, then put signage up so people know what is happening.</p> <p>Q17-Innovation and entrepreneurship - In your opinion, have we included all opportunities relating to this sector? If not, what could we look to add?</p> <p>A-More privately run art exhibitions, entertainment etc as per previous comments.</p> <p>Q18-After reading the Draft Economic and Tourism Development Strategy 2021 - 2025, do you have any feedback on where we can improve the plan?</p>	<p>Noted. Many events are privately organised with publicity the responsibility of the organiser. Several comments were received and a new task to produce a Parking Plan for Scarborough Beach District Centre is recommended</p> <p>Noted.</p> <p>Noted.</p>

		A- As above. And provide more parking - existing spaces keep disappearing. People drive down here then leave because there's nowhere to park.	Several comments were received on parking in Scarborough and a new task to produce a Parking Plan for Scarborough Beach District Centre is recommended.
18	Support		n/a
19	Support	<p>Q5-Trackless Tram A- Much better spent on better public transport along the beach front creating a link between all popular beaches & the city, a beach/city loop. No room to support a tram along Scarborough Bch Rd or Karrinyup Rd...the cost for trams is excessive & not necessary & could be better spent on electric buses without the infrastructure costs.</p> <p>Q9- Smart City. Do you have any other comments on this action/focus area? A- Use of electric buses not trams. Look at infrastructure to see where there is traffic congestion & try to divert any build up, i.e.: traffic on West Coast Highway can be diverted away from the beach. The trenches idea is not suitable as it simply adds to the problem of the build-up & encouraging more traffic...not fixing the problem!</p> <p>Q10- Action 5 - Continuing to support Town Teams (Community groups). A- Creating areas for the community like Sporting clubs, community action groups, community gardens, fitness hubs, art workshops & galleries, markets etc., to create local product, fitness, knowledge, health, wellbeing, support & action.</p> <p>Q13- Do you have any other comments on this action/focus area?</p>	<p>Advocating for improved public transit along the coast is included in the Strategy. The City is actively developing a business case for either trackless tram or light rail which will address the proposed route to be taken.</p> <p>The City is actively developing a business case for either trackless tram or light rail with Scarborough as the destination. The City is currently responding to the proposed trenching of West Coast Highway through the relevant planning process.</p> <p>Noted.</p>

	<p>A- The Upmarket, The Scarborough Markets, Groundswell & Jazz by the Beach have been excellent but other micro markets would be good...bring back our music at the beachfront. I remember seeing Hoodoo Gorus at the Scarborough amphitheatre & it was amazing!!</p> <p>Q14- Tourism - In your opinion, have we included all opportunities relating to this sector? If not, what could we look to add?</p> <p>A- Smaller unique venues along our beaches instead of high rise....need to see our sunsets!</p> <p>Q15- Small business - In your opinion, have we included all opportunities relating to this sector? If not, what could we look to add?</p> <p>A- Not at all...with developers & large-scale builders they have no consideration for small business & only encourage the multinational businesses. Smaller niche hubs along our beachfronts would be great to encourage smaller venues....City Beach redevelopment only encouraged larger tenancies when it could have encouraged several smaller ones. It is great to see diversity & uniqueness with businesses so creating an architect's vision is one thing but also creating something unique within that vision is another & should be encouraged. Not simply a shell for boxes to go into which some tenancies look like. For instance, in Scarborough the old building where The Sandbar is located is great amongst the uniform rendezvous shops & businesses.</p>	<p>Noted. The Strategy will address event capacity issues which is in direct response to accommodating large scale events such as live music.</p> <p>Noted. The City is addressing the issue of building height through the planning process.</p> <p>Noted.</p>
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	<p>Q16-Professional business services - In your opinion, have we included all opportunities relating to this sector? If not, what could we look to add? A-Health & wellbeing centres...offering mental health services, constructive & creative workshops, etc</p> <p>Q17-Innovation and entrepreneurship - In your opinion, have we included all opportunities relating to this sector? If not, what could we look to add? A-Create a hub for learning & development, have guest speakers to help the public with their Initiatives. This hub would support & commend these individuals or groups within communities for their action, contribution & success.</p> <p>Q18 -After reading the Draft Economic and Tourism Development Strategy 2021 - 2025, do you have any feedback on where we can improve the plan? A-Gather community opinion & listen to what they have to say, not go ahead anyway. i.e.: 3 Oceans Tower was 43 storeys then got rejected for two twenty something towers now it is back for application for 40 plus stories?? No care, consideration of how the traffic, landscape & outcome of our beaches for the future! No consideration of how the light will change the landscape & how it will affect the residents behind it!! Looks like someone is not listening to local public opinion on this!!!! Just \$\$\$\$\$</p>	<p>Noted.</p> <p>Noted.</p> <p>The City is addressing this development through the appropriate State Administrative Tribunal process.</p>
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20	Support		n/a
21	Support	<p>Q14- Tourism - In your opinion, have we included all opportunities relating to this sector? If not, what could we look to add? A-Venues for all ages</p> <p>Q18 After reading the Draft Economic and Tourism Development Strategy 2021 - 2025, do you have any feedback on where we can improve the plan? A-People with differences need to be catered for and valued.</p>	<p>Noted.</p> <p>Noted.</p>
22	Support	<p>Q3-Do you have any other comments on this action/focus area? A- Not sure you can achieve this outcome within the boundaries of the City. The issue would be with viability of the hub due to the low number of possible businesses that would make use of a tech hub facility. Better to focus on support services to a range of technology (not only digital) businesses and not on a physical facility.</p> <p>Q7 Providing funding for innovation and entrepreneurship? A-Rather than funding individual businesses for their specific needs (which could only support a handful of businesses), support training and advisory services that can aggregate funding and leverage other sources to provide common</p>	<p>Noted.</p> <p>The City has provided support in both ways and continues to link local businesses in to State and Federal Government sources of advice and assistance.</p>

	<p>services to many more businesses. Effort also needs to go into linking the thousands of small businesses to the City for promotion of initiatives and programs of support.</p> <p>Q11 Support Town Teams A- The Town Team movement is based on previous initiatives called Mainstreet programs, which were highly effective in focussing efforts of local retailers into what could be collectively achieved, rather than sniping at 'the Council' for not doing enough. Including community members and broadening the conversation from just retail is important and should continue to be supported.</p> <p>Q14-Tourism - In your opinion, have we included all opportunities relating to this sector? If not, what could we look to add? A-Don't be conned by tourism having to attract interstate or overseas visitors (this isn't about COVID). Domestic tourism is by far and away the largest market for tourism operators in WA, and always has been. Centring on Scarborough as a beachside holiday destination to the 500,000 Western Australians that live outside the metro area is important. As well as promoting Scarborough for a weekend away for couples and families for metro-based people.</p> <p>Q15-Small business - In your opinion, have we included all opportunities relating to this sector? If not, what could we look to add?</p>	<p>Noted.</p> <p>The City does focus effort on promoting to the domestic market through the Sunset Coast region and on Scarborough as a beachside staycation destination.</p>
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	<p>A-For a small business to be based in the City of Stirling, they make that decision based on market access or proximity to where the owners reside. Ensuring that businesses have access to high quality retail and office premises, industrial areas that are accessible (by road and fibre optics) is critical. More generally, fibre optic broadband must be available across the City, in residential and business precincts.</p> <p>Q16-Professional business services - In your opinion, have we included all opportunities relating to this sector? If not, what could we look to add?</p> <p>A-Access to fibre optic fast broadband is now not negotiable for professional service businesses. Increasingly, buildings need to be energy rated and have access to end of trip facilities and bicycle parking as companies attempt to reduce their carbon footprints (particularly if they are in the resources industry supply chain). The City could facilitate a conversation with landlords regarding energy consumption in their office buildings and strategies to reduce electricity use, so as to continue to retain and attract professional service businesses.</p> <p>Q17-Innovation and entrepreneurship - In your opinion, have we included all opportunities relating to this sector? If not, what could we look to add?</p> <p>A-Support provided to individual businesses is low impact and ultimately low value for the City due to its limited financial resources. By</p>	<p>Broadband issues will be part of the City developing and implementing a Smart City Strategy which is part of the Strategy.</p> <p>Broadband issues will be part of the City developing and implementing a Smart City Strategy which is part of the Strategy. It is agreed that the quality of premises available is another factor in attracting this sector.</p>
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		aggregating City funding and leveraging other sources (State and Federal) funding the City can increase its impact and broaden the number of businesses that receive support.	The City has provided support in both ways and continues to link local businesses in to State and Federal Government sources of advice and assistance.
23	Support		n/a
24	Object		n/a
25	Support	<p>Q3- Start Tech Hub Do you have any other comments on this action/focus area?</p> <p>A -How will this add economic value? Is there sufficient demand for this? Usually this type of hub is small scale and there are examples of these around the state & country that are white elephants, so good understand lessons learned from others that have attempted them first.</p> <p>Q5-Do you have any other comments on this action/focus area?</p> <p>A-Connections for leisure & tourism that suit that cohort i.e. scheduled time's/ days.</p>	<p>This is likely to be a private sector initiative, not City operated. Feasibility and demand issues would need to be addressed by the operator. It is envisaged that it would add value by encouraging businesses in new and emerging industries.</p> <p>Noted.</p>

	<p>Q7- Innovation -Do you have any other comments on this action/focus area? A -The level of funding required to make a difference from an economic objective makes this hard to get value for money.</p> <p>Q10- Continuing to support Town Teams A-Community needs are different to economic development needs. A focus on developing business capabilities in the city is more aligned to ED.</p> <p>Q12- Encouraging new, large scale events across the City through marketing and engagement with event organisers to attract visitors. A -If event tourism is one of the economic focus areas, this makes sense to encourage more of them.</p> <p>Q14-Tourism - In your opinion, have we included all opportunities relating to this sector? If not, what could we look to add? A-It is good to identify sectors of tourism as targets for the city. Besides Events tourism which is already listed, (but could be broken down into sub sets e.g. Sporting events, music events, business events and should not be confused with community events - which are not tourism events!) other tourism focus is on tourism experiences i.e. a draw card to the city e.g. Kings park, wave pool, bell tower etc. so what is Stirling's draw card? Can link events to that draw card and then expose them to other offerings. Likely something</p>	<p>Noted.</p> <p>Noted. The City does focus on business capabilities by promoting access to State and Federal Government training and making this available locally.</p> <p>Noted.</p> <p>The City does target specific events where the City has an advantage and capacity to hold the event such as the Aussie Surf Lifesaving Championships and other smaller sporting events that attract overnight visitation.</p>
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		<p>to do with the beach at Scarborough as the attraction.</p> <p>Q15-Small business - In your opinion, have we included all opportunities relating to this sector? If not, what could we look to add? A-Small business is a broad term - consider if the target is home based businesses, online businesses, bricks & mortar shop fronts, consulting or contracting businesses. And then look at ways to connect them to each other with networking.</p> <p>Q16-Professional business services - In your opinion, have we included all opportunities relating to this sector? If not, what could we look to add? A-Professional services businesses generally need good telco, internet, parking, affordable office space and in close proximity to other professionals. So, it's about location and utility services.</p> <p>Q17-Innovation and entrepreneurship - In your opinion, have we included all opportunities relating to this sector? If not, what could we look to add? A-Innovation is about new or improved ways of doing things. Usually beneficial to link to key challenges or problems that the city or business / industry need solved. i.e. targets innovation to the greater good.</p>	<p>Noted.</p> <p>Broadband issues will be part of the City developing and implementing a Smart City Strategy which is part of the Strategy. It is agreed that the quality of premises available is another factor in attracting this sector.</p> <p>Noted.</p>
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27	Support	<p>Q3-Start Up Tech Hub A-Local governments do not have a successful track record in creating tech hubs/start-ups. Government should provide the infrastructure for innovation to thrive. Good telecommunications, cheap commercial space etc.</p> <p>Q5-Trackless Tram A- Public transport is crucial in developing the city of Stirling as a hub. Particularly "cross city" links that don't lead to the Perth CBD. Active transport infrastructure should also be developed via separation of vehicular, bicycle and pedestrian traffic from one another.</p> <p>Q6 Providing Funding for innovation and entrepreneurship? A-Governments do not have a track record in picking winners and should provide the infrastructure for innovation only.</p> <p>Q9 Smart City. Do you have any other comments on this action/focus area? A-Include electric vehicle charging stations as a requirement on new commercial and medium density residential developments.</p> <p>Q16-Professional business services - In your opinion, have we included all opportunities relating to this sector? If not, what could we look to add? A-Telecommunications infrastructure not discussed. Is the network future proofed? If fibre rolled out to all businesses, is 5g coming to the area. The network effect of construction</p>	<p>The City's role would be to encourage this project. It is envisaged that it would be operated by the private sector.</p> <p>Noted.</p> <p>Noted.</p> <p>The City would support this with change to the relevant legislation.</p> <p>Broadband issues will be part of the City developing and implementing a Smart City Strategy which is part of the Strategy. It is agreed that the quality of premises available is another factor in attracting this sector.</p>
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		<p>companies located within the city should be harnessed and grown. Create "districts" of similar business i.e. Georgiou, D owner, BGC are in close proximity could others be attracted?</p> <p>Q17-Innovation and entrepreneurship - In your opinion, have we included all opportunities relating to this sector? If not, what could we look to add?</p> <p>A -Again no mention of infrastructure for this. Fibre 5g etc.</p> <p>Q18 -After reading the Draft Economic and Tourism Development Strategy 2021 - 2025, do you have any feedback on where we can improve the plan?</p> <p>A- Government needs to provide infrastructure for economic development to flourish. For tourism this is attractions and public transit. For professional services, innovation and entrepreneurship it's cheap office space, public transit and telecommunications.</p>	<p>Broadband issues will be part of the City developing and implementing a Smart City Strategy which is part of the Strategy.</p> <p>Noted.</p>
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Councillor David Lagan disclosed an Impartial Interest in Item 12.1/PRSE1 as he is a social member of the Mount Lawley Inglewood Community Garden.

Councillor Bianca Sandri disclosed an Impartial Interest in Item 12.1/PRSE1 as she is a social member of the Club.

12.1/PRSE1 NEW LICENCE OVER PORTION OF LOT 7366, HOUSE NUMBER 1, STANCLIFFE STREET, MOUNT LAWLEY TO THE INGLEWOOD MOUNT LAWLEY COMMUNITY GARDEN INC

Report Information

Location: Portion of Crown Reserve 26132, Lot 7366, House Number 1, Stancliffe Street, Mount Lawley

Applicant: Inglewood Mount Lawley Community Garden Inc

Reporting Officer: Director Infrastructure

Business Unit: Property Services

Ward: Lawley

Suburb: Mount Lawley

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**0222/009****Moved Councillor Migdale, seconded Councillor Proud**

1. That Council **APPROVES** the new licence over portion of Lot 7366, House Number 1, Stancliffe Street, Mount Lawley to the Inglewood Mount Lawley Community Garden Inc. with the following provisions:
 - a. A term of five years commencing upon execution of the licence, and subject to the consent of the Minister for Lands being first obtained; and
 - b. Rent at the commencement of the licence to be set at \$1.00 per annum.
2. That **AUTHORITY** be given to the Mayor and Chief Executive Officer to sign and affix the Common Seal to the Licence between the City of Stirling and Inglewood Mount Lawley Community Garden Inc.
3. That Council **APPROVES** that the Chief Executive Officer be granted delegated authority to enter into a new licence and any variation or extension of licence between the City and Inglewood Mount Lawley Community Garden.

The motion was put and declared CARRIED (15/0) by exception resolution.**For:** Councillors Creado, Farrelly, Ferrante, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Re, Sandri, Sargent, Thornton and Mayor Irwin.**Against:** Nil.**Committee Recommendation****THE COMMITTEE RECOMMENDS TO COUNCIL**

1. That Council **APPROVES** the new licence over portion of Lot 7366, House Number 1, Stancliffe Street, Mount Lawley to the Inglewood Mount Lawley Community Garden Inc. with the following provisions:
 - a. A term of five years commencing upon execution of the licence, and subject to the consent of the Minister for Lands being first obtained; and
 - b. Rent at the commencement of the licence to be set at \$1.00 per annum.
2. That **AUTHORITY** be given to the Mayor and Chief Executive Officer to sign and affix the Common Seal to the Licence between the City of Stirling and Inglewood Mount Lawley Community Garden Inc.
3. That Council **APPROVES** that the Chief Executive Officer be granted delegated authority to enter into a new licence and any variation or extension of licence between the City and Inglewood Mount Lawley Community Garden.

The motion was put and declared CARRIED (8/0).**For:** Councillors Creado, Krsticevic, Lagan, Migdale, Perkov, Proud, Thornton and Mayor Irwin.**Against:** Nil.

Officer's Recommendation

1. That Council APPROVES the new licence over portion of Lot 7366, House Number 1, Stancliffe Street, Mount Lawley to the Inglewood Mount Lawley Community Garden Inc. with the following provisions:
 - a. A term of five years commencing upon execution of the licence, and subject to the consent of the Minister for Lands being first obtained; and
 - b. Rent at the commencement of the licence to be set at \$1.00 per annum.
2. That AUTHORITY be given to the Mayor and Chief Executive Officer to sign and affix the Common Seal to the Licence between the City of Stirling and Inglewood Mount Lawley Community Garden Inc.
3. That Council APPROVES that the Chief Executive Officer be granted delegated authority to enter into a new licence and any variation or extension of licence between the City and Inglewood Mount Lawley Community Garden.

Report Purpose

To seek Council approval to enter into a licence over a portion of Lot 7366, House Number 1, Stancliffe Street, Mount Lawley with the Inglewood Mount Lawley Community Garden Inc. (IMLCG).

Relevant Documents

Attachments

Attachment 1 - Locality Plan [↓](#)

Attachment 2 - Aerial Photograph - Plan [↓](#)

Available for viewing at meeting

Nil

Background

At its meeting held 14 May 2019, Council resolved (Council Resolution Number 0519/005) as follows:

- "1. That Council ENDORSES the Inglewood Community Garden application.*
- 2. That Council EXCISES the proposed site from the Inglewood Bowling and Sports Club leased area.*
- 3. That Council CONSIDERS listing \$20,000 of capital seed funding in the 2019/2020 budget for the development of the Community Garden at Inglewood Bowling and Sports Club site."*

The land located on Lot 7366, Deposited Plan 168265, House Number 1, Stancliffe Street, Mount Lawley (the site) is owned by the State of Western Australian and managed by the City under a Management order for the purposes of 'Recreation'.

The site identified has been excised from the Inglewood Bowling and Sports Club lease area and can now be licensed to IMLCG to continue to manage as a garden.

Comment

The IMLCG has successfully established the garden, expended the majority of the original capital seed funding, and has become an Incorporated Association. In accordance with the City's Community Garden Policy, the IMLCG is now required to enter into a licence agreement to enable the continued use of the site for community gardening. This will ensure that the group complies with the City's requirements and will outline shared responsibilities and arrangements for the use of the site.

It is recommended that the following essential conditions are applied to the proposed new licence:

Initial Term	Five years commencing upon execution of the licence
Licence Purpose	Community Garden
Annual Commencement Rent	\$1.00
Outgoings	The community is to pay all outgoings including, but not limited to: <ul style="list-style-type: none"> • Water, Gas and Electricity consumption; • Telephone; • Waste removal; and • Any other services to the premises.
Licensor's Contributions	The Licensor will assist with the following contributions for the site for an agreed period of time: <ul style="list-style-type: none"> • Up to \$2,000 for annual water usage; and • \$2,000 for annual incidentals.
Licensee Maintenance Responsibilities	Licensee to maintain Licenced premises in good and tenatable repair and condition, fair wear and tear excepted.
Special Conditions	Any installation made by the licensee will be the sole responsibility of the licensee to maintain, repair and replace.

The above conditions are in line with what is considered appropriate for a Community Group of this nature.

Consultation/Communication Implications

The proposed licence to the Community Garden is not required to be advertised.

Policy and Legislative Implications

A licence is not a disposition of property under Section 3.58 of the *Local Government Act 1995*.

Financial Implications

The City will prepare the licence documentation using internal resources at no cost to the IMLCG. In the event that substantive changes to the City's licence document are requested by group, the City reserves the right to on-charge any legal expenses incurred.

The Group will be responsible for occupancy costs including all consumable outgoings and maintenance of the premises.

The City currently provides ongoing financial support for endorsed and incorporated community gardens, including:

- Up to \$2,000 for annual water usage; and
- \$2,000 for annual incidentals.

Strategic Implications

Key Result Area: Sustainability

Outcome N2: Greener City

Sustainability Implications

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

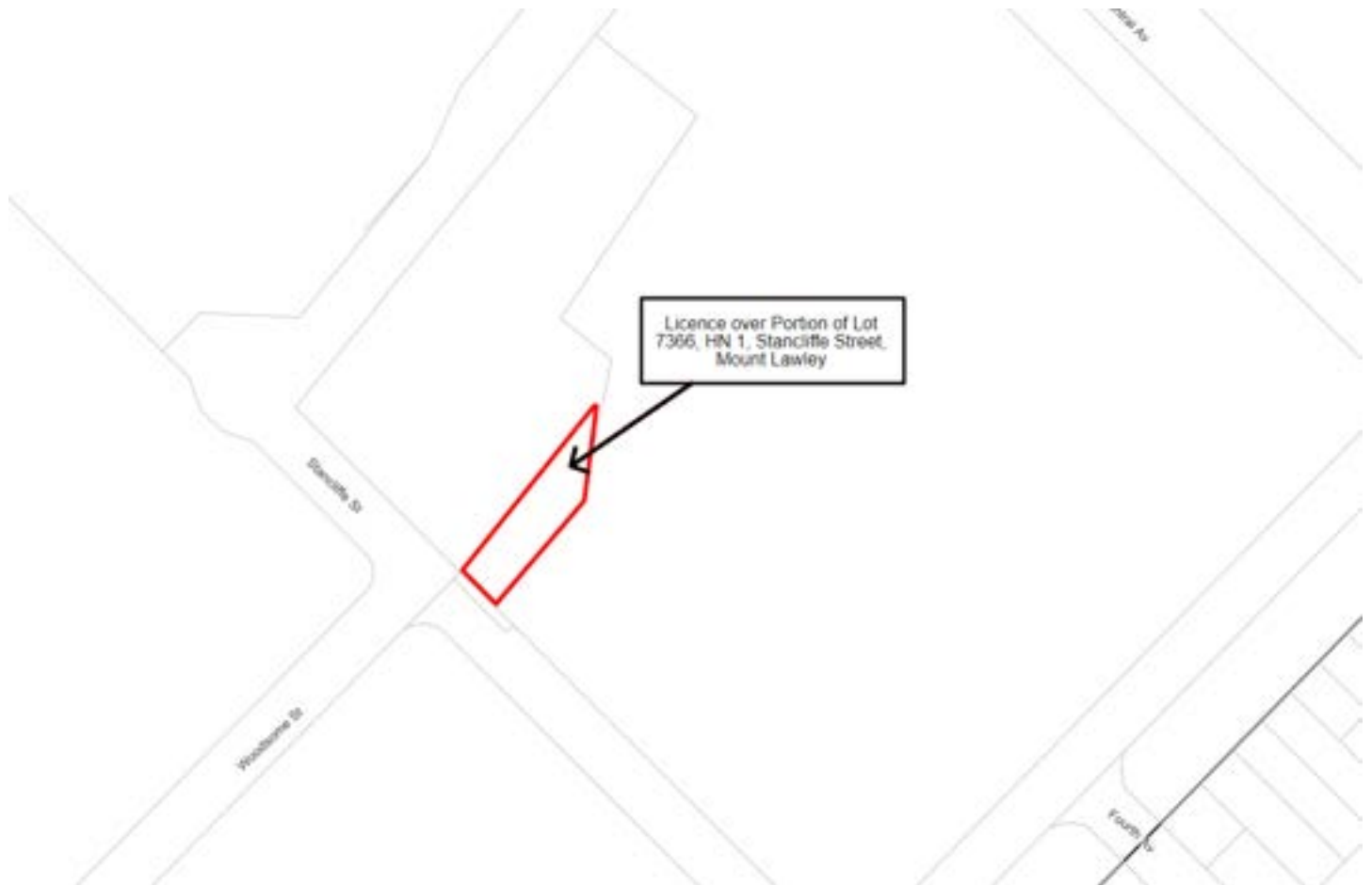
ENVIRONMENTAL	
Issue	Comment
Vegetation impact	Construction activities at community garden sites can result in damage to existing trees on site. Continued careful planning and management of this risk will be required by the Community Garden Group with the ongoing development of the garden. The City will continue to monitor trees on site.

SOCIAL	
Issue	Comment
Community engagement	Granting a licence to the Community Garden Group will secure a future tenure for the group and allow members to participate in gardening activities.

ECONOMIC	
Issue	Comment
Nil.	

Conclusion

The City is proposing to enter into a licence with the Inglewood Mount Lawley Community Garden Inc. for the purpose of a community garden over portion of Lot 7366, House Number 1, Stancliffe Street, Mount Lawley. This presents an opportunity for the City to support the community garden so that they may foster a sense of community belonging, and continue to bring the local community together.





**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.

**13.1 LOCAL GOVERNMENT ACT 1995 - SUBMISSION ON PROPOSED
REFORMS**

This item was REFERRED to an Elected Member Workshop to be held on a date prior to the Council meeting to be held 15 February 2022 to allow Elected Members to fully understand the submission; the impacts of the reform on their roles and their interactions with the community; and to refine the feedback, given the Minister's recent extension of the submission deadline.

Additional information and a Suggested Alternative Recommendation have been included at the end of the report.

Report Information

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

Authority/Discretion

Definition

- | | | |
|-------------------------------------|----------------------|---|
| <input checked="" type="checkbox"/> | Advocacy | <i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input checked="" type="checkbox"/> | Legislative | <i>includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>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.</i> |
| <input type="checkbox"/> | Information Purposes | <i>includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').</i> |

Moved Councillor Lagan, seconded Councillor Hatton

That Council ENDORSES and FORWARDS the City of Stirling formal submission regarding the *Local Government Act 1995* proposed reforms to the Department of Local Government, Sport and Cultural Industries, as shown in Attachment 3.

Amendment

Moved Councillor Sandri, seconded Councillor Re

That Dot points 4, 5, 6, and 7 be REMOVED from the 'City of Stirling Comments' column in the table titled '2.6 Standardised Meeting Procedures, including Public Question Time'.

The amendments was put and declared CARRIED (9/6).

For: Councillors Creado, Farrelly, Krsticevic, Migdale, Olow, Perkov, Re, Thornton and Mayor Irwin.

Against: Councillors Ferrante, Hatton, Lagan, Proud, Sandri and Sargent.

The substantive motion was reworded as follows:

Council Resolution

0222/010

Moved Councillor Lagan, seconded Councillor Hatton

That Council ENDORSES and FORWARDS the City of Stirling formal submission regarding the *Local Government Act 1995* proposed reforms to the Department of Local Government, Sport and Cultural Industries, as shown in Attachment 3, with the following amendment:

- a. Dot points 4, 5, 6, and 7 are to be REMOVED from the 'City of Stirling Comments' column in the table titled '2.6 Standardised Meeting Procedures, including Public Question Time'.**

The motion was put and declared CARRIED (15/0).

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

Against: Nil.

Recommendation

That Council ENDORSES and FORWARDS the City of Stirling formal Submission regarding the *Local Government Act 1995* proposed reforms to the Department of Local Government, Sport and Cultural Industries by 4 February 2022 and to WALGA by 12 January 2022, as shown in Attachment 1.

Report Purpose

The purpose of this report is for Council to consider a submission to the Department of Local Government, Sports and Cultural Industries (the 'Department') on the *Local Government Act 1995* ('the Act') proposed reforms.

Relevant Documents

Attachments

Attachment 1 - City of Stirling Response to Proposed LGA Reforms [↓](#)

Attachment 2 - Local Government Reform Summary of Proposed Reforms WALGA Submission [↓](#)

Attachment 3 - City of Stirling Response to Proposed LGA Reforms - Tracked Changes [↓](#)

Available for viewing at meeting

Nil

Background

The Minister for Local Government announced the commencement of a major review of the Act in June 2017.

On 10 November 2021, the Minister for Local Government announced significant proposed reforms to the Act based on the below six themes:-

1. Earlier intervention, effective regulation and stronger penalties
2. Reducing red tape, increasing consistency and simplicity
3. Greater transparency and accountability
4. Stronger local democracy and community engagement
5. Clear roles and responsibilities
6. Improved financial management and reporting.

The comment period for the proposed reforms closes 4 February 2022.

WALGA intends to convene a Special Meeting of State Council to finalise a sector position prior to the 4 February 2022 deadline. WALGA has requested that submissions be made to it by 12 January 2022. WALGA's advocacy positions and recommendations are contained in Attachment 2.

An Elected Member Workshop was held on 22 November 2021 to discuss the proposed reforms at which significant feedback was received from Elected Members.

Comment

The City's response to the proposed reforms of the Act is contained in Attachment 1.

A Councillor or member of the community who has a different point of view on the consensus reached on any of the key themes, may make a separate direct submission to the Department by 4 February 2022.

Consultation/Communication Implications

An Elected Member workshop was held on 22 November 2021 to gain a consensus on the various themes.

At the workshop, a query was raised whether insurance arrangements need to be made to cover Elected Member's legal costs, if action by the proposed Inspectorate is taken against them due to their role.

It is advised that the City's insurance arrangements are a matter for the City and do not form part of the proposed reforms. The City can review its insurance arrangements following any changes that impact on Elected Members and require an increase in cover. As a consequence, this will not be included in the City's submission.

Policy and Legislative Implications

Any subsequent changes to the Act may require amendments to current local laws, policies and procedures and will be reviewed as and when required.

Financial Implications

Nil.

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
Nil.	

ECONOMIC	
Issue	Comment
Nil.	

Conclusion

It is recommended that Council endorses the formal submission regarding the proposed reforms to the *Local Government Act 1995* to ensure the City's views are considered by the Department of Local Government, Sports and Cultural Industries and also WALGA.

Additional Information – 15 February 2022

On 7 February 2022 a further workshop was held to provide Elected Members the opportunity to comment further on the City's submission. Elected Members discussed the contents of the draft submission at length and provided significant feedback and greater clarity on Council's position.

Based on the discussion and the considerations expressed by Elected Members, a number of amendments have been made to the City's submission. These amendments are indicated through tracked changes in the submission which is attached to this report (Attachment 3). This provides clarity for Council in considering the amendments to the City's submission and in providing endorsement for the final submission.

The following items have been amended in the submission as tracked changes in Attachment 3:

- Item 1.1 – Early Intervention Powers
- Item 1.5 – Rapid Red Card Resolutions
- Item 1.6 – Vexatious Complaint Referrals
- Item 2.2 – Standardisation of Crossovers
- Item 2.4 – Streamline Local Laws
- Item 2.5 – Simplifying Approvals for Small Business and Community Events
- Item 2.6 – Standardised Meeting Procedures, Including Public Question Time
- Item 3.3 – Clearer Guidance for Meeting Items that may be Confidential
- Item 4.3 – Introduction of Preferential Voting
- Item 5.1 – Introduce Principles in the Act
- Item 5.2 – Greater Role Clarity
- Item 6.5 – Amended Financial Ratios
- Item 6.6 – Audit Committees

In relation to Public Question Time, there were diverse views from Elected Members in relation to whether there should be a maximum amount of time for Public Question Time. This is due to the need to ensure that Council has sufficient time to debate and decide the matters on the Council agenda. There are four options in relation Public Question Time:

- No change to the City's submission.
- Legislation should provide the opportunity for individual Councils to set their own maximum time limit for Public Question Time.
- Legislation mandates a set limit for Public Question Time for all Councils (for example one hour).
- Legislation mandates a set limit for Public Question Time for Councils based on their band, for example:
 - Band 1 Councils – 1 hour
 - Band 2 Councils – 45 minutes
 - Band 3 and 4 Councils – 30 minutes.

The draft submission recommends the final option with a time limit for Public Question Time based on the Band the Council is in.

It is for Council to consider whether any further amendments or additions be made to the City's submission. It is recommended that Council then endorses the City's submission by agreeing to the alternative recommendation.

Suggested Alternative Recommendation

That Council ENDORSES and FORWARDS the City of Stirling formal submission regarding the *Local Government Act 1995* proposed reforms to the Department of Local Government, Sport and Cultural Industries, as shown in Attachment 3.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
1.1 Early Intervention Powers		
<ul style="list-style-type: none"> The Act provides the means to regulate the conduct of local government staff and council members and sets out powers to scrutinise the affairs of local government. The Act provides certain limited powers to: <ul style="list-style-type: none"> Suspend or dismiss councils Appoint Commissioners Suspend or, order remedial action (such as training) for individual councillors. The Act also provides the Director General with the power to: <ul style="list-style-type: none"> Conduct Authorised Inquiries Refer allegations of serious or recurrent breaches to the State Administrative Tribunal Commence prosecution for an offence under the Act. Authorised Inquiries are a costly and a relatively slow response to significant issues. Authorised Inquiries are currently the only significant tool for addressing significant issues within a local government. The Panel Report, City of Perth Inquiry, and the Select Committee Report made various recommendations related to the establishment of a specific office for local government oversight. 	<ul style="list-style-type: none"> It is proposed to establish a Chief Inspector of Local Government (the Inspector), supported by an Office of the Local Government Inspector (the Inspectorate). The Inspector would receive minor and serious complaints about elected members. The Inspector would oversee complaints relating to local government CEOs. Local Governments would still be responsible for dealing with minor behavioural complaints. The Inspector would have powers of a standing inquiry, able to investigate and intervene in any local government where potential issues are identified. The Inspector would have the authority to assess, triage, refer, investigate, or close complaints, having regard to various public interest criteria – considering laws such as the <i>Corruption, Crime and Misconduct Act 2003</i>, the <i>Occupational Safety and Health Act 1984</i>, the <i>Building Act 2011</i>, and other legislation. The Inspector would have powers to implement minor penalties for less serious breaches of the Act, with an appeal mechanism. The Inspector would also have the power to order a local government to address non-compliance with the Act or Regulations. The Inspector would be supported by a panel of Local Government Monitors (see item 1.2). The existing Local Government Standards Panel would be replaced with a new Conduct Panel (see item 1.3). 	<ul style="list-style-type: none"> The City is broadly supportive of an early intervention model. The City wishes to see further detail on implementation before finalising its view on the Inspectorate proposal. The City considers that local governments should have the opportunity to resolve any issues that arise internally, before the involvement of external bodies. It should be mandatory that a person raise an issue with the relevant local government before the Inspectorate can consider a complaint. The premature involvement of external bodies has the potential to impinge upon the City's right to manage and resolve its own affairs. It is unclear which 'minor' complaints the Local Government will be responsible for, and which the Inspectorate will be responsible for. The City has a good track record of self-regulating elected member conduct and would be concerned if involvement from an external body proved counter-productive in resolving complaints. The City is seen as a strong leader relating to Governance and the Council has an excellent reputation in the sector. The City has concerns that the investigation process instigated by the Inspectorate has the potential for irreversible reputational risk to Councillors. Other investigations of elected members and public servants by various statutory bodies have had the effect of causing much stress and reputational damage to the individual. In instances where there is no

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
	<ul style="list-style-type: none"> • Penalties for breaches to the Local Government Act and Regulations will be reviewed and are proposed to be generally strengthened (see item 1.4). • These reforms would be supported by new powers to more quickly resolve issues within local government (see items 1.5 and 1.6). 	<p>adverse finding against the individual, the public nature of the process has caused damage to their reputation. The City would urge that this be a consideration in formulating the Inspectorate's procedures and practices.</p> <ul style="list-style-type: none"> • It is proposed that the Chief Inspector will be formally appointed by the Minister for Local Government. It is unclear who the Chief Inspectorate will be answerable to on a regular basis. The City is of the view that the appointment process must be transparent and free from political interference, as the role is unelected and wields significant power over democratically elected members.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
1.2 Local Government Monitors		
<ul style="list-style-type: none"> There are currently no legislative powers for the provision of monitors/ temporary advisors. The DLGSC provides support and advice to local governments, however there is no existing mechanism for pre-qualified, specialised assistance to manage complex cases. 	<ul style="list-style-type: none"> A panel of Local Government Monitors would be established. Monitors could be appointed by the Inspector to go into a local government and try to resolve problems. The purpose of Monitors would be to proactively fix problems, rather than to identify blame or collect evidence. Monitors would be qualified specialists, such as: <ul style="list-style-type: none"> Experienced and respected former Mayors, Presidents, and CEOs - to act as mentors and facilitators Dispute resolution experts - to address the breakdown of professional working relationships Certified Practicing Accountants and other financial specialists - to assist with financial management and reporting issues Governance specialists and lawyers - to assist councils resolve legal issues HR and procurement experts - to help with processes like recruiting a CEO or undertaking a major land transaction. Only the Inspector would have the power to appoint Monitors. Local governments would be able to make requests to the Inspector to appoint Monitors for a specific purpose. <p>Monitor Case Study 1 – Financial Management</p> <p>The Inspector receives information that a local government is not collecting rates correctly under the <i>Local Government Act 1995</i>. Upon initial review, the Inspector identifies that there may be a problem. The</p>	<ul style="list-style-type: none"> The proposed process for the recruitment and appointment of Local Government Monitors is unclear. The City is of the view that the appointment process must be transparent and free from political interference, as the role is unelected and wields significant power over democratically elected members. There should be independent and transparent oversight of the performance of duties by the Monitors.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
	<p>Inspector appoints a Monitor who specialises in financial management in local government. The Monitor visits the local government and identifies that the system used to manage rates is not correctly issuing rates notices. The Monitor works with the local government to rectify the error, and issue corrections to impacted ratepayers.</p> <p>Monitor Case Study 2 – Dispute Resolution</p> <p>The Inspector receives a complaint from one councillor that another councillor is repeatedly publishing derogatory personal attacks against another councillor on social media, and that the issue has not been able to be resolved at the local government level. The Inspector identifies that there has been a relationship breakdown between the two councillors due to a disagreement on council.</p> <p>The Inspector appoints a Monitor to host mediation sessions between the councillors. The Monitor works with the councillors to address the dispute. Through regular meetings, the councillors agree to a working relationship based on the council's code of conduct. After the mediation, the Monitor occasionally makes contact with both councillors to ensure there is a cordial working relationship between the councillors.</p>	

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
1.3 Conduct Panel		
<ul style="list-style-type: none"> The Local Government Standards Panel was established in 2007 to resolve minor breach complaints relatively quickly and provide the sector with guidance and benchmarks about acceptable standards of behaviour. Currently, the Panel makes findings about alleged breaches based on written submissions. The City of Perth Inquiry report made various recommendations that functions of the Local Government Standards Panel be reformed. 	<ul style="list-style-type: none"> The Standards Panel is proposed to be replaced with a new Local Government Conduct Panel. The Conduct Panel would be comprised of suitably qualified and experienced professionals. Sitting councillors will not be eligible to serve on the Conduct Panel. The Inspector would provide evidence to the Conduct Panel for adjudication. The Conduct Panel would have powers to impose stronger penalties – potentially including being able to suspend councillors for up to three months, with an appeal mechanism. For very serious or repeated breaches of the Local Government Act, the Conduct Panel would have the power to recommend prosecution through the courts. Any person who is subject to a complaint before the Conduct Panel would have the right to address the Conduct Panel before the Panel makes a decision. 	<ul style="list-style-type: none"> The City supports this proposal.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
1.4 Review of Penalties		
<ul style="list-style-type: none"> There are currently limited penalties in the Act for certain types of non-compliance with the Local Government Act. 	<ul style="list-style-type: none"> Penalties for breaching the Local Government Act are proposed to be strengthened. It is proposed that the suspension of councillors (for up to three months) is established as the main penalty where a councillor breaches the Local Government Act or Regulations on more than one occasion. Councillors who are disqualified would not be eligible for sitting fees or allowances. They will also not be able to attend meetings, or use their official office (such as their title or council email address). It is proposed that a councillor who is suspended multiple times may become disqualified from office. Councillors who do not complete mandatory training within a certain timeframe will also not be able to receive sitting fees or allowances. 	<ul style="list-style-type: none"> The City is concerned that, in the event of a Councillor being suspended, that ward will be disadvantaged due to a lack of representation and advocacy. The City would like the Department to be mindful that many councillors undertake full-time employment in addition to their roles. Any expanded training requirements should not create an unreasonable burden on councillor time and discourage quality candidates running for local council.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
1.5 Rapid Red Card Resolutions		
<ul style="list-style-type: none"> Currently, local governments have different local laws and standing orders that govern the way meetings run. Presiding members (Mayors and Presidents) are reliant on the powers provided in the local government standing orders local laws. Differences between local governments is a source of confusion about the powers that presiding members have to deal with disruptive behaviours at council meetings. Disruptive behaviour at council meetings is a very common cause of complaints. Having the Presiding Member be able to deal with these problems should more quickly resolve problems that occur at council meetings. 	<ul style="list-style-type: none"> It is proposed that Standing Orders are made consistent across Western Australia (see item 2.6). Published recordings of all meetings would also become standard (item 3.1). It is proposed that Presiding Members have the power to "red card" any attendee (including councillors) who unreasonably and repeatedly interrupt council meetings. This power would: <ul style="list-style-type: none"> Require the Presiding Member to issue a clear first warning If the disruptions continue, the Presiding Member will have the power to "red card" that person, who must be silent for the rest of the meeting. A councillor issued with a red card will still vote, but must not speak or move motions If the person continues to be disruptive, the Presiding Member can instruct that they leave the meeting. Any Presiding Member who uses the "red card" or ejection power will be required to notify the Inspector. Where an elected member refuses to comply with an instruction to be silent or leave, or where it can be demonstrated that the presiding member has not followed the law in using these powers, penalties can be imposed through a review by the Inspector. 	<ul style="list-style-type: none"> The City does not support this proposal. The City considers that the current powers available to it are sufficient in managing behaviour at meetings. The City has an excellent track record of running its meetings in a professional, balanced manner. It appears the proposed "red card" system could prove counter-productive, with dysfunctional councils unlikely to use a mechanism which would automatically trigger the involvement of the Inspectorate. A Presiding Member would be left second-guessing their decisions at meetings, and refrain from using these powers for fear of an adverse finding against them by the Inspectorate.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
1.6 Vexatious Complaint Referrals		
<ul style="list-style-type: none"> No current provisions. The Act already provides a requirement for Public Question Time at council meetings. 	<ul style="list-style-type: none"> Local governments already have a general responsibility to provide ratepayers and members of the public with assistance in responding to queries about the local government's operations. Local governments should resolve queries and complaints in a respectful, transparent and equitable manner. Unfortunately, local government resources can become unreasonably diverted when a person makes repeated vexatious queries, especially after a local government has already provided a substantial response to the person's query. It is proposed that if a person makes repeated complaints to a local government CEO that are vexatious, the CEO will have the power to refer that person's complaints to the Inspectorate, which after assessment of the facts may then rule the complaint vexatious. 	<ul style="list-style-type: none"> The City would like further detail to explain how the Inspectorate ruling that a complaint is vexatious is different to a CEO doing so. What power will the Inspectorate have to prevent the complainant from continuing to make complaints on the same matter?

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
1.7 Minor Other Reforms		
<ul style="list-style-type: none"> Other minor reforms are being considered to enhance the oversight of local government. Ministerial Circulars have traditionally been used to provide guidance to the local government sector. 	<ul style="list-style-type: none"> Potential other reforms to strengthen guidance for local governments are being considered. For example, one option being considered is the potential use of sector-wide guidance notices. Guidance notices could be published by the Minister or Inspector, to give specific direction for how local governments should meet the requirements of the Local Government Act and Regulations. For instance, the Minister could publish guidance notices to clarify the process for how potential conflicts of interests should be managed. It is also proposed (see item 1.1) that the Inspector has the power to issue notices to individual local governments to require them to rectify non-compliance with the Act or Regulations. 	<ul style="list-style-type: none"> The City supports the proposal, provided that the guidance notices are not used to promote a "one-size fits all" approach or stifle innovation.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
2.1 Resource Sharing		
<ul style="list-style-type: none"> The Act does not currently include specific provisions to allow for certain types of resource sharing – especially for sharing CEOs. Regional local governments would benefit from having clearer mechanisms for voluntary resource-sharing. 	<ul style="list-style-type: none"> Amendments are proposed to encourage and enable local governments, especially smaller regional local governments, to share resources, including Chief Executive Officers and senior employees. Local governments in bands 2, 3 or 4 would be able to appoint a shared CEO at up to two salary bands above the highest band. For example, a band 3 and a band 4 council sharing a CEO could remunerate to the level of band 1. 	<ul style="list-style-type: none"> The City supports this proposal.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
2.2 Standardisation of Crossovers		
<ul style="list-style-type: none"> • Approvals and standards for crossovers (the section of driveways that run between the kerb and private property) are inconsistent between local government areas, often with very minor differences. • This can create confusion and complexity for homeowners and small businesses in the construction sector. 	<ul style="list-style-type: none"> • It is proposed to amend the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> to standardise the process for approving crossovers for residential properties and residential developments on local roads. • A Crossover Working Group has provided preliminary advice to the Minister and DLGSC to inform this. • The DLGSC will work with the sector to develop standardised design and construction standards. 	<ul style="list-style-type: none"> • The City has concerns as to how crossover management can be standardised across Western Australia. Verges in the Shire of Derby-West Kimberley differ from those in the Shire of Mundaring which differ from those in the City of Stirling.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
2.3 Introduce Innovation Provisions		
<ul style="list-style-type: none"> The <i>Local Government Act 1995</i> currently has very limited provisions to allow for innovations and responses to emergencies to (such as the Shire of Bruce Rock Supermarket). 	<ul style="list-style-type: none"> New provisions are proposed to allow exemptions from certain requirements of the <i>Local Government Act 1995</i>, for: <ul style="list-style-type: none"> Short-term trials and pilot projects Urgent responses to emergencies. 	<ul style="list-style-type: none"> The City strongly supports these provisions.

City of Stirling

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
2.4 Streamline Local Laws		
<ul style="list-style-type: none"> Local laws are required to be reviewed every eight years. The review of local laws (especially when they are standard) has been identified as a burden for the sector. Inconsistency between local laws is frustrating for residents and business stakeholders. 	<ul style="list-style-type: none"> It is proposed that local laws would only need to be reviewed by the local government every 15 years. Local laws not reviewed in the timeframe would lapse, meaning that old laws will be automatically removed and no longer applicable. Local governments adopting Model Local Laws will have reduced advertising requirements. 	<ul style="list-style-type: none"> If local laws are to be standardised, they must be based on the most modern and progressive local laws in existence. If local laws are to be standardised, they must be based on the lightest touch regulation. Standardised management of public places is counterproductive to modern and effective place management which requires a different approach in different places, keeping local, local.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
2.5 Simplifying Approvals for Small Business and Community Events		
<ul style="list-style-type: none"> Inconsistency between local laws and approvals processes for events, street activation, and initiatives by local businesses is frustrating for business and local communities. 	<ul style="list-style-type: none"> Proposed reforms would introduce greater consistency for approvals for: <ul style="list-style-type: none"> alfresco and outdoor dining minor small business signage rules running community events. 	<ul style="list-style-type: none"> The City strongly supports this proposal.

City of Stirling

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
2.6 Standardised Meeting Procedures, Including Public Question Time		
<ul style="list-style-type: none"> Local governments currently prepare individual standing order local laws. The <i>Local Government Act 1995</i> and regulations require local governments to allocate time at meetings for questions from the public. Inconsistency among the meeting procedures between local governments is a common source of complaints. 	<ul style="list-style-type: none"> To provide greater clarity for ratepayers and applicants for decisions made by council, it is proposed that the meeting procedures and standing orders for all local government meetings, including for public question time, are standardised across the State. Regulations would introduce standard requirements for public question time, and the procedures for meetings generally. Members of the public across all local governments would have the same opportunities to address council and ask questions. 	<ul style="list-style-type: none"> If local laws are to be standardised, they must be based on the most modern and progressive local laws in existence. If local laws are to be standardised, they must be based on the lightest touch regulation. The City requests the Department consider some latitude in meeting procedures for local governments such as Stirling to innovate in the space of digital democracy. Local Governments differ in size and complexity and so must be afforded the ability to tweak some meeting procedures to meet their specific needs.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
2.7 Regional Subsidiaries		
<ul style="list-style-type: none"> Initiatives by multiple local governments may be managed through formal Regional Councils, or through less formal "organisations of councils", such as NEWROC and WESROC. These initiatives typically have to be managed by a lead local government. In 2016-17, provisions were introduced to allow for the formation of Regional Subsidiaries. Regional Subsidiaries can be formed in line with the <i>Local Government (Regional Subsidiaries) Regulations 2017</i>. So far, no Regional Subsidiary has been formed. 	<ul style="list-style-type: none"> Work is continuing to consider how Regional Subsidiaries can be best established to: <ul style="list-style-type: none"> Enable Regional Subsidiaries to provide a clear and defined public benefit for people within member local governments Provide for flexibility and innovation while ensuring appropriate transparency and accountability of ratepayer funds Where appropriate, facilitate financing of initiatives by Regional Subsidiaries within a reasonable and defined limit of risk Ensure all employees of a Regional Subsidiary have the same employment conditions as those directly employed by member local governments. 	<ul style="list-style-type: none"> The City strongly supports this proposal.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
3.1 Recordings and Live-Streaming of All Council Meetings		
<ul style="list-style-type: none"> Currently, local governments are only required to make written minutes of meetings. While there is no legal requirement for livestreaming or video or audio recording of council meetings, many local governments now stream and record their meetings. Complaints relating to behaviours and decisions at meetings constitute a large proportion of complaints about local governments. Local governments are divided into bands with the largest falling in bands 1 and 2, and smaller local governments falling bands 3 and 4. The allocation of local governments into bands is determined by The Salaries and Allowances Tribunal based on factors¹ such as: <ul style="list-style-type: none"> Growth and development Strategic planning issues Demands and diversity of services provided to the community Total expenditure Population Staffing levels. 	<ul style="list-style-type: none"> It is proposed that all local governments will be required to record meetings. Band 1 and 2 local governments would be required to livestream meetings, and make video recordings available as public archives. Band 1 and 2 are larger local governments are generally located in larger urban areas, with generally very good telecommunications infrastructure, and many already have audio-visual equipment. Band 1 and 2 local governments would be required to livestream meetings, and make video recordings available as public archives. Several local governments already use platforms such as YouTube, Microsoft Teams, and Vimeo to stream and publish meeting recordings. Limited exceptions would be made for meetings held outside the ordinary council chambers, where audio recordings may be used. Recognising their generally smaller scale, typically smaller operating budget, and potential to be in more remote locations, band 3 and 4 local governments would be required to record and publish audio recordings, at a minimum. These local governments would still be encouraged to livestream or video record meetings. All council meeting recordings would need to be published at the same time as the meeting minutes. Recordings of all confidential items would also need to be submitted to the DLGSC for archiving. 	<ul style="list-style-type: none"> The City strongly supports this proposal.

¹ See page 3 of the [2018 Salaries and Allowance Tribunal Determination](#)

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
3.2 Recording All Votes in Council Minutes		
<ul style="list-style-type: none"> A local government is only required to record which councillor voted for or against a motion in the minutes of that meeting if a request is made by an elected member at the time of the resolution during the meeting. The existing provision does not mandate transparency. 	<ul style="list-style-type: none"> To support the transparency of decision-making by councillors, it is proposed that the individual votes cast by all councillors for all council resolutions would be required to be published in the council minutes, and identify those for, against, on leave, absent or who left the chamber. Regulations would prescribe how votes are to be consistently minuted. 	<ul style="list-style-type: none"> The City strongly supports this proposal.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
3.3 Clearer Guidance for Meeting Items that may be Confidential		
<ul style="list-style-type: none"> The Act currently provides broad definitions of what type of matters may be discussed as a confidential item. There is limited potential for review of issues managed as confidential items under the current legislation. 	<ul style="list-style-type: none"> Recognising the importance of open and transparent decision-making, it is considered that confidential meetings and confidential meeting items should only be used in limited, specific circumstances. It is proposed to make the Act more specific in prescribing items that may be confidential, and items that should remain open to the public. Items not prescribed as being confidential could still be held as confidential items only with the prior written consent of the Inspector. All confidential items would be required to be audio recorded, with those recordings submitted to the DLGSC. 	<ul style="list-style-type: none"> The City supports this proposal subject to further consultation to determine a possible threshold amount where items would be required to be considered in confidence. Discretion should also be retained by the local government to determine items that may be dealt with confidentially. The process of seeking consent from the Inspector carries with it the risk of delays in the approvals process which runs against the idea of local government as an agile level of government.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
3.4 Additional Online Registers		
<ul style="list-style-type: none"> Local governments are required to provide information to the community through annual reports, council minutes and the publication of information online. Consistent online publication of information can substitute for certain material in annual reports. Consistency in online reporting across the sector will provide ratepayers with better information. These registers supplement the simplification of financial statements in Theme 6. 	<ul style="list-style-type: none"> It is proposed to require local governments to report specific information in online registers on the local government's website. Regulations would prescribe the information to be included. <p>The following new registers, each updated quarterly, are proposed:</p> <ul style="list-style-type: none"> Lease Register to capture information about the leases the local government is party to (either as lessor or lessee) Community Grants Register to outline all grants and funding provided by the local government Interests Disclosure Register which collates all disclosures made by elected members about their interests related to matters considered by council Applicant Contribution Register accounting for funds collected from applicant contributions, such as cash-in-lieu for public open space and car parking Contracts Register that discloses all contracts above \$100,000. 	<ul style="list-style-type: none"> The City supports this proposal.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
3.5 Chief Executive Officer Key Performance Indicators (KPIs) be Published		
<ul style="list-style-type: none"> It is a requirement of the <i>Local Government Act 1995</i> that CEO performance reviews are conducted annually. The Model Standards for CEO recruitment and selection, performance review and termination require that a local government must review the performance of the CEO against contractual performance criteria. Additional performance criteria can be used for performance review by agreement between both parties. 	<ul style="list-style-type: none"> To provide for minimum transparency, it is proposed to mandate that the KPIs agreed as performance metrics for CEOs: <ul style="list-style-type: none"> Be published in council meeting minutes as soon as they are agreed prior to (before the start of the annual period) The KPIs and the results be published in the minutes of the performance review meeting (at the end of the period) The CEO has a right to provide written comments to be published alongside the KPIs and results to provide context as may be appropriate (for instance, the impact of events in that year that may have influenced the results against KPIs). 	<ul style="list-style-type: none"> The City supports this proposal.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
4.1 Community and Stakeholder Engagement Charters		
<ul style="list-style-type: none"> • There is currently no requirement for local governments to have a specific engagement charter or policy. • Many local governments have introduced charters or policies for how they will engage with their community. • Other States have introduced a specific requirement for engagement charters. 	<ul style="list-style-type: none"> • It is proposed to introduce a requirement for local governments to prepare a community and stakeholder engagement charter which sets out how local government will communicate processes and decisions with their community. • A model Charter would be published to assist local governments who wish to adopt a standard form. 	<ul style="list-style-type: none"> • The City supports this proposal

City of Stirling

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
4.2 Ratepayer Satisfaction Surveys (Band 1 and 2 local governments only)		
<ul style="list-style-type: none"> Many local governments already commission independent surveying consultants to hold a satisfaction survey of residents/ratepayers. These surveys provide valuable data on the performance of local governments. 	<ul style="list-style-type: none"> It is proposed to introduce a requirement that every four years, all local governments in bands 1 and 2 hold an independently-managed ratepayer satisfaction survey. Results would be required to be reported publicly at a council meeting and published on the local government's website. All local governments would be required to publish a response to the results. 	<ul style="list-style-type: none"> The City strongly supports this proposal.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
4.3 Introduction of Preferential Voting		
<ul style="list-style-type: none"> The current voting method for local government elections is first past the post. The existing first-past-the-post does not allow for electors to express more than one preference. The candidate with the most votes wins, even if that candidate does not have a majority. Preferential voting better captures the precise intentions of voters and as a result may be regarded as a fairer and more representative system. Voters have more specific choice. 	<ul style="list-style-type: none"> Preferential voting is proposed be adopted as the method to replace the current first past the post system in local government elections. In preferential voting, voters number candidates in order of their preferences. Preferential voting is used in State and Federal elections in Western Australia (and in other states). This provides voters with more choice and control over who they elect. All other states use a form of preferential voting for local government. 	<ul style="list-style-type: none"> The City considers that any move to introduce Preferential Voting at Local Government Elections will result in further politicisation at the local government level in WA. Preferential voting will encourage trading of preferences and ticket voting. Moving to a more complicated voting system will discourage participation and increase informal voting. It will also increase the expense of holding an election for a local government as the counting process will take longer, and it is unlikely that all results will be declared on the night.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
4.4 Public Vote to Elect the Mayor and President		
<ul style="list-style-type: none"> The Act currently allows local governments to have the Presiding Member (the Mayor or President) elected either: <ul style="list-style-type: none"> by the electors of the district through a public vote; or by the council as a resolution at a council meeting. 	<ul style="list-style-type: none"> Mayors and Presidents of all local governments perform an important public leadership role within their local communities. Band 1 and 2 local governments generally have larger councils than those in bands 3 and 4. Accordingly, it is proposed that the Mayor or President for all band 1 and 2 councils is to be elected through a vote of the electors of the district. Councils in bands 3 and 4 would retain the current system. A number of Band 1 and Band 2 councils have already moved towards Public Vote to Elect the Mayor and President in recent years, including City of Stirling and City of Rockingham. 	<ul style="list-style-type: none"> The City strongly supports this proposal

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
4.5 Tiered Limits on the Number of Councillors		
<ul style="list-style-type: none"> The number of councillors (between 5-15 councillors) is decided by each local government, reviewed by the Local Government Advisory Board, and if approved by the Minister. The Panel Report recommended electoral reforms to improve representativeness. 	<ul style="list-style-type: none"> It is proposed to limit the number of councillors based on the population of the entire local government. Some smaller local governments have already been moving to having smaller councils to reduce costs for ratepayers. The Local Government Panel Report proposed: <ul style="list-style-type: none"> For a population of up to 5,000 – five councillors (including the President) population of between 5,000 and 75,000 – five to nine councillors (including the Mayor/President) population of above 75,000 – nine to fifteen councillors (including Mayor). 	<ul style="list-style-type: none"> The City supports this proposal.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
4.6 No Wards for Small Councils (Band 3 and 4 Councils only)		
<ul style="list-style-type: none"> A local government can make an application to be divided into wards, with councillors elected to those wards. Only about 10% of band 3 and 4 local governments currently have wards. 	<ul style="list-style-type: none"> It is proposed that the use of wards for councils in bands 3 and 4 is abolished. Wards increase the complexity of elections, as this requires multiple versions of ballot papers to be prepared for a local government's election. In smaller local governments, the population of wards can be very small. These wards often have councillors elected unopposed, or elect a councillor with a very small number of votes. Some local governments have ward councillors elected with less than 50 votes. There has been a trend in smaller local governments looking to reduce the use of wards, with only 10 councils in bands 3 and 4 still having wards. 	<ul style="list-style-type: none"> The City has no comment on this proposal.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
4.7 Electoral Reform – Clear Lease Requirements for Candidate and Voter Eligibility		
<ul style="list-style-type: none"> A person with a lease in a local government district is eligible to nominate as a candidate in that district. A person with a lease in a local government district is eligible to apply to vote in that district. The City of Perth Inquiry Report identified a number of instances where dubious lease arrangements put to question the validity of candidates in local government elections, and subsequently their legitimacy as councillors. 	<ul style="list-style-type: none"> Reforms are proposed to prevent the use of "sham leases" in council elections. Sham leases are where a person creates a lease only to be able to vote or run as a candidate for council. The City of Perth Inquiry Report identified sham leases as an issue. Electoral rules are proposed to be strengthened: <ul style="list-style-type: none"> A minimum lease period of 12 months will be required for anyone to register a person to vote or run for council. Home based businesses will not be eligible to register a person to vote or run for council, because any residents are already the eligible voter(s) for that address. Clarifying the minimum criteria for leases eligible to register a person to vote or run for council. The reforms would include minimum lease periods to qualify as a registered business (minimum of 12 months), and the exclusion of home based businesses (where the resident is already eligible) and very small sub-leases. The basis of eligibility for each candidate (e.g. type of property and suburb of property) is proposed to be published, including in the candidate pack for electors. 	<ul style="list-style-type: none"> The City strongly supports this proposal.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
4.8 Reform of Candidate Profiles		
<ul style="list-style-type: none"> Candidate profiles can only be 800 characters, including spaces. This is equivalent to approximately 150 words. 	<ul style="list-style-type: none"> Further work will be undertaken to evaluate how longer candidate profiles could be accommodated. Longer candidate profiles would provide more information to electors, potentially through publishing profiles online. It is important to have sufficient information available to assist electors make informed decisions when casting their vote. 	<ul style="list-style-type: none"> The City strongly supports this proposal which will provide further transparency for the electoral process.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
4.9 Minor Other Electoral Reforms		
<ul style="list-style-type: none"> Other minor reforms are proposed to improve local government elections. 	<ul style="list-style-type: none"> Minor other electoral reforms are proposed to include: <ul style="list-style-type: none"> The introduction of standard processes for vote recounts if there is a very small margin between candidates (e.g. where there is a margin of less than 10 votes a recount will always be required) The introduction of more specific rules concerning local government council candidates' use of electoral rolls. 	<ul style="list-style-type: none"> The City strongly supports this proposal.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
5.1 Introduce Principles in the Act		
<ul style="list-style-type: none"> • The Act does not currently outline specific principles. • The Act contains a short "Content and Intent" section only. • The Panel Report recommended greater articulation of principles 	<ul style="list-style-type: none"> • It is proposed to include new principles in the Act, including: <ul style="list-style-type: none"> ◦ The recognition of Aboriginal Western Australians ◦ Tiering of local governments (with bands being as assigned by the Salaries and Allowances Tribunal) ◦ Community Engagement ◦ Financial Management. 	<ul style="list-style-type: none"> • The City strongly supports this proposal. • The City supports the creation of an additional band. This would recognise that the City of Stirling and other similar sized local governments are far more complex than other Band 1 local governments. Band 1 has become so large that the local governments vary in size and complexity down to less than a third of the size of the City of Stirling. • Bracket creep has seen many small local governments move upwards through the banding/tiers over recent years.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
5.2 Greater Role Clarity		
<ul style="list-style-type: none"> The Act provides for the role of council, councillor, mayor or president and CEO. The role of the council is to: <ul style="list-style-type: none"> govern the local government's affairs be responsible for the performance of the local government's functions. 	<ul style="list-style-type: none"> The Local Government Act Review Panel recommended that roles and responsibilities of elected members and senior staff be better defined in law. It is proposed that these roles and responsibilities are further defined in the legislation. These proposed roles will be open to further consultation and input. These roles would be further strengthened through Council Communications Agreements (see item 5.3). 	<ul style="list-style-type: none"> The City supports this proposal.
	5.2.1 - Mayor or President Role <ul style="list-style-type: none"> It is proposed to amend the Act to specify the roles and responsibilities of the Mayor or President. While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the Mayor or President is responsible for: <ul style="list-style-type: none"> Representing and speaking on behalf of the whole council and the local government, at all times being consistent with the resolutions of council Facilitating the democratic decision-making of council by presiding at council meetings in accordance with the Act Developing and maintaining professional working relationships between councillors and the CEO Performing civic and ceremonial duties on behalf of the local government Working effectively with the CEO and councillors in overseeing the delivery of the services, operations, initiatives and functions of the local government. 	<ul style="list-style-type: none"> The City supports this proposal.
	5.2.2 - Council Role	<ul style="list-style-type: none"> The City supports this proposal.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
	<ul style="list-style-type: none"> It is proposed to amend the Act to specify the roles and responsibilities of the Council, which is the entity consisting of all of the councillors and led by the Mayor or President. While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the Council is responsible for: <ul style="list-style-type: none"> Making significant decisions and determining policies through democratic deliberation at council meetings Ensuring the local government is adequately resourced to deliver the local governments operations, services and functions - including all functions that support informed decision-making by council Providing a safe working environment for the CEO; Providing strategic direction to the CEO; Monitoring and reviewing the performance of the local government. 	
	<p>5.2.3 - Elected Member (Councillor) Role</p> <ul style="list-style-type: none"> It is proposed to amend the Act to specify the roles and responsibilities of all elected councillors. While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that every elected councillor is responsible for: <ul style="list-style-type: none"> Considering and representing, fairly and without bias, the current and future interests of all people who live, work and visit the district (including for councillors elected for a particular ward) Positively and fairly contribute and apply their knowledge, skill, and judgement to the democratic decision-making process of council Applying relevant law and policy in contributing to the decision-making of the council 	<ul style="list-style-type: none"> The City supports this proposal.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
	<ul style="list-style-type: none"> Engaging in the effective forward planning and review of the local governments' resources, and the performance of its operations, services, and functions Communicating the decisions and resolutions of council to stakeholders and the public Developing and maintaining professional working relationships with all other councillors and the CEO Maintaining and developing their knowledge and skills relevant to local government Facilitating public engagement with local government. It is proposed that elected members should not be able to use their title (e.g. "Councillor", "Mayor", or "President") and associated resources of their office (such as email address) unless they are performing their role in their official capacity. 	
	<p>5.2.4 - CEO Role</p> <ul style="list-style-type: none"> The <i>Local Government Act 1995</i> requires local governments to employ a CEO to run the local government administration and implement the decisions of council. To provide greater clarity, it is proposed to amend the Act to specify the roles and responsibilities of all local government CEOs. While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the CEO of a local government is responsible for: <ul style="list-style-type: none"> Coordinating the professional advice and assistance necessary for all elected members to enable the council to perform its decision-making functions Facilitating the implementation of council decisions 	<ul style="list-style-type: none"> The City supports this proposal.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
	<ul style="list-style-type: none"> • Ensuring functions and decisions lawfully delegated by council are managed prudently on behalf of the council • Managing the effective delivery of the services, operations, initiatives and functions of the local government determined by the council • Providing timely and accurate information and advice to all councillors in line with the Council Communications Agreement (see item 5.3) • Overseeing the compliance of the operations of the local government with State and Federal legislation on behalf of the council • Implementing and maintaining systems to enable effective planning, management, and reporting on behalf of the council. 	

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
5.3 Council Communication Agreements		
<ul style="list-style-type: none"> The Act provides that council and committee members can have access to any information held by the local government that is relevant to the performance of the member in their functions. The availability of information is sometimes a source of conflict within local governments. 	<ul style="list-style-type: none"> In State Government, there are written Communication Agreements between Ministers and agencies that set standards for how information and advice will be provided. It is proposed that local governments will need to have Council Communications Agreements between the council and the CEO. These Council Communication Agreements would clearly specify the information that is to be provided to councillors, how it will be provided, and the timeframes for when it will be provided. A template would be published by DLGSC. This default template will come into force if a council and CEO do not make a specific other agreement within a certain timeframe following any election. 	<ul style="list-style-type: none"> The City supports this proposal.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
5.4 Local Governments May Pay Superannuation Contributions for Elected Members		
<ul style="list-style-type: none"> Elected members are eligible to receive sitting fees or an annual allowance. Superannuation is not paid to elected members. However, councillors can currently divert part of their allowances to a superannuation fund. Councils should be reflective and representative of the people living within the district. Local governments should be empowered to remove any barriers to the participation of gender and age diverse people on councils. 	<ul style="list-style-type: none"> It is proposed that local governments should be able to decide, through a vote of council, to pay superannuation contributions for elected members. These contributions would be additional to existing allowances. Superannuation is widely recognised as an important entitlement to provide long term financial security. Other states have already moved to allow councils to make superannuation contributions for councillors. Allowing council to provide superannuation is important part of encouraging equality for people represented on council – particularly for women and younger people. Providing superannuation to councillors recognises that the commitment to elected office can reduce a person's opportunity to undertake employment and earn superannuation contributions. 	<ul style="list-style-type: none"> The City supports this proposal and will seek to play a leadership role in the introduction of superannuation for Councillors.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
5.5 Local Governments May Establish Education Allowances		
<ul style="list-style-type: none"> Local government elected members must complete mandatory training. There is no specific allowance for undertaking further education. 	<ul style="list-style-type: none"> Local governments will have the option of contributing to the education expenses for councillors, up to a defined maximum value, for tuition costs for further education that is directly related to their role on council. Councils will be able to decide on a policy for education expenses, up to a maximum yearly value for each councillor. Councils may also decide not to make this entitlement available to elected members. Any allowance would only be able to be used for tuition fees for courses, such as training programs, diplomas, and university studies, which relate to local government. Where it is made available, this allowance will help councillors further develop skills to assist with making informed decisions on important questions before council, and also provide professional development opportunities for councillors. 	<ul style="list-style-type: none"> The City strongly supports this proposal on the basis that it does not prevent the City paying for training for Elected Members that is not further education outside of this allowance. The City supports the payment to Elected Members of a "training completion fee" payable to Elected Members on successful completion of their mandatory training.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
5.6 Standardised Election Caretaker period		
<ul style="list-style-type: none"> There is currently no requirement for a formal caretaker period, with individual councils operating under their own policies and procedures. This is commonly a point of public confusion. 	<ul style="list-style-type: none"> A statewide caretaker period for local governments is proposed. All local governments across the State would have the same clearly defined election period, during which: <ul style="list-style-type: none"> Councils do not make major decisions with criteria to be developed defining 'major' Incumbent councillors who nominate for re-election are not to represent the local government, act on behalf of the council, or use local government resources to support campaigning activities. There are consistent election conduct rules for all candidates. 	<ul style="list-style-type: none"> The City supports this proposal.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
5.7 Remove WALGA from the Act		
<ul style="list-style-type: none"> The Western Australian Local Government Association (WALGA) is constituted under the <i>Local Government Act 1995</i>. The Local Government Panel Report and the Select Committee Report included this recommendation. 	<ul style="list-style-type: none"> The Local Government Panel Report recommended that WALGA not be constituted under the <i>Local Government Act 1995</i>. Separating WALGA out of the Act will provide clarity that WALGA is not a State Government entity. 	<ul style="list-style-type: none"> The City supports this proposal

City of Stirling

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
5.8 CEO Recruitment		
<ul style="list-style-type: none"> Recent amendments introduced provisions to standardise CEO recruitment. The recruitment of a CEO is a very important decision by a local government. 	<ul style="list-style-type: none"> It is proposed that DLGSC establishes a panel of approved panel members to perform the role of the independent person on CEO recruitment panels. Councils will be able to select an independent person from the approved list. Councils will still be able to appoint people outside of the panel with the approval of the Inspector. 	<ul style="list-style-type: none"> The City supports this proposal.

City of Stirling

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
6.1 Model Financial Statements and Tiered Financial Reporting		
<ul style="list-style-type: none"> The financial statements published in the Annual Report is the main financial reporting currently published by local governments. Reporting obligations are the same for large (Stirling, Perth, Fremantle) and small (Sandstone, Wiluna, Dalwallinu) local governments, even though they vary significantly in complexity. The Office of the Auditor General has said that some existing reporting requirements are unnecessary or onerous - for instance, information that is not relevant to certain local governments, or that is a duplicate of other published information. 	<ul style="list-style-type: none"> The Minister strongly believes in transparency and accountability in local government. The public rightly expects the highest standards of integrity, good governance, and prudent financial management in local government. It is critically important that clear information about the financial position of local governments is openly available to ratepayers. Financial information also supports community decision-making about local government services and projects. Local governments differ significantly in the complexity of their operations. Smaller local governments generally have much less operating complexity than larger local governments. The Office of the Auditor General has identified opportunities to improve financial reporting, to make statements clearer, and reduce unnecessary complexity. Recognising the difference in the complexity of smaller and larger local governments, it is proposed that financial reporting requirements should be tiered – meaning that larger local governments will have greater financial reporting requirements than smaller local governments. It is proposed to establish standard templates for Annual Financial Statements for band 1 and 2 councils, and simpler, clearer financial statements for band 3 and 4. Online Registers, updated quarterly (see item 3.4), would provide faster and greater transparency than current annual reports. Standard templates will be published for use by local governments. 	<ul style="list-style-type: none"> The City supports this proposal.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
	<ul style="list-style-type: none">• Simpler Strategic and Financial Planning (item 6.2) would also improve the budgeting process.	

City of Stirling

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
6.2 Simplify Strategic and Financial Planning		
<ul style="list-style-type: none"> Requirements for plans are outlined in the Local Government Financial Management and Administration Regulations. There is also the Integrated Planning and Reporting (IPR) framework. While many councils successfully apply IPR to their budgeting and reporting, IPR may seem complicated or difficult, especially for smaller local governments. 	<ul style="list-style-type: none"> Having clear information about the finances of local government is an important part of enabling informed public and ratepayer engagement and input to decision-making. The framework for financial planning should be based around information being clear, transparent, and easy to understand for all ratepayers and members of the public. In order to provide more consistency and clarity across the State, it is proposed that greater use of templates is introduced to make planning and reporting clearer and simpler, providing greater transparency for ratepayers. Local governments would be required to adopt a standard set of plans, and there will be templates published by the DLGSC for use or adaption by local governments. It is proposed that the plans that are required are: <ul style="list-style-type: none"> Simplified Council Plans that replace existing Strategic Community Plans and set high-level objectives, with a new plan required at least every eight years. These will be short-form plans, with a template available from the DLGSC Simplified Asset Management Plans to consistently forecast costs of maintaining the local government's assets. A new plan will be required at least every ten years, though local governments should update the plan regularly if the local government gains or disposes of major assets (e.g. land, buildings, or roads). A template will be provided, and methods of valuations will be simplified to reduce red tape Simplified Long Term Financial Plans will outline any long term financial management and 	<ul style="list-style-type: none"> The City strongly supports this proposal

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
	<p>sustainability issues, and any investments and debts. A template will be provided, and these plans will be required to be reviewed in detail at least every four years</p> <ul style="list-style-type: none"> • A new Rates and Revenue Policy (see item 6.3) that identifies the approximate value of rates that will need to be collected in future years (referencing the Asset Management Plan and Long Term Financial Plan) – providing a forecast to ratepayers (updated at least every four years) • The use of simple, one-page Service Proposals and Project Proposals that outline what proposed services or initiatives will cost, to be made available through council meetings. These will become Service Plans and Project Plans added to the yearly budget if approved by council. This provides clear transparency for what the functions and initiatives of the local government cost to deliver. Templates will be available for use by local governments. 	

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
6.3 Rates and Revenue Policy		
<ul style="list-style-type: none"> Local governments are not required to have a rates and revenue policy. Some councils defer rate rises, resulting in the eventual need to drastically raise rates to cover unavoidable costs – especially for the repair of infrastructure. 	<ul style="list-style-type: none"> The Rates and Revenue Policy is proposed to increase transparency for ratepayers by linking rates to basic operating costs and the minimum costs for maintaining essential infrastructure. A Rates and Revenue Policy would be required to provide ratepayers with a forecast of future costs of providing local government services. The Policy would need to reflect the Asset Management Plan and the Long Term Financial Plan (see item 6.2), providing a forecast of what rates would need to be, to cover unavoidable costs. A template would be published for use or adaption by all local governments. The Local Government Panel Report included this recommendation. 	<ul style="list-style-type: none"> The City supports this proposal.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
6.4 Monthly Reporting of Credit Card Statements		
<ul style="list-style-type: none"> No legislative requirement. Disclosure requirements brought in by individual councils have shown significant reduction of expenditure of funds. 	<ul style="list-style-type: none"> The statements of a local government's credit cards used by local government employees will be required to be tabled at council at meetings on a monthly basis. This provides oversight of incidental local government spending. 	<ul style="list-style-type: none"> The City supports this proposal.

City of Stirling

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
6.5 Amended Financial Ratios		
<ul style="list-style-type: none"> Local governments are required to report seven ratios in their annual financial statements. These are reported on the MyCouncil website. These ratios are intended to provide an indication of the financial health of every local government. 	<ul style="list-style-type: none"> Financial ratios will be reviewed in detail, building on work already underway by the DLGSC. The methods of calculating ratios and indicators will be reviewed to ensure that the results are accurate and useful. 	<ul style="list-style-type: none"> The City supports this proposal.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
6.6 Audit Committees		
<ul style="list-style-type: none"> Local governments must establish an Audit Committee that has three or more persons, with the majority to be council members. The Audit Committee is to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under the Act. The Panel Report identified that Audit Committees should be expanded, including to provide improved risk management. 	<ul style="list-style-type: none"> To ensure independent oversight, it is proposed the Chair of any Audit Committee be required to be an independent person who is not on council or an employee of the local government. Audit Committees would also need to consider proactive risk management. To reduce costs, it is proposed that local governments should be able to establish shared Regional Audit Committees. The Committees would be able to include council members but would be required to include a majority of independent members and an independent chairperson. 	<ul style="list-style-type: none"> The City is concerned about the potential cost impacts of this reform, the disincentive for Councillors to participate in Audit Committees and unintended inefficiencies that may result. In order to give effect to the requirement that Audit Committee have a majority of independent members would require either the downsizing of the City's current Audit Committee or the appointment of a further eight independent members. If the Audit Committee were downsized then this would mean that a limited number of Councillors would have involvement in the audit process. This would result in audit items being reconsidered at Council meetings. The City understands that the Minister proposes to allow meeting fees to be paid to independent members. If more independent members were added to create an independent majority, then this would create a large added cost to the City in sitting fees. It would also be doubtful whether the City would be able to attract an additional eight independent members who were suitably qualified.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
6.7 Building Upgrade Finance		
<ul style="list-style-type: none"> The local government sector has sought reforms that would enable local governments to provide loans to property owners to finance for building improvements. This is not currently provided for under the Act. The Local Government Panel Report included this recommendation. 	<ul style="list-style-type: none"> Reforms would allow local governments to provide loans to third parties for specific building improvements - such as cladding, heritage and green energy fixtures. This would allow local governments to lend funds to improve buildings within their district. Limits and checks and balances would be established to ensure that financial risks are proactively managed. 	<ul style="list-style-type: none"> The City seeks further details on the proposal which may involve significant risk before committing to a position.

City of Stirling

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
6.8 Cost of Waste Service to be Specified on Rates Notices		
<ul style="list-style-type: none"> No requirement for separation of waste changes on rates notice. Disclosure will increase ratepayer awareness of waste costs. The Review Panel Report included this recommendation. 	<ul style="list-style-type: none"> It is proposed that waste charges are required to be separately shown on rate notices (for all properties which receive a waste service). This would provide transparency and awareness of costs for ratepayers. 	<ul style="list-style-type: none"> The City supports this proposal.

City of Stirling

Local Government Reform – Consultation on Proposed Reforms

Local Government Reform - Summary of Proposed Reforms

WALGA Advocacy Positions and Recommendations

November 2021

Local Government Reform – Consultation on Proposed Reforms

About WALGA

The WA Local Government Association (WALGA) is working for Local Government in Western Australia. As the peak industry body, WALGA advocates on behalf of 139 Western Australian Local Governments. As the united voice of Local Government in Western Australia, WALGA is an independent, membership-based organization representing and supporting the work and interests of Local Governments in Western Australia. WALGA provides an essential voice for 1,220 Elected Members, approximately 22,000 Local Government employees (16,500 Full Time Equivalent's) as well as over 2.5 million constituents of Local Governments in Western Australia.

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Local Government Reform – Consultation on Proposed Reforms

Local Government Act Review Process

WALGA through consultation with the Local Government Sector endorsed sector advocacy positions relating to Local Government Act amendments in March 2019 and December 2020. These advocacy positions were developed considering (but not limited to);

- The Department of Local Government, Sport and Cultural Industries (DLGSC) consultation on Act Reform (2017-2020)
- The City of Perth Inquiry Report (mid 2020)
- The State Parliament's Select Committee Report into Local Government (late 2020)

In December 2020, WALGA endorsed the following principles for any review of the Local Government Act.

Local Government Reform – WALGA Principles

That the following key principles be embodied in the Local Government Act:

1. Uphold the general competence principle currently embodied in the Local Government Act
2. Provide for a flexible, principles-based legislative framework
3. Promote a size and scale compliance regime
4. Promote enabling legislation that empowers Local Government to carry out activities beneficial to its community taking into consideration Local Governments' role in creating a sustainable and resilient community through:
 - i. Economic development
 - ii. Environmental protection, and
 - iii. Social advancement
5. Avoid red tape and 'de-clutter' the extensive regulatory regime that underpins the Local Government Act, and
6. The State Government must not assign legislative responsibilities to Local Governments unless there is provision for resources required to fulfil the responsibilities.

It is worth noting that of the above principles, items 1, 2, and 3 are addressed in these legislative reform proposals and principles 4 and 5 are partially addressed.

Local Government Reform – Consultation on Proposed Reforms

Theme 1: Early Intervention, Effective Regulation and Stronger Penalties

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
1.1 Early Intervention Powers		
<ul style="list-style-type: none"> The Act provides the means to regulate the conduct of local government staff and council members and sets out powers to scrutinise the affairs of local government. The Act provides certain limited powers to: <ul style="list-style-type: none"> Suspend or dismiss councils Appoint Commissioners Suspend or, order remedial action (such as training) for individual councillors. The Act also provides the Director General with the power to: <ul style="list-style-type: none"> Conduct Authorised Inquiries Refer allegations of serious or recurrent breaches to the State Administrative Tribunal Commence prosecution for an offence under the Act. Authorised Inquiries are a costly and a relatively slow response to significant issues. Authorised Inquiries are currently the only significant tool for addressing significant issues within a local government. The Panel Report, City of Perth Inquiry, and the Select Committee Report made various recommendations related to the establishment of a specific office for local government oversight. 	<ul style="list-style-type: none"> It is proposed to establish a Chief Inspector of Local Government (the Inspector), supported by an Office of the Local Government Inspector (the Inspectorate). The Inspector would receive minor and serious complaints about elected members. The Inspector would oversee complaints relating to local government CEOs. Local Governments would still be responsible for dealing with minor behavioural complaints. The Inspector would have powers of a standing inquiry, able to investigate and intervene in any local government where potential issues are identified. The Inspector would have the authority to assess, triage, refer, investigate, or close complaints, having regard to various public interest criteria – considering laws such as the <i>Corruption, Crime and Misconduct Act 2003</i>, the <i>Occupational Safety and Health Act 1984</i>, the <i>Building Act 2011</i>, and other legislation. The Inspector would have powers to implement minor penalties for less serious breaches of the Act, with an appeal mechanism. The Inspector would also have the power to order a local government to address non-compliance with the Act or Regulations. The Inspector would be supported by a panel of Local Government Monitors (see item 	<p>Current Local Government Position</p> <p>Items 1.1, 1.2 and 1.3 <u>generally align</u> with WALGA Advocacy Position 2.6.8 - 'Establish Office of Independent Assessor'</p> <p><i>The Local Government sector supports:</i></p> <ol style="list-style-type: none"> 1. Establishing an Office of the Independent Assessor to replace the Standards Panel to provide an independent body to receive, investigate and assess complaints against Elected Members and undertake inquiries. 2. Remove the CEO from being involved in processing complaints. 3. That an early intervention framework of monitoring to support Local Governments be provided with any associated costs to be the responsibility of the State Government. 4. An external oversight model for local level behavioural complaints made under Council Member, Committee Member and Candidate Codes of Conduct, that is closely aligned to the Victorian Councillor Complaints Framework. <p>Comment</p> <p>The Local Government sector is in favour of early intervention and a swift response to potentially disruptive or dysfunctional behaviours. The Proposed Reforms state 'Local Governments would still be responsible for dealing with minor behavioural complaints' and therefore do not go as far as the Sector's recent request for an external</p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
	<p>1.2).</p> <ul style="list-style-type: none"> The existing Local Government Standards Panel would be replaced with a new Conduct Panel (see item 1.3). Penalties for breaches to the Local Government Act and Regulations will be reviewed and are proposed to be generally strengthened (see item 1.4). These reforms would be supported by new powers to more quickly resolve issues within local government (see items 1.5 and 1.6). 	<p>oversight model for the independent assessment of local level complaints (State Council Res: 264.5/2021 – September 2021). However this will be mitigated with the Inspector able to respond to a Local Government having unresolved matters by appointing a monitor to assist the Local Government.</p> <p>It is expected the Local Government Inspector would be funded by the State Government, however it is noted that the cost of the Local Government Monitors and the Conduct Panel would be borne by the Local Government concerned.</p> <p>Recommendation</p> <ol style="list-style-type: none"> Support the proposed reforms as they align with the sectors position on external oversight and support. Request the Minister to explore alternate mechanisms for resolving local level complaints.
1.2 Local Government Monitors		
<ul style="list-style-type: none"> There are currently no legislative powers for the provision of monitors/ temporary advisors. The DLGSC provides support and advice to local governments, however there is no existing mechanism for pre-qualified, specialised assistance to manage complex cases. 	<ul style="list-style-type: none"> A panel of Local Government Monitors would be established. Monitors could be appointed by the Inspector to go into a local government and try to resolve problems. The purpose of Monitors would be to proactively fix problems, rather than to identify blame or collect evidence. Monitors would be qualified specialists, such 	As above

Local Government Reform – Consultation on Proposed Reforms

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
	<p>as:</p> <ul style="list-style-type: none"> ○ Experienced and respected former Mayors, Presidents, and CEOs - to act as mentors and facilitators ○ Dispute resolution experts - to address the breakdown of professional working relationships ○ Certified Practicing Accountants and other financial specialists - to assist with financial management and reporting issues ○ Governance specialists and lawyers - to assist councils resolve legal issues ○ HR and procurement experts - to help with processes like recruiting a CEO or undertaking a major land transaction. <ul style="list-style-type: none"> • Only the Inspector would have the power to appoint Monitors. • Local governments would be able to make requests to the Inspector to appoint Monitors for a specific purpose. <p>Monitor Case Study 1 – Financial Management</p> <p>The Inspector receives information that a local government is not collecting rates correctly under the <i>Local Government Act 1995</i>. Upon initial review, the Inspector identifies that there may be a problem. The Inspector appoints a Monitor who specialises in financial management in local government. The Monitor visits the local government and identifies that the system used to manage rates is not correctly issuing rates notices. The Monitor works with the local government to rectify the error, and issue corrections to impacted ratepayers.</p>	

Local Government Reform – Consultation on Proposed Reforms

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
	<p>Monitor Case Study 2 – Dispute Resolution</p> <p>The Inspector receives a complaint from one councillor that another councillor is repeatedly publishing derogatory personal attacks against another councillor on social media, and that the issue has not been able to be resolved at the local government level. The Inspector identifies that there has been a relationship breakdown between the two councillors due to a disagreement on council.</p> <p>The Inspector appoints a Monitor to host mediation sessions between the councillors. The Monitor works with the councillors to address the dispute. Through regular meetings, the councillors agree to a working relationship based on the council's code of conduct. After the mediation, the Monitor occasionally makes contact with both councillors to ensure there is a cordial working relationship between the councillors.</p>	
1.3 Conduct Panel		
<ul style="list-style-type: none"> The Local Government Standards Panel was established in 2007 to resolve minor breach complaints relatively quickly and provide the sector with guidance and benchmarks about acceptable standards of behaviour. Currently, the Panel makes findings about alleged breaches based on written submissions. The City of Perth Inquiry report made various recommendations that functions of the Local Government Standards Panel be reformed. 	<ul style="list-style-type: none"> The Standards Panel is proposed to be replaced with a new Local Government Conduct Panel. The Conduct Panel would be comprised of suitably qualified and experienced professionals. Sitting councillors will not be eligible to serve on the Conduct Panel. The Inspector would provide evidence to the Conduct Panel for adjudication. The Conduct Panel would have powers to impose stronger penalties – potentially including being able to suspend councillors for 	As above

Local Government Reform – Consultation on Proposed Reforms

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
	<p>up to three months, with an appeal mechanism.</p> <ul style="list-style-type: none"> For very serious or repeated breaches of the Local Government Act, the Conduct Panel would have the power to recommend prosecution through the courts. Any person who is subject to a complaint before the Conduct Panel would have the right to address the Conduct Panel before the Panel makes a decision. 	
1.4 Review of Penalties		
<ul style="list-style-type: none"> There are currently limited penalties in the Act for certain types of non-compliance with the Local Government Act. 	<ul style="list-style-type: none"> Penalties for breaching the Local Government Act are proposed to be strengthened. It is proposed that the suspension of councillors (for up to three months) is established as the main penalty where a councillor breaches the Local Government Act or Regulations on more than one occasion. Councillors who are disqualified would not be eligible for sitting fees or allowances. They will also not be able to attend meetings, or use their official office (such as their title or council email address). It is proposed that a councillor who is suspended multiple times may become disqualified from office. Councillors who do not complete mandatory training within a certain timeframe will also not be able to receive sitting fees or allowances. 	<p><u>Current Local Government Position</u></p> <p>Items 1.4 and 1.5 <u>expand upon</u> Advocacy Position 2.6.9 - 'Stand Down Proposal'</p> <p><i>WALGA supports, in principle, a proposal for an individual elected member to be 'stood down' from their duties when they are under investigation, have been charged, or when their continued presence prevents Council from properly discharging its functions or affects the Council's reputation, subject to further policy development work being undertaken. Further policy development of the Stand Down Provisions must involve active consultation with WALGA and specific consideration of the following issues of concern to the Sector:</i></p> <ol style="list-style-type: none"> 1. That the Department of Local Government endeavour to ensure established principles of natural justice and procedural fairness are embodied in all aspects of the proposed Stand Down Provisions; and 2. That activities associated with the term 'disruptive behaviour', presented as reason to

Local Government Reform – Consultation on Proposed Reforms

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
		<p><i>stand down a defined Elected Member on the basis their continued presence may make a Council unworkable, are thoroughly examined and clearly identified to ensure there is awareness, consistency and opportunity for avoidance.</i></p> <p>Comment The Local Government sector has long-standing advocacy positions supporting stronger penalties as a deterrent to disruptive Council Member behaviours. Clear guidance will be required to ensure there is consistent application of the power given to Presiding Members.</p> <p>Recommendation Supported</p>
1.5 Rapid Red Card Resolutions		
<ul style="list-style-type: none"> Currently, local governments have different local laws and standing orders that govern the way meetings run. Presiding members (Mayors and Presidents) are reliant on the powers provided in the local government standing orders local laws. Differences between local governments is a source of confusion about the powers that presiding members have to deal with disruptive behaviours at council meetings. Disruptive behaviour at council meetings is a very common cause of complaints. Having the Presiding Member be able to deal with these problems should more quickly resolve problems that occur at council meetings. 	<ul style="list-style-type: none"> It is proposed that Standing Orders are made consistent across Western Australia (see item 2.6). Published recordings of all meetings would also become standard (item 3.1). It is proposed that Presiding Members have the power to "red card" any attendee (including councillors) who unreasonably and repeatedly interrupt council meetings. This power would: <ul style="list-style-type: none"> Require the Presiding Member to issue a clear first warning If the disruptions continue, the Presiding Member will have the power to "red card" that person, who must be silent for the rest of the meeting. A councillor issued with a red card will still vote, but must not speak or move motions If the person continues to be disruptive, the 	As above

Local Government Reform – Consultation on Proposed Reforms

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
	<p>Presiding Member can instruct that they leave the meeting.</p> <ul style="list-style-type: none"> Any Presiding Member who uses the "red card" or ejection power will be required to notify the Inspector. Where an elected member refuses to comply with an instruction to be silent or leave, or where it can be demonstrated that the presiding member has not followed the law in using these powers, penalties can be imposed through a review by the Inspector. 	
1.6 Vexatious Complaint Referrals		
<ul style="list-style-type: none"> No current provisions. The Act already provides a requirement for Public Question Time at council meetings. 	<ul style="list-style-type: none"> Local governments already have a general responsibility to provide ratepayers and members of the public with assistance in responding to queries about the local government's operations. Local governments should resolve queries and complaints in a respectful, transparent and equitable manner. Unfortunately, local government resources can become unreasonably diverted when a person makes repeated vexatious queries, especially after a local government has already provided a substantial response to the person's query. It is proposed that if a person makes repeated complaints to a local government CEO that are vexatious, the CEO will have the power to refer that person's complaints to the Inspectorate, which after assessment of the facts may then rule the complaint vexatious. 	<p>Current Local Government Position Item 1.6 <u>expands upon</u> Advocacy Position 2.6.11 – 'Vexatious complainants in relation to FOI applications' <i>WALGA advocates for the Freedom of Information Act 1992 (WA) to be reviewed, including consideration of:</i></p> <ol style="list-style-type: none"> Enabling the Information Commissioner to declare vexatious applicants similar to the provisions of section 114 of the Right to Information Act 2009 (QLD); Enabling an agency to recover reasonable costs incurred through the processing of a Freedom of Information access application where the application is subsequently withdrawn; and Modernisation to address the use of electronic communications and information. <p>Comment The Act has been expanded significantly in recent</p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
		<p>years to permit an increased level of public involvement, scrutiny and access to information relating to the decisions, operations and affairs of Local Government in WA. Introducing a means to limit capacity for unreasonable complainants to negatively impact Local Governments will provide a necessary balance between the openness and transparency of the sector and the reasonable entitlement of citizens to interact with their Local Government.</p> <p>Recommendation</p> <p>Supported</p>
1.7 Minor Other Reforms		

Local Government Reform – Consultation on Proposed Reforms

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
<ul style="list-style-type: none"> Other minor reforms are being considered to enhance the oversight of local government. Ministerial Circulars have traditionally been used to provide guidance to the local government sector. 	<ul style="list-style-type: none"> Potential other reforms to strengthen guidance for local governments are being considered. For example, one option being considered is the potential use of sector-wide guidance notices. Guidance notices could be published by the Minister or Inspector, to give specific direction for how local governments should meet the requirements of the Local Government Act and Regulations. For instance, the Minister could publish guidance notices to clarify the process for how potential conflicts of interests should be managed. It is also proposed (see item 1.1) that the Inspector has the power to issue notices to individual local governments to require them to rectify non-compliance with the Act or Regulations. 	<p>Current Local Government Position</p> <p>Item 1.7 aligns with Advocacy Position 2.6 - 'Support DLGSC as service provider / capacity builder'</p> <p>WALGA supports the continuance of the Department of Local Government, Sport and Cultural Industries as a direct service provider of compliance and recommend the Department fund its capacity building role through the utilisation of third party service providers. In addition, WALGA calls on the State Government to ensure there is proper resourcing of the Department of Local Government, Sport and Cultural Industries to conduct timely inquiries and interventions when instigated under the provisions of the Local Government Act 1995.</p> <p>Comment</p> <p>Operational guidance from the Department of Local Government, Sport and Cultural Industries leads to consistent understanding and application of statutory provisions by Local Government. The proposed reform that the Inspector issue non-compliance notices appears to replicate the Minister's powers under Section 9.14A – 'Notice to prevent continuing contravention'</p> <p>Recommendation</p> <p>Supported</p>

Local Government Reform – Consultation on Proposed Reforms

Theme 2: Reducing Red Tape, Increasing Consistency and Simplicity

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
2.1 Resource Sharing		
<ul style="list-style-type: none"> The Act does not currently include specific provisions to allow for certain types of resource sharing – especially for sharing CEOs. Regional local governments would benefit from having clearer mechanisms for voluntary resource-sharing. 	<ul style="list-style-type: none"> Amendments are proposed to encourage and enable local governments, especially smaller regional local governments, to share resources, including Chief Executive Officers and senior employees. Local governments in bands 2, 3 or 4 would be able to appoint a shared CEO at up to two salary bands above the highest band. For example, a band 3 and a band 4 council sharing a CEO could remunerate to the level of band 1. 	<p>Current Local Government Position</p> <p>Item 2.1 <u>aligns</u> with Advocacy Position 2.6 – Local Government Legislation – ‘Avoid red tape and ‘de-clutter’ the extensive regulatory regime that underpins the Local Government Act’ and Advocacy Position 2.3.1 – ‘Regional Collaboration’.</p> <p><i>Local Governments should be empowered to form single and joint subsidiaries, and beneficial enterprises. In addition, compliance requirements of Regional Councils should be reviewed and reduced.</i></p> <p>Comment</p> <p>The proposed reforms will rely upon statutory provisions that enable and enhance regional collaboration. Recent over-regulation of Regional Subsidiaries in 2016 resulted in no subsidiaries being formed since that time.</p> <p>Recommendation</p> <p>Supported</p>
2.2 Standardisation of Crossovers		
<ul style="list-style-type: none"> Approvals and standards for crossovers (the section of driveways that run between the kerb and private property) are inconsistent between local government areas, often with very minor differences. 	<ul style="list-style-type: none"> It is proposed to amend the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> to standardise the process for approving crossovers for residential properties and residential developments on 	<p>Current Local Government Position</p> <p>Comment</p> <p>WALGA developed the Template Crossover Guideline and Specification resource in 2017 and have been part of the Minister’s working group on</p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<ul style="list-style-type: none"> This can create confusion and complexity for homeowners and small businesses in the construction sector. 	<ul style="list-style-type: none"> local roads. A Crossover Working Group has provided preliminary advice to the Minister and DLGSC to inform this. The DLGSC will work with the sector to develop standardised design and construction standards. 	<p>red tape reduction that has been looking at standardisation of crossovers.</p> <p>Recommendation</p> <p>Supported</p>
2.3 Introduce Innovation Provisions		
<ul style="list-style-type: none"> The <i>Local Government Act 1995</i> currently has very limited provisions to allow for innovations and responses to emergencies to (such as the Shire of Bruce Rock Supermarket). 	<ul style="list-style-type: none"> New provisions are proposed to allow exemptions from certain requirements of the <i>Local Government Act 1995</i>, for: <ul style="list-style-type: none"> Short-term trials and pilot projects Urgent responses to emergencies. 	<p><u>Current Local Government Position</u></p> <p>There is currently no advocacy position in relation to Item 2.3.</p> <p>Comment</p> <p>It is arguable communities expect all levels of Government will apply innovative solutions to complex and emerging issues difficult to resolve by traditional means. Exemptions constructed with appropriate checks and balances, particularly where expenditure of public funds are concerned, has potential to facilitate efficient and effective outcomes.</p> <p>Recommendation</p> <p>Supported</p>
2.4 Streamline Local Laws		
<ul style="list-style-type: none"> Local laws are required to be reviewed every eight years. The review of local laws (especially when they are standard) has been identified as a burden for the sector. Inconsistency between local laws is 	<ul style="list-style-type: none"> It is proposed that local laws would only need to be reviewed by the local government every 15 years. Local laws not reviewed in the timeframe would lapse, meaning that old laws will be automatically removed and no longer 	<p><u>Current Local Government Position</u></p> <p>Items 2.4, 2.5 and 2.6 <u>expand upon</u> Advocacy Position 2.6.35 - 'Local law-making process should be simplified'.</p> <p><i>The Local Law making process should be simplified as follows:</i></p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
frustrating for residents and business stakeholders.	<p>applicable.</p> <ul style="list-style-type: none"> Local governments adopting Model Local Laws will have reduced advertising requirements. 	<ul style="list-style-type: none"> <i>The requirement to give state-wide notice should be reviewed, with consideration given to Local Governments only being required to provide local public notice;</i> <i>Eliminate the requirement to consult on local laws when a model is used;</i> <i>Consider deleting the requirement to review local laws periodically. Local Governments, by administering local laws, will determine when it is necessary to amend or revoke a local law; and</i> <i>Introduce certification of local laws by a legal practitioner in place of scrutiny by Parliament's Delegated Legislation Committee.</i> <p>Comment Proposed reforms meet the Sector's preference for simplified local law-making processes. Model local laws are supported, whilst recognising the models themselves will require review by State Government departments with the relevant head of power. For example, the Model Local Law (Standing Orders) 1998 formed the basis of many Local Government meeting procedures local laws but no review was completed. This model was superseded by individual local laws with added contemporary provisions. This pattern will repeat itself if model local laws are not reviewed to remain contemporary to the Sector's requirements.</p> <p>Recommendation</p> <p>Supported</p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
2.5 Simplifying Approvals for Small Business and Community Events		
<ul style="list-style-type: none"> Inconsistency between local laws and approvals processes for events, street activation, and initiatives by local businesses is frustrating for business and local communities. 	<ul style="list-style-type: none"> Proposed reforms would introduce greater consistency for approvals for: <ul style="list-style-type: none"> alfresco and outdoor dining minor small business signage rules running community events. 	As above
2.6 Standardised Meeting Procedures, Including Public Question Time		
<ul style="list-style-type: none"> Local governments currently prepare individual standing order local laws. The <i>Local Government Act 1995</i> and regulations require local governments to allocate time at meetings for questions from the public. Inconsistency among the meeting procedures between local governments is a common source of complaints. 	<ul style="list-style-type: none"> To provide greater clarity for ratepayers and applicants for decisions made by council, it is proposed that the meeting procedures and standing orders for all local government meetings, including for public question time, are standardised across the State. Regulations would introduce standard requirements for public question time, and the procedures for meetings generally. Members of the public across all local governments would have the same opportunities to address council and ask questions. 	As above

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
2.7 Regional Subsidiaries		
<ul style="list-style-type: none"> Initiatives by multiple local governments may be managed through formal Regional Councils, or through less formal "organisations of councils", such as NEWROC and WESROC. These initiatives typically have to be managed by a lead local government. In 2016-17, provisions were introduced to allow for the formation of Regional Subsidiaries. Regional Subsidiaries can be formed in line with the <i>Local Government (Regional Subsidiaries) Regulations 2017</i>. So far, no Regional Subsidiary has been formed. 	<ul style="list-style-type: none"> Work is continuing to consider how Regional Subsidiaries can be best established to: <ul style="list-style-type: none"> Enable Regional Subsidiaries to provide a clear and defined public benefit for people within member local governments Provide for flexibility and innovation while ensuring appropriate transparency and accountability of ratepayer funds Where appropriate, facilitate financing of initiatives by Regional Subsidiaries within a reasonable and defined limit of risk Ensure all employees of a Regional Subsidiary have the same employment conditions as those directly employed by member local governments. 	<p>Current Local Government Position</p> <p>Item 2.7 <u>aligns</u> with Advocacy Position 2.3.1 - 'Regional Collaboration'</p> <p><i>Local Governments should be empowered to form single and joint subsidiaries, and beneficial enterprises. In addition, compliance requirements of Regional Councils should be reviewed and reduced.</i></p> <p>Comment</p> <p>Under the Regional Subsidiary model, two or more Local Governments are able to establish a regional subsidiary to undertake a shared service function on behalf of its constituent Local Governments. The model provides increased flexibility when compared to the Regional Local Government model because regional subsidiaries are primarily governed and regulated by a charter rather than legislation. While the regional subsidiary model's governance structure is primarily representative, the model also allows independent and commercially focussed directors to be appointed to the board of management.</p> <p>A key advantage of the regional subsidiary model is the use of a charter, as opposed to legislation, as the primary governance and regulatory instrument. Accordingly, the legislative provisions governing the establishment of regional subsidiaries should be light, leaving most of the regulation to the regional subsidiary charter, which can be adapted to suit the specific circumstances of each regional subsidiary.</p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>Recommendation</p> <p>Supported</p>

Theme 3: Greater Transparency & Accountability

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
3.1 Recordings and Live-Streaming of All Council Meetings		
<ul style="list-style-type: none"> Currently, local governments are only required to make written minutes of meetings. While there is no legal requirement for livestreaming or video or audio recording of council meetings, many local governments now stream and record their meetings. Complaints relating to behaviours and decisions at meetings constitute a large proportion of complaints about local governments. Local governments are divided into bands with the largest falling in bands 1 and 2, and 	<ul style="list-style-type: none"> It is proposed that all local governments will be required to record meetings. Band 1 and 2 local governments would be required to livestream meetings, and make video recordings available as public archives. Band 1 and 2 are larger local governments are generally located in larger urban areas, with generally very good telecommunications infrastructure, and many already have audio-visual equipment. Band 1 and 2 local governments would be required to livestream meetings, and make 	<p>Current Local Government Position</p> <p>Item 3.1 <u>expands upon</u> Advocacy Position 2.6 – ‘Promote a size and scale compliance regime’ and Advocacy Position 2.6.31 - ‘Attendance at Council Meetings by Technology’</p> <p><i>A review of the ability of Elected Members to log into Council meetings should be undertaken.</i></p> <p>Comment</p> <p>Local Governments introducing electronic meeting procedures and the means for remote public attendance in response to the COVID-19</p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<p>smaller local governments falling bands 3 and 4. The allocation of local governments into bands is determined by The Salaries and Allowances Tribunal based on factors¹ such as:</p> <ul style="list-style-type: none"> ○ Growth and development ○ Strategic planning issues ○ Demands and diversity of services provided to the community ○ Total expenditure ○ Population ○ Staffing levels. 	<p>video recordings available as public archives.</p> <ul style="list-style-type: none"> • Several local governments already use platforms such as YouTube, Microsoft Teams, and Vimeo to stream and publish meeting recordings. • Limited exceptions would be made for meetings held outside the ordinary council chambers, where audio recordings may be used. • Recognising their generally smaller scale, typically smaller operating budget, and potential to be in more remote locations, band 3 and 4 local governments would be required to record and publish audio recordings, at a minimum. These local governments would still be encouraged to livestream or video record meetings. • All council meeting recordings would need to be published at the same time as the meeting minutes. Recordings of all confidential items would also need to be submitted to the DLGSC for archiving. 	<p>pandemic led to a swift uptake of streaming Council meetings. The proposed reform that Band 1 and 2 Local Governments will only be problematic where technical capability such as reliable bandwidth impact the district.</p> <p>Recommendation</p> <p>Supported</p>

¹ See page 3 of the [2018 Salaries and Allowance Tribunal Determination](#)

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
3.2 Recording All Votes in Council Minutes		
<ul style="list-style-type: none"> A local government is only required to record which councillor voted for or against a motion in the minutes of that meeting if a request is made by an elected member at the time of the resolution during the meeting. The existing provision does not mandate transparency. 	<ul style="list-style-type: none"> To support the transparency of decision-making by councillors, it is proposed that the individual votes cast by all councillors for all council resolutions would be required to be published in the council minutes, and identify those for, against, on leave, absent or who left the chamber. Regulations would prescribe how votes are to be consistently minuted. 	<p>Current Local Government Position There is currently no advocacy position in relation to Item 3.2.</p> <p>Comment There is an evolving common practice that Council Minutes record the vote of each Council Member present at a meeting.</p> <p>Recommendation Supported</p>
3.3 Clearer Guidance for Meeting Items that may be Confidential		
<ul style="list-style-type: none"> The Act currently provides broad definitions of what type of matters may be discussed as a confidential item. There is limited potential for review of issues managed as confidential items under the current legislation. 	<ul style="list-style-type: none"> Recognising the importance of open and transparent decision-making, it is considered that confidential meetings and confidential meeting items should only be used in limited, specific circumstances. It is proposed to make the Act more specific in prescribing items that may be confidential, and items that should remain open to the public. Items not prescribed as being confidential could still be held as confidential items only with the prior written consent of the Inspector. All confidential items would be required to be audio recorded, with those recordings submitted to the DLGSC. 	<p>Current Local Government Position There is currently no advocacy position in relation to Item 3.3.</p> <p>Comment Clarifying the provisions of the Act has broad support within the sector. New reforms requiring Local Governments to video or audio record Council meetings (Item 3.1) will add to the formal record of proceedings that includes written Minutes. While being supported, the requirement to provide audio recordings of confidential matters to the DLGSC is queried on the basis that written and audio records can be readily accessed from a Local Government if required.</p> <p>Recommendation Supported</p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
3.4 Additional Online Registers		
<ul style="list-style-type: none"> Local governments are required to provide information to the community through annual reports, council minutes and the publication of information online. Consistent online publication of information can substitute for certain material in annual reports. Consistency in online reporting across the sector will provide ratepayers with better information. These registers supplement the simplification of financial statements in Theme 6. 	<ul style="list-style-type: none"> It is proposed to require local governments to report specific information in online registers on the local government's website. Regulations would prescribe the information to be included. <p>The following new registers, each updated quarterly, are proposed:</p> <ul style="list-style-type: none"> Lease Register to capture information about the leases the local government is party to (either as lessor or lessee) Community Grants Register to outline all grants and funding provided by the local government Interests Disclosure Register which collates all disclosures made by elected members about their interests related to matters considered by council Applicant Contribution Register accounting for funds collected from applicant contributions, such as cash-in-lieu for public open space and car parking Contracts Register that discloses all contracts above \$100,000. 	<p>Current Local Government Position There is currently no advocacy position in relation to Item 3.4.</p> <p>Comment This proposal follows recent Act amendments that ensure a range of information is published on Local Government websites. WALGA has sought clarity that the contracts register excludes contracts of employment.</p> <p>Recommendation Supported</p>
3.5 Chief Executive Officer Key Performance Indicators (KPIs) be Published		
<ul style="list-style-type: none"> It is a requirement of the <i>Local Government Act 1995</i> that CEO performance reviews are conducted annually. The Model Standards for CEO recruitment and selection, performance review and 	<ul style="list-style-type: none"> To provide for minimum transparency, it is proposed to mandate that the KPIs agreed as performance metrics for CEOs: <ul style="list-style-type: none"> Be published in council meeting minutes as soon as they are agreed prior to (before the start of the annual period) 	<p>Current Local Government Position There is currently no advocacy position in relation to Item 3.5.</p> <p>Comment In principle, this proposal has some merit and would be particularly effective if all CEO KPIs</p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<p>termination require that a local government must review the performance of the CEO against contractual performance criteria.</p> <ul style="list-style-type: none"> Additional performance criteria can be used for performance review by agreement between both parties. 	<ul style="list-style-type: none"> The KPIs and the results be published in the minutes of the performance review meeting (at the end of the period) The CEO has a right to provide written comments to be published alongside the KPIs and results to provide context as may be appropriate (for instance, the impact of events in that year that may have influenced the results against KPIs). 	<p>consistently reflect Strategic Community Plans and Corporate Business Plans of Local Governments, together with KPIs reflective of the CEO's statutory functions under Section 5.41 of the Act. This approach would inform the community of the CEO's performance related to the strategic direction and operational function of the Local Government.</p> <p>In practice, the drafting of statutory provisions will require sensitive consideration of certain KPIs i.e. those relating to issues affecting the workplace or identified risk-based concerns, to reflect the way Audit Committees currently deal with some internal control, risk and legislative compliance issues confidentially. This approach will protect the interests of Local Governments and other parties associated with such KPIs. It would be prudent for exemptions to be provided, based on matters of confidentiality.</p> <p>The proposed reforms and recent Act amendments signal a clear intent to permit closer community involvement and scrutiny of Local Government. However, negative consequences are likely if Local Government Council's responsibility as the employing authority of the CEO became blurred due to perceived community entitlement to comment, question and influence KPIs and the performance review process.</p> <p>Additionally, the publication of CEO KPI's will elevate this employment position to a high degree of public scrutiny seldom evident in the public or private sector, if at all. It is worth investigating whether the proposed reforms</p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>considered whether this factor could impact on the recruitment of CEO's, particularly from outside the Local Government sector.</p> <p>The results of performance reviews should be confidential information between the employer and employee and should not be published and should remain within the confidential human resource records of the organisation.</p> <p>Recommendation</p> <ol style="list-style-type: none"> 1. Conditionally Support the reporting of CEO KPIs that are consistent with the strategic direction and operational function of the Local Government, subject to exemptions for publishing KPI's of a confidential nature; 2. Do not support the results of performance reviews being published.

Theme 4: Stronger Local Democracy and Community Engagement

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
4.1 Community and Stakeholder Engagement Charters		
<ul style="list-style-type: none"> • There is currently no requirement for local governments to have a specific engagement charter or policy. • Many local governments have introduced charters or policies for how they will engage with their community. • Other States have introduced a specific 	<ul style="list-style-type: none"> • It is proposed to introduce a requirement for local governments to prepare a community and stakeholder engagement charter which sets out how local government will communicate processes and decisions with their community. • A model Charter would be published to assist 	<p>Current Local Government Position</p> <p>Items 4.1 and 4.2 <u>generally align</u> with Advocacy Position 2.6.34 - 'Support responsive, aspirational and innovative community engagement principles'</p> <p><i>The Local Government sector supports:</i></p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
requirement for engagement charters.	local governments who wish to adopt a standard form.	<p>1. <i>Responsive, aspirational and innovative community engagement principles</i></p> <p>2. <i>Encapsulation of aims and principles in a community engagement policy, and</i></p> <p>3. <i>The option of hosting an Annual Community Meeting to present on past performance and outline future prospects and plans.</i></p> <p>Comment As indicated in Item 4.1 commentary, many Local Governments have already developed stakeholder engagement charters, or similar engagement strategies, that reflect their unique communities of interest. The development of guidance by the DLGSC, based on standards such as the International Standard for Public Participation practice, is supported in favour of taking a prescriptive approach or conducting a survey for the sake of a survey.</p> <p>Item 4.2 has potential to provide benchmarking of community satisfaction levels across Band 1 and 2 Local Governments.</p> <p>Recommendation</p> <p>Supported</p>
4.2 Ratepayer Satisfaction Surveys (Band 1 and 2 local governments only)		
<ul style="list-style-type: none"> Many local governments already commission independent surveying consultants to hold a satisfaction survey of residents/ratepayers. These surveys provide valuable data on the performance of local governments. 	<ul style="list-style-type: none"> It is proposed to introduce a requirement that every four years, all local governments in bands 1 and 2 hold an independently-managed ratepayer satisfaction survey. Results would be required to be reported publicly at a council meeting and published on 	As above

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<p>the local government's website.</p> <ul style="list-style-type: none"> All local governments would be required to publish a response to the results. 	
4.3 Introduction of Preferential Voting		
<ul style="list-style-type: none"> The current voting method for local government elections is first past the post. The existing first-past-the-post does not allow for electors to express more than one preference. The candidate with the most votes wins, even if that candidate does not have a majority. Preferential voting better captures the precise intentions of voters and as a result may be regarded as a fairer and more representative system. Voters have more specific choice. 	<ul style="list-style-type: none"> Preferential voting is proposed be adopted as the method to replace the current first past the post system in local government elections. In preferential voting, voters number candidates in order of their preferences. Preferential voting is used in State and Federal elections in Western Australia (and in other states). This provides voters with more choice and control over who they elect. All other states use a form of preferential voting for local government. 	<p>Current Local Government Position Item 4.3 does not align with Advocacy Position 2.5.1 – 'First Past the Post voting system' <i>The Local Government sector supports:</i></p> <ol style="list-style-type: none"> Four year terms with a two year spill Greater participation in Local Government elections The option to hold elections through: <ul style="list-style-type: none"> Online voting Postal voting, and In-person voting Voting at Local Government elections to be voluntary The first past the post method of counting votes <p>Comment It should be noted that the sector's advocacy against compulsory voting and "All in All out" 4 year terms has been successful and these items are not included in the reform proposals.</p> <p>The introduction of preferential voting will be a return to the system of voting prior to the <i>Local Government Act 1995</i>. The Local Government Advisory Board reported on voting systems in 2006 (<i>'Local Government Structural Reform in Western Australia: Ensuring the Future Sustainability of Communities'</i>) and provided the following comments in support of both first past</p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>the post voting and preferential voting: 'Comments in support of retaining first past the post include:</p> <ul style="list-style-type: none"> • Quick to count. Preferential voting is time consuming to count. • Easily understood. • Removes politics out of campaigning. Preferential will encourage alliances formed for the distribution of preferences and party politics into local government. • Preferential voting allows election rigging through alliances or 'dummy' candidates. • In a preferential system, the person that receives the highest number of first preference votes does not necessarily get elected.' <p>'Comments in support of replacing first past the post include:</p> <ul style="list-style-type: none"> • Preferential voting is more democratic and removes an area of confusion. • Preferential voting ensures that the most popular candidates are elected who best reflect the will of the voters. • Preferential system should be introduced. In FPP elections, candidates work together to get votes for each other. Preferential would make it more difficult for this practice to take place. • FPP does not adequately reflect the wishes of electors when there are three candidates or more. • FPP is unsuitable when there is more than one vacancy. • Allows for a greater representation from a range of interest groups and prevents domination of elections by mainstream party politics.' <p>The Sector supports first past the post voting for</p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>its simplicity and fundamental apolitical nature, therefore the proposed reforms are not supported. Feedback is sought to ensure the advocacy position for first past the post elections remains the preferred option.</p> <p>Recommendation Not currently supported - Local Government feedback requested</p>
4.4 Public Vote to Elect the Mayor and President		
<ul style="list-style-type: none"> The Act currently allows local governments to have the Presiding Member (the Mayor or President) elected either: <ul style="list-style-type: none"> by the electors of the district through a public vote; or by the council as a resolution at a council meeting. 	<ul style="list-style-type: none"> Mayors and Presidents of all local governments perform an important public leadership role within their local communities. Band 1 and 2 local governments generally have larger councils than those in bands 3 and 4. Accordingly, it is proposed that the Mayor or President for all band 1 and 2 councils is to be elected through a vote of the electors of the district. Councils in bands 3 and 4 would retain the current system. A number of Band 1 and Band 2 councils have already moved towards Public Vote to Elect the Mayor and President in recent years, including City of Stirling and City of Rockingham. 	<p>Current Local Government Position</p> <p>Item 4.4 <u>does not align</u> with Advocacy Position 2.5.2 - 'Election of Mayors and Presidents be at the discretion of Local Government.'</p> <p><i>Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.</i></p> <p>Comment</p> <p>There are 43 Band 1 and 2 Local Governments with 22 popularly electing the Mayor or President:</p> <p>Band 1 - 15 Band 2 - 7</p> <p>The remaining 21 Local Governments have a Council-elected Mayor or President. The cited examples of the City of Rockingham and City of Stirling electors determining by referendum to change the process for electing the Mayor are examples of the current system working as</p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>intended. There is no evidence of elector support for uniform direct election of Mayors.</p> <p>Recommendation</p> <p>Not currently supported - Local Government feedback requested</p>
4.5 Tiered Limits on the Number of Councillors		
<ul style="list-style-type: none"> The number of councillors (between 5-15 councillors) is decided by each local government, reviewed by the Local Government Advisory Board, and if approved by the Minister. The Panel Report recommended electoral reforms to improve representativeness. 	<ul style="list-style-type: none"> It is proposed to limit the number of councillors based on the population of the entire local government. Some smaller local governments have already been moving to having smaller councils to reduce costs for ratepayers. The Local Government Panel Report proposed: <ul style="list-style-type: none"> For a population of up to 5,000 – five councillors (including the President) population of between 5,000 and 75,000 – five to nine councillors (including the Mayor/President) population of above 75,000 – nine to fifteen councillors (including Mayor). 	<p>Current Local Government Position</p> <p>Item 4.5 does not align with Advocacy Position 2.5.1 – ‘Councils consist of between six and 15 (including the Mayor/President)’</p> <p><i>Local Governments being enabled to determine the number of Elected Members required on the Council between six and 15 (including the Mayor/President)</i></p> <p>Comment</p> <p>The proposed reform to restrict Local Governments with populations under 5,000 to 5 Council Members does not reflect the varied communities of interest within this grouping. Some Local Governments are essentially regional centres such as the Shires of Katanning (9), Dandaragan (9), Merredin (9), Moora (9) and Northampton (9) (current Councillor numbers bracketed). Local Governments such as the Shire of Ngaanyatjaraku (9) manage substantial land areas, manage isolated communities such as the Shire of Meekatharra (7) and culturally diverse communities such as the Shire of Christmas Island (9). Some Local Governments with populations up to 5,000 warrant a greater</p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>number of Councillors to effectively share the representative role that Council Members play within their communities.</p> <p>The additional proposed reforms in population categories over 5,000 generally reflect the current Councillor numbers.</p> <p>Recommendation</p> <p>Recommend 5 to 7 Council Members for populations up to 5,000 and support the remaining proposed reforms.</p>
4.6 No Wards for Small Councils (Band 3 and 4 Councils only)		
<ul style="list-style-type: none"> A local government can make an application to be divided into wards, with councillors elected to those wards. Only about 10% of band 3 and 4 local governments currently have wards. 	<ul style="list-style-type: none"> It is proposed that the use of wards for councils in bands 3 and 4 is abolished. Wards increase the complexity of elections, as this requires multiple versions of ballot papers to be prepared for a local government's election. In smaller local governments, the population of wards can be very small. These wards often have councillors elected unopposed, or elect a councillor with a very small number of votes. Some local governments have ward councillors elected with less than 50 votes. There has been a trend in smaller local governments looking to reduce the use of wards, with only 10 councils in bands 3 and 4 still having wards. 	<p>Current Local Government Position</p> <p>There are no advocacy positions in relation to Items 4.6, 4.7, 4.8 or 4.9.</p> <p>Comment</p> <p>The proposed reform to discontinue wards in Band 3 and 4 Local Governments brings alignment with the majority and provides that affected Local Governments will no longer have to conduct 8 year ward reviews or make representation to the Local Government Advisory Board to revert to a no wards system.</p> <p>Remaining proposed reforms will improve and clarify election processes.</p> <p>Recommendation</p> <p>Supported</p>

Local Government Reform – Consultation on Proposed Reforms

4.7 Electoral Reform – Clear Lease Requirements for Candidate and Voter Eligibility		
<ul style="list-style-type: none"> • A person with a lease in a local government district is eligible to nominate as a candidate in that district. • A person with a lease in a local government district is eligible to apply to vote in that district. • The City of Perth Inquiry Report identified a number of instances where dubious lease arrangements put to question the validity of candidates in local government elections, and subsequently their legitimacy as councillors. 	<ul style="list-style-type: none"> • Reforms are proposed to prevent the use of “sham leases” in council elections. Sham leases are where a person creates a lease only to be able to vote or run as a candidate for council. • The City of Perth Inquiry Report identified sham leases as an issue. • Electoral rules are proposed to be strengthened: <ul style="list-style-type: none"> ◦ A minimum lease period of 12 months will be required for anyone to register a person to vote or run for council. ◦ Home based businesses will not be eligible to register a person to vote or run for council, because any residents are already the eligible voter(s) for that address. ◦ Clarifying the minimum criteria for leases eligible to register a person to vote or run for council. • The reforms would include minimum lease periods to qualify as a registered business (minimum of 12 months), and the exclusion of home based businesses (where the resident is already eligible) and very small sub-leases. • The basis of eligibility for each candidate (e.g. type of property and suburb of property) is proposed to be published, including in the candidate pack for electors. 	As above
4.8 Reform of Candidate Profiles		

Local Government Reform – Consultation on Proposed Reforms

<ul style="list-style-type: none"> • Candidate profiles can only be 800 characters, including spaces. This is equivalent to approximately 150 words. 	<ul style="list-style-type: none"> • Further work will be undertaken to evaluate how longer candidate profiles could be accommodated. • Longer candidate profiles would provide more information to electors, potentially through publishing profiles online. • It is important to have sufficient information available to assist electors make informed decisions when casting their vote. 	As above
4.9 Minor Other Electoral Reforms		
<ul style="list-style-type: none"> • Other minor reforms are proposed to improve local government elections. 	<ul style="list-style-type: none"> • Minor other electoral reforms are proposed to include: <ul style="list-style-type: none"> ○ The introduction of standard processes for vote re-counts if there is a very small margin between candidates (e.g. where there is a margin of less than 10 votes a recount will always be required) ○ The introduction of more specific rules concerning local government council candidates' use of electoral rolls. 	As above

Theme 5: Clear Roles and Responsibilities

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
5.1 Introduce Principles in the Act		
<ul style="list-style-type: none"> • The Act does not currently outline specific principles. • The Act contains a short "Content and Intent" section only. • The Panel Report recommended greater articulation of principles 	<ul style="list-style-type: none"> • It is proposed to include new principles in the Act, including: <ul style="list-style-type: none"> ○ The recognition of Aboriginal Western Australians ○ Tiering of local governments (with bands being as assigned by the Salaries and Allowances Tribunal) 	<p><u>Current Local Government Position</u> Item 5.1 <u>generally aligns</u> with Advocacy Position 2.6 - Legislative Intent <i>Provide flexible, principles-based legislative framework.</i> Recommendation Supported</p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> Community Engagement Financial Management. 	
5.2 Greater Role Clarity		
<ul style="list-style-type: none"> The Act provides for the role of council, councillor, mayor or president and CEO. The role of the council is to: <ul style="list-style-type: none"> govern the local government's affairs be responsible for the performance of the local government's functions. 	<ul style="list-style-type: none"> The Local Government Act Review Panel recommended that roles and responsibilities of elected members and senior staff be better defined in law. It is proposed that these roles and responsibilities are further defined in the legislation. These proposed roles will be open to further consultation and input. These roles would be further strengthened through Council Communications Agreements (see item 5.3). 	<p>Current Local Government Position</p> <p>Item 5.2 aligns with Advocacy Position 2.6.36 - 'Roles and Responsibilities'</p> <p><i>That clarification of roles and responsibilities for Mayors/ Presidents, Councillors and CEOs be reviewed to ensure that there is no ambiguity.</i></p> <p>Recommendation</p> <p>Supported</p>
	<p>5.2.1 - Mayor or President Role</p> <ul style="list-style-type: none"> It is proposed to amend the Act to specify the roles and responsibilities of the Mayor or President. While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the Mayor or President is responsible for: <ul style="list-style-type: none"> Representing and speaking on behalf of the whole council and the local government, at all times being consistent with the resolutions of council Facilitating the democratic decision-making of council by presiding at council meetings in accordance with the Act Developing and maintaining professional working relationships between councillors 	As above

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<p>and the CEO</p> <ul style="list-style-type: none"> ○ Performing civic and ceremonial duties on behalf of the local government ○ Working effectively with the CEO and councillors in overseeing the delivery of the services, operations, initiatives and functions of the local government. 	
	<p>5.2.2 - Council Role</p> <ul style="list-style-type: none"> • It is proposed to amend the Act to specify the roles and responsibilities of the Council, which is the entity consisting of all of the councillors and led by the Mayor or President. • While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the Council is responsible for: <ul style="list-style-type: none"> ○ Making significant decisions and determining policies through democratic deliberation at council meetings ○ Ensuring the local government is adequately resourced to deliver the local governments operations, services and functions - including all functions that support informed decision-making by council ○ Providing a safe working environment for the CEO; ○ Providing strategic direction to the CEO; ○ Monitoring and reviewing the performance of the local government. 	As above

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<p>5.2.3 - Elected Member (Councillor) Role</p> <ul style="list-style-type: none"> It is proposed to amend the Act to specify the roles and responsibilities of all elected councillors. While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that every elected councillor is responsible for: <ul style="list-style-type: none"> Considering and representing, fairly and without bias, the current and future interests of all people who live, work and visit the district (including for councillors elected for a particular ward) Positively and fairly contribute and apply their knowledge, skill, and judgement to the democratic decision-making process of council Applying relevant law and policy in contributing to the decision-making of the council Engaging in the effective forward planning and review of the local governments' resources, and the performance of its operations, services, and functions Communicating the decisions and resolutions of council to stakeholders and the public Developing and maintaining professional working relationships with all other councillors and the CEO Maintaining and developing their knowledge and skills relevant to local government 	As above

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> Facilitating public engagement with local government. It is proposed that elected members should not be able to use their title (e.g. "Councillor", "Mayor", or "President") and associated resources of their office (such as email address) unless they are performing their role in their official capacity. 	
	<p>5.2.4 - CEO Role</p> <ul style="list-style-type: none"> The <i>Local Government Act 1995</i> requires local governments to employ a CEO to run the local government administration and implement the decisions of council. To provide greater clarity, it is proposed to amend the Act to specify the roles and responsibilities of all local government CEOs. While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the CEO of a local government is responsible for: <ul style="list-style-type: none"> Coordinating the professional advice and assistance necessary for all elected members to enable the council to perform its decision-making functions Facilitating the implementation of council decisions Ensuring functions and decisions lawfully delegated by council are managed prudently on behalf of the council Managing the effective delivery of the services, operations, initiatives and functions of the local government determined by the council 	As above

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> Providing timely and accurate information and advice to all councillors in line with the Council Communications Agreement (see item 5.3) Overseeing the compliance of the operations of the local government with State and Federal legislation on behalf of the council Implementing and maintaining systems to enable effective planning, management, and reporting on behalf of the council. 	

5.3 Council Communication Agreements

<ul style="list-style-type: none"> The Act provides that council and committee members can have access to any information held by the local government that is relevant to the performance of the member in their functions. The availability of information is sometimes a source of conflict within local governments. 	<ul style="list-style-type: none"> In State Government, there are written Communication Agreements between Ministers and agencies that set standards for how information and advice will be provided. It is proposed that local governments will need to have Council Communications Agreements between the council and the CEO. These Council Communication Agreements would clearly specify the information that is to be provided to councillors, how it will be provided, and the timeframes for when it will be provided. A template would be published by DLGSC. This default template will come into force if a council and CEO do not make a specific other agreement within a certain timeframe following any election. 	<p>Current Local Government Position</p> <p>There is no advocacy position in relation to Item 5.3.</p> <p>Comment</p> <p>The availability of information not already in the public domain to Councillors under Section 5.92 of the Act can become contentious in the absence of a clear statement in support of the function the Council Member is performing. This can place CEO's in the invidious position of ruling on the availability of a record of the Local Government, when it is also their function under Section 5.41(h) of the Act to <i>'ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law'</i>.</p> <p>Consistent availability of information motivates this proposed reform and it does not appear that</p>
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Local Government Reform – Consultation on Proposed Reforms

		<p>individual Council Communication Agreements will be a means to that end. There is a better case for a uniform approach in the form of a regulated Agreement, in much the same way that the Communication Agreements between Ministers and agencies are based on provisions of the <i>Public Sector Management Act 1994</i>.</p> <p>Recommendation</p> <p>Support a consistent, regulated Communications Agreement.</p>
<p>5.4 Local Governments May Pay Superannuation Contributions for Elected Members</p>		
<ul style="list-style-type: none"> Elected members are eligible to receive sitting fees or an annual allowance. Superannuation is not paid to elected members. However, councillors can currently divert part of their allowances to a superannuation fund. Councils should be reflective and representative of the people living within the district. Local governments should be empowered to remove any barriers to the participation of gender and age diverse people on councils. 	<ul style="list-style-type: none"> It is proposed that local governments should be able to decide, through a vote of council, to pay superannuation contributions for elected members. These contributions would be additional to existing allowances. Superannuation is widely recognised as an important entitlement to provide long term financial security. Other states have already moved to allow councils to make superannuation contributions for councillors. Allowing council to provide superannuation is important part of encouraging equality for people represented on council – particularly for women and younger people. Providing superannuation to councillors recognises that the commitment to elected office can reduce a person's opportunity to undertake employment and earn superannuation contributions. 	<p>Current Local Government Position</p> <p>There is no advocacy position in relation to Item 5.4.</p> <p>Comment</p> <p>WALGA was in the process of consulting with the sector when this reform was announced. The feedback to date from Local Governments varied. The proposed discretionary approach will permit Local Governments to exercise general competence powers to make their own determination on paying superannuation to Council Members.</p> <p>Recommendation</p> <p>Supported</p>

Local Government Reform – Consultation on Proposed Reforms

5.5 Local Governments May Establish Education Allowances		
<ul style="list-style-type: none"> Local government elected members must complete mandatory training. There is no specific allowance for undertaking further education. 	<ul style="list-style-type: none"> Local governments will have the option of contributing to the education expenses for councillors, up to a defined maximum value, for tuition costs for further education that is directly related to their role on council. Councils will be able to decide on a policy for education expenses, up to a maximum yearly value for each councillor. Councils may also decide not to make this entitlement available to elected members. Any allowance would only be able to be used for tuition fees for courses, such as training programs, diplomas, and university studies, which relate to local government. Where it is made available, this allowance will help councillors further develop skills to assist with making informed decisions on important questions before council, and also provide professional development opportunities for councillors. 	<p>Current Local Government Position</p> <p>Item 5.5 <u>generally aligns</u> with Advocacy Position 2.8 - Elected Member Training</p> <p><i>Support Local Governments being required to establish an Elected Member Training Policy to encourage training and include budgetary provision of funding for Elected Members;</i></p> <p>Comment</p> <p>The proposal augments recent Act amendments that require Local Governments to adopt a professional development policy for Council Members. Many Local Governments now budget for training requirements that align with the policy statement.</p> <p>Recommendation</p> <p>Supported</p>

Local Government Reform – Consultation on Proposed Reforms

5.6 Standardised Election Caretaker period		
<ul style="list-style-type: none"> There is currently no requirement for a formal caretaker period, with individual councils operating under their own policies and procedures. This is commonly a point of public confusion, 	<ul style="list-style-type: none"> A statewide caretaker period for local governments is proposed. All local governments across the State would have the same clearly defined election period, during which: <ul style="list-style-type: none"> Councils do not make major decisions with criteria to be developed defining 'major' Incumbent councillors who nominate for re-election are not to represent the local government, act on behalf of the council, or use local government resources to support campaigning activities. There are consistent election conduct rules for all candidates. 	<p>Current Local Government Position There is no advocacy position in relation to Item 5.6</p> <p>Comment WALGA developed a template Caretaker Policy in 2017 on request for a consistent approach. There are no know instances where Caretaker Policy have led to unforeseen or unmanageable consequences impacting on decision-making functions.</p> <p>Recommendation Supported</p>

Local Government Reform – Consultation on Proposed Reforms

5.7 Remove WALGA from the Act		
<ul style="list-style-type: none"> The Western Australian Local Government Association (WALGA) is constituted under the <i>Local Government Act 1995</i>. The Local Government Panel Report and the Select Committee Report included this recommendation. 	<ul style="list-style-type: none"> The Local Government Panel Report recommended that WALGA not be constituted under the <i>Local Government Act 1995</i>. Separating WALGA out of the Act will provide clarity that WALGA is not a State Government entity. 	<p><u>Current Local Government Position</u></p> <p>There is no advocacy position in relation to Item 5.7.</p> <p><u>Comment</u></p> <p>WALGA is conducting its own due diligence on this proposal, previously identified in the Local Government Review Panel Report. The outcome of this reform would require a transition of WALGA from a body constituted under the Act to an incorporated association. It is important to the Local Government sector that the provisions relating to the mutual self-insurance scheme and tender exempt prequalified supply panels remain in the Act and are not affected by this proposal. Further work is being carried out by WALGA to fully understand the effect this proposal will have on WALGA and the sector.</p> <p><u>Recommendation</u></p> <p>WALGA to undertake its due diligence on this proposal and advise the sector accordingly.</p>

Local Government Reform – Consultation on Proposed Reforms

5.8 CEO Recruitment		
<ul style="list-style-type: none"> Recent amendments introduced provisions to standardise CEO recruitment. The recruitment of a CEO is a very important decision by a local government. 	<ul style="list-style-type: none"> It is proposed that DLGSC establishes a panel of approved panel members to perform the role of the independent person on CEO recruitment panels. Councils will be able to select an independent person from the approved list. Councils will still be able to appoint people outside of the panel with the approval of the Inspector. 	<p>Current Local Government Position There is no advocacy position in relation to Item 5.8.</p> <p>Comment The proposed reform augments the CEO Standards in relation to recruitment introduced in February 2021.</p> <p>Recommendation Supported</p>

Theme 6: Improved Financial Management and Reporting

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
6.1 Model Financial Statements and Tiered Financial Reporting		
<ul style="list-style-type: none"> The financial statements published in the Annual Report is the main financial reporting currently published by local governments. Reporting obligations are the same for large (Stirling, Perth, Fremantle) and small (Sandstone, Wiluna, Dalwallinu) local governments, even though they vary significantly in complexity. The Office of the Auditor General has said that some existing reporting requirements are unnecessary or onerous - for instance, information that is not relevant to certain local governments, or that is a duplicate of other published information. 	<ul style="list-style-type: none"> The Minister strongly believes in transparency and accountability in local government. The public rightly expects the highest standards of integrity, good governance, and prudent financial management in local government. It is critically important that clear information about the financial position of local governments is openly available to ratepayers. Financial information also supports community decision-making about local government services and projects. Local governments differ significantly in the complexity of their operations. Smaller local governments generally have much less operating complexity than larger local governments. The Office of the Auditor General has identified opportunities to improve financial 	<p>Current Local Government Position Items 6.1 and 6.2 <u>generally align</u> with Advocacy Position 2.6 – Support a size and scale compliance regime and Advocacy Position 2.6.24 – Financial Management and Procurement.</p> <p><i>The Local Government sector:</i></p> <ol style="list-style-type: none"> 1. Requests the Minister for Local Government to direct the Department of Local Government to prepare a Model set of Financial Statements and Annual Budget Statements for the Local Government sector, in consultation with the Office of the Auditor General. 2. Requests the Department of Local Government to re-assess the amount of detail required to be included in annual financial reports, in particular for small and medium sized entities as suggested by the Office of Auditor General.

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<p>reporting, to make statements clearer, and reduce unnecessary complexity.</p> <ul style="list-style-type: none"> Recognising the difference in the complexity of smaller and larger local governments, it is proposed that financial reporting requirements should be tiered – meaning that larger local governments will have greater financial reporting requirements than smaller local governments. It is proposed to establish standard templates for Annual Financial Statements for band 1 and 2 councils, and simpler, clearer financial statements for band 3 and 4. Online Registers, updated quarterly (see item 3.4), would provide faster and greater transparency than current annual reports. Standard templates will be published for use by local governments. Simpler Strategic and Financial Planning (item 6.2) would also improve the budgeting process. 	<p>Comment</p> <p>The Sector has a long-standing position for a broad review of the financial management and reporting provisions of the Act, which remain largely unchanged since commencing in 1998.</p> <p>Recommendation</p> <p>Supported</p>
6.2 Simplify Strategic and Financial Planning		
<ul style="list-style-type: none"> Requirements for plans are outlined in the Local Government Financial Management and Administration Regulations. There is also the Integrated Planning and Reporting (IPR) framework. While many councils successfully apply IPR to their budgeting and reporting, IPR may seem complicated or difficult, especially for smaller local governments. 	<ul style="list-style-type: none"> Having clear information about the finances of local government is an important part of enabling informed public and ratepayer engagement and input to decision-making. The framework for financial planning should be based around information being clear, transparent, and easy to understand for all ratepayers and members of the public. In order to provide more consistency and clarity across the State, it is proposed that greater use of templates is introduced to make planning 	<p>As above</p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<p>and reporting clearer and simpler, providing greater transparency for ratepayers.</p> <ul style="list-style-type: none"> Local governments would be required to adopt a standard set of plans, and there will be templates published by the DLGSC for use or adaption by local governments. It is proposed that the plans that are required are: <ul style="list-style-type: none"> Simplified Council Plans that replace existing Strategic Community Plans and set high-level objectives, with a new plan required at least every eight years. These will be short-form plans, with a template available from the DLGSC Simplified Asset Management Plans to consistently forecast costs of maintaining the local government's assets. A new plan will be required at least every ten years, though local governments should update the plan regularly if the local government gains or disposes of major assets (e.g. land, buildings, or roads). A template will be provided, and methods of valuations will be simplified to reduce red tape Simplified Long Term Financial Plans will outline any long term financial management and sustainability issues, and any investments and debts. A template will be provided, and these plans will be required to be reviewed in detail at least every four years A new Rates and Revenue Policy (see item 6.3) that identifies the approximate value of rates that will need to be collected 	

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<p>in future years (referencing the Asset Management Plan and Long Term Financial Plan) – providing a forecast to ratepayers (updated at least every four years)</p> <ul style="list-style-type: none"> The use of simple, one-page Service Proposals and Project Proposals that outline what proposed services or initiatives will cost, to be made available through council meetings. These will become Service Plans and Project Plans added to the yearly budget if approved by council. This provides clear transparency for what the functions and initiatives of the local government cost to deliver. Templates will be available for use by local governments. 	
6.3 Rates and Revenue Policy		
<ul style="list-style-type: none"> Local governments are not required to have a rates and revenue policy. Some councils defer rate rises, resulting in the eventual need to drastically raise rates to cover unavoidable costs – especially for the repair of infrastructure. 	<ul style="list-style-type: none"> The Rates and Revenue Policy is proposed to increase transparency for ratepayers by linking rates to basic operating costs and the minimum costs for maintaining essential infrastructure. A Rates and Revenue Policy would be required to provide ratepayers with a forecast of future costs of providing local government services. The Policy would need to reflect the Asset Management Plan and the Long Term Financial Plan (see item 6.2), providing a forecast of what rates would need to be, to cover unavoidable costs. A template would be published for use or adaption by all local governments. The Local Government Panel Report included this recommendation. 	<p>Current Local Government Position</p> <p>Item 6.3 <u>generally aligns</u> with Advocacy Position 2.1.6 - Rate Setting and WALGA's Rate Setting Policy Statement.</p> <p><i>Councils' deliberative rate setting processes reference their Integrated Planning Framework – a thorough strategic, financial and asset management planning process – and draw upon the community's willingness and capacity to pay.</i></p> <p>Recommendation</p> <p>Supported</p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
6.4 Monthly Reporting of Credit Card Statements		
<ul style="list-style-type: none"> No legislative requirement. Disclosure requirements brought in by individual councils have shown significant reduction of expenditure of funds. 	<ul style="list-style-type: none"> The statements of a local government's credit cards used by local government employees will be required to be tabled at council at meetings on a monthly basis. This provides oversight of incidental local government spending. 	<p>Current Local Government Position</p> <p>There is no advocacy position in relation to Item 6.4.</p> <p>Comment</p> <p>This proposed reform reflects widespread common practice for credit card transactions to be included in monthly financial reports and lists of accounts paid.</p> <p>Recommendation</p> <p>Supported</p>
6.5 Amended Financial Ratios		
<ul style="list-style-type: none"> Local governments are required to report seven ratios in their annual financial statements. These are reported on the MyCouncil website. These ratios are intended to provide an indication of the financial health of every local government. 	<ul style="list-style-type: none"> Financial ratios will be reviewed in detail, building on work already underway by the DLGSC. The methods of calculating ratios and indicators will be reviewed to ensure that the results are accurate and useful. 	<p>Current Local Government Position</p> <p>Item 6.5 <u>aligns</u> with Advocacy Position 2.6.25 - Review and reduce financial ratios.</p> <p><i>Advocate to the Minister for Local Government to amend the Local Government (Financial Management) Regulations 1996 to prescribe the following ratios:</i></p> <ol style="list-style-type: none"> Operating Surplus Ratio, Net Financial Liabilities Ratio, Debt Service Coverage Ratio, and Current Ratio. <p>Recommendation</p> <p>Supported</p>
6.6 Audit Committees		

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<ul style="list-style-type: none"> Local governments must establish an Audit Committee that has three or more persons, with the majority to be council members. The Audit Committee is to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under the Act. The Panel Report identified that Audit Committees should be expanded, including to provide improved risk management. 	<ul style="list-style-type: none"> To ensure independent oversight, it is proposed the Chair of any Audit Committee be required to be an independent person who is not on council or an employee of the local government. Audit Committees would also need to consider proactive risk management. To reduce costs, it is proposed that local governments should be able to establish shared Regional Audit Committees. The Committees would be able to include council members but would be required to include a majority of independent members and an independent chairperson. 	<p><u>Current Local Government Position</u></p> <p>Item 6.6 <u>does not align</u> with Advocacy Position 2.2.4 – Accountability and Audit <i>That audit committees of Local Government, led and overseen by the Council, have a clearly defined role with an Elected Member majority and chair.</i></p> <p>Comment The Sector's view is well established, that the Council must maintain, and be seen by the community to have, majority involvement and investment in the purpose of an Audit Committee. There is sector support for some independent members on the Audit Committee, however not a majority.</p> <p>The dual effect of the proposed reform is to guarantee a place for a majority of independent persons on Audit Committees, with the additional requirement that an independent person Chair this Committee. Presently, not all Local Government Audit Committees are able to include an independent person. This may be for a variety of reasons not least of which is a lack of suitable, available candidates with the required qualification, skill and experience.</p> <p>It would be counter-productive if the proposed reforms led to the appointment of unsuitable independent persons to a skills-based role. The concept of Regional Audit Committees has apparent merit in this case but there is no detail regarding practicalities; for example, is the Regional Audit Committee intended to include the same independent persons who will meet</p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>separately with each Local Government within the region?</p> <p>There is too little certainty that the imperative question of appropriate representation will be managed as a consequence of the proposed reforms for it to be supported.</p> <p>The proposal for the Audit Committees to also consider proactive risk management is supported.</p> <p>Recommendation</p> <ol style="list-style-type: none"> 1. Do not support majority independent members of the Audit Committee 2. Support Audit Committees of Local Government with an Elected Member majority including independent members, and to consider proactive risk management issues.
6.7 Building Upgrade Finance		
<ul style="list-style-type: none"> The local government sector has sought reforms that would enable local governments to provide loans to property owners to finance for building improvements. This is not currently provided for under the Act. The Local Government Panel Report included this recommendation. 	<ul style="list-style-type: none"> Reforms would allow local governments to provide loans to third parties for specific building improvements - such as cladding, heritage and green energy fixtures. This would allow local governments to lend funds to improve buildings within their district. Limits and checks and balances would be established to ensure that financial risks are proactively managed. 	<p><u>Current Local Government Position</u></p> <p>Item 6.7 <u>aligns</u> with Advocacy Position 2.6.26 - Building Upgrade Finance.</p> <p><i>The Local Government Act 1995 should be amended to enable a Building Upgrade Finance mechanism in Western Australia.</i></p> <p>Comment</p> <p>Building Upgrade Finance would enable Local Governments to guarantee finance for building upgrades for non-residential property owners. In addition to building upgrades to achieve environmental outcomes, Local Governments have identified an opportunity to use this approach</p>

Local Government Reform – Consultation on Proposed Reforms

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>to finance general upgrades to increase the commercial appeal of buildings for potential tenants. In this way, BUF is viewed as means to encourage economic investment to meet the challenges of a soft commercial lease market and achieve economic growth.</p> <p>Recommendation</p> <p>Supported</p>
6.8 Cost of Waste Service to be Specified on Rates Notices		
<ul style="list-style-type: none"> No requirement for separation of waste charges on rates notice. Disclosure will increase ratepayer awareness of waste costs. The Review Panel Report included this recommendation. 	<ul style="list-style-type: none"> It is proposed that waste charges are required to be separately shown on rate notices (for all properties which receive a waste service). This would provide transparency and awareness of costs for ratepayers. 	<p><u>Current Local Government Position</u></p> <p>There is no advocacy position in relation to Item 6.8.</p> <p>Comment</p> <p>This proposed reform will require a relatively simple calculation,</p> <p>Recommendation</p> <p>Supported</p>

Local Government Reform – Consultation on Proposed Reforms

WALGA

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
1.1 Early Intervention Powers		
<ul style="list-style-type: none"> The Act provides the means to regulate the conduct of local government staff and council members and sets out powers to scrutinise the affairs of local government. The Act provides certain limited powers to: <ul style="list-style-type: none"> Suspend or dismiss councils Appoint Commissioners Suspend or, order remedial action (such as training) for individual councillors. The Act also provides the Director General with the power to: <ul style="list-style-type: none"> Conduct Authorised Inquiries Refer allegations of serious or recurrent breaches to the State Administrative Tribunal Commence prosecution for an offence under the Act. Authorised Inquiries are a costly and a relatively slow response to significant issues. Authorised Inquiries are currently the only significant tool for addressing significant issues within a local government. The Panel Report, City of Perth Inquiry, and the Select Committee Report made various recommendations related to the establishment of a specific office for local government oversight. 	<ul style="list-style-type: none"> It is proposed to establish a Chief Inspector of Local Government (the Inspector), supported by an Office of the Local Government Inspector (the Inspectorate). The Inspector would receive minor and serious complaints about elected members. The Inspector would oversee complaints relating to local government CEOs. Local Governments would still be responsible for dealing with minor behavioural complaints. The Inspector would have powers of a standing inquiry, able to investigate and intervene in any local government where potential issues are identified. The Inspector would have the authority to assess, triage, refer, investigate, or close complaints, having regard to various public interest criteria – considering laws such as the <i>Corruption, Crime and Misconduct Act 2003</i>, the <i>Occupational Safety and Health Act 1984</i>, the <i>Building Act 2011</i>, and other legislation. The Inspector would have powers to implement minor penalties for less serious breaches of the Act, with an appeal mechanism. The Inspector would also have the power to order a local government to address non-compliance with the Act or Regulations. The Inspector would be supported by a panel of Local Government Monitors (see item 1.2). The existing Local Government Standards Panel would be replaced with a new Conduct Panel (see item 1.3). 	<ul style="list-style-type: none"> The City is broadly supportive of an early intervention model. The City wishes to see further detail on implementation before finalising its view on the Inspectorate proposal. The City considers that local governments should have the opportunity to resolve any issues that arise internally, before the involvement of external bodies. It should be mandatory that a person raise an issue with the relevant local government before the Inspectorate can consider a complaint. The premature involvement of external bodies has the potential to impinge upon the City's right to manage and resolve its own affairs. It is unclear which 'minor' complaints the Local Government will be responsible for, and which the Inspectorate will be responsible for. The City has a good track record of self-regulating elected member conduct and would be concerned if involvement from an external body proved counter-productive in resolving complaints. The City is seen as a strong leader relating to Governance and the Council has an excellent reputation in the sector. The City has concerns that the investigation process instigated by the Inspectorate has the potential for irreversible reputational risk to Councillors. Other investigations of elected members and public servants by various statutory bodies have had the effect of causing much stress and reputational damage to the individual. In instances where there is no

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
	<ul style="list-style-type: none"> • Penalties for breaches to the Local Government Act and Regulations will be reviewed and are proposed to be generally strengthened (see item 1.4). • These reforms would be supported by new powers to more quickly resolve issues within local government (see items 1.5 and 1.6). 	<p>adverse finding against the individual, the public nature of the process has caused damage to their reputation. The City would urge that this be a consideration in formulating the Inspectorate's procedures and practices. <u>The proposed reforms do not identify how the rights and reputations of Elected Members are to be protected throughout the investigation process.</u></p> <ul style="list-style-type: none"> • <u>The City requests that the investigation process be confidential to all parties until a final determination is made. Once a final determination is made, the City requests that only those matters deemed to be in the public interest be published, to protect against reputational damage.</u> <p><u>During the investigation process, consideration should be given to circumstances in which it is appropriate to provide Elected Members the opportunity to exercise a right to remain silent.</u></p> <ul style="list-style-type: none"> • <u>It is proposed that the Chief Inspector will be formally appointed by the Minister for Local Government. The appointment should not be made by the Minister alone. It is unclear who the Chief Inspectorate will be answerable to on a regular basis. The City supports the appointment of the Chief Inspector by either Parliament, or the Governor-in-Council. There should be a requirement that the Inspectorate is required to report annually to Parliament. The City is of the view that the appointment process must be transparent and free from political interference, as the role is unelected and wields significant power over democratically elected members.</u>

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
		<ul style="list-style-type: none"> The City considers there should be a single point of referral, rather than multiple points of referral for complaints. This will ensure that confidentiality is maintained for all parties involved. The City considers that the importance of mediation as an early-intervention tool should be recognised and provided at all stages of the investigation process.

City of Stirling

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
1.2 Local Government Monitors		
<ul style="list-style-type: none"> There are currently no legislative powers for the provision of monitors/ temporary advisors. The DLGSC provides support and advice to local governments, however there is no existing mechanism for pre-qualified, specialised assistance to manage complex cases. 	<ul style="list-style-type: none"> A panel of Local Government Monitors would be established. Monitors could be appointed by the Inspector to go into a local government and try to resolve problems. The purpose of Monitors would be to proactively fix problems, rather than to identify blame or collect evidence. Monitors would be qualified specialists, such as: <ul style="list-style-type: none"> Experienced and respected former Mayors, Presidents, and CEOs - to act as mentors and facilitators Dispute resolution experts - to address the breakdown of professional working relationships Certified Practising Accountants and other financial specialists - to assist with financial management and reporting issues Governance specialists and lawyers - to assist councils resolve legal issues HR and procurement experts - to help with processes like recruiting a CEO or undertaking a major land transaction. Only the Inspector would have the power to appoint Monitors. Local governments would be able to make requests to the Inspector to appoint Monitors for a specific purpose. <p>Monitor Case Study 1 – Financial Management</p> <p>The Inspector receives information that a local government is not collecting rates correctly under the <i>Local Government Act 1995</i>. Upon initial review, the Inspector identifies that there may be a problem. The</p>	<ul style="list-style-type: none"> The proposed process for the recruitment and appointment of Local Government Monitors is unclear. The City is of the view that the appointment process must be transparent and free from political interference, as the role is unelected and wields significant power over democratically elected members. There should be independent and transparent oversight of the performance of duties by the Monitors.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
	<p>Inspector appoints a Monitor who specialises in financial management in local government. The Monitor visits the local government and identifies that the system used to manage rates is not correctly issuing rates notices. The Monitor works with the local government to rectify the error, and issue corrections to impacted ratepayers.</p> <p>Monitor Case Study 2 – Dispute Resolution</p> <p>The Inspector receives a complaint from one councillor that another councillor is repeatedly publishing derogatory personal attacks against another councillor on social media, and that the issue has not been able to be resolved at the local government level. The Inspector identifies that there has been a relationship breakdown between the two councillors due to a disagreement on council.</p> <p>The Inspector appoints a Monitor to host mediation sessions between the councillors. The Monitor works with the councillors to address the dispute. Through regular meetings, the councillors agree to a working relationship based on the council's code of conduct. After the mediation, the Monitor occasionally makes contact with both councillors to ensure there is a cordial working relationship between the councillors.</p>	

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
1.3 Conduct Panel		
<ul style="list-style-type: none"> The Local Government Standards Panel was established in 2007 to resolve minor breach complaints relatively quickly and provide the sector with guidance and benchmarks about acceptable standards of behaviour. Currently, the Panel makes findings about alleged breaches based on written submissions. The City of Perth Inquiry report made various recommendations that functions of the Local Government Standards Panel be reformed. 	<ul style="list-style-type: none"> The Standards Panel is proposed to be replaced with a new Local Government Conduct Panel. The Conduct Panel would be comprised of suitably qualified and experienced professionals. Sitting councillors will not be eligible to serve on the Conduct Panel. The Inspector would provide evidence to the Conduct Panel for adjudication. The Conduct Panel would have powers to impose stronger penalties – potentially including being able to suspend councillors for up to three months, with an appeal mechanism. For very serious or repeated breaches of the Local Government Act, the Conduct Panel would have the power to recommend prosecution through the courts. Any person who is subject to a complaint before the Conduct Panel would have the right to address the Conduct Panel before the Panel makes a decision. 	<ul style="list-style-type: none"> The City supports this proposal.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
1.4 Review of Penalties		
<ul style="list-style-type: none"> There are currently limited penalties in the Act for certain types of non-compliance with the Local Government Act. 	<ul style="list-style-type: none"> Penalties for breaching the Local Government Act are proposed to be strengthened. It is proposed that the suspension of councillors (for up to three months) is established as the main penalty where a councillor breaches the Local Government Act or Regulations on more than one occasion. Councillors who are disqualified would not be eligible for sitting fees or allowances. They will also not be able to attend meetings, or use their official office (such as their title or council email address). It is proposed that a councillor who is suspended multiple times may become disqualified from office. Councillors who do not complete mandatory training within a certain timeframe will also not be able to receive sitting fees or allowances. 	<ul style="list-style-type: none"> The City is concerned that, in the event of a Councillor being suspended, that ward will be disadvantaged due to a lack of representation and advocacy. The City would like the Department to be mindful that many councillors undertake full-time employment in addition to their roles. Any expanded training requirements should not create an unreasonable burden on councillor time and discourage quality candidates running for local council.

City of Stirling

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
1.5 Rapid Red Card Resolutions		
<ul style="list-style-type: none"> Currently, local governments have different local laws and standing orders that govern the way meetings run. Presiding members (Mayors and Presidents) are reliant on the powers provided in the local government standing orders local laws. Differences between local governments is a source of confusion about the powers that presiding members have to deal with disruptive behaviours at council meetings. Disruptive behaviour at council meetings is a very common cause of complaints. Having the Presiding Member be able to deal with these problems should more quickly resolve problems that occur at council meetings. 	<ul style="list-style-type: none"> It is proposed that Standing Orders are made consistent across Western Australia (see item 2.6). Published recordings of all meetings would also become standard (item 3.1). It is proposed that Presiding Members have the power to "red card" any attendee (including councillors) who unreasonably and repeatedly interrupt council meetings. This power would: <ul style="list-style-type: none"> Require the Presiding Member to issue a clear first warning If the disruptions continue, the Presiding Member will have the power to "red card" that person, who must be silent for the rest of the meeting. A councillor issued with a red card will still vote, but must not speak or move motions If the person continues to be disruptive, the Presiding Member can instruct that they leave the meeting. Any Presiding Member who uses the "red card" or ejection power will be required to notify the Inspector. Where an elected member refuses to comply with an instruction to be silent or leave, or where it can be demonstrated that the presiding member has not followed the law in using these powers, penalties can be imposed through a review by the Inspector. 	<ul style="list-style-type: none"> The City does not support this proposal the "red card" system. The City considers that the current powers available to it are sufficient in managing behaviour at meetings. The City has an excellent track record of running its meetings in a professional, balanced manner. It appears the proposed "red card" system could prove counter-productive, with dysfunctional councils unlikely to use a mechanism which would automatically trigger the involvement of the Inspectorate. A Presiding Member would be left second-guessing their decisions at meetings, and refrain from using these powers for fear of an adverse finding against them by the Inspectorate. If such a system is introduced, the City considers the terminology of "red card" should be changed to "caution" or "warning".

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
1.6 Vexatious Complaint Referrals		
<ul style="list-style-type: none"> No current provisions. The Act already provides a requirement for Public Question Time at council meetings. 	<ul style="list-style-type: none"> Local governments already have a general responsibility to provide ratepayers and members of the public with assistance in responding to queries about the local government's operations. Local governments should resolve queries and complaints in a respectful, transparent and equitable manner. Unfortunately, local government resources can become unreasonably diverted when a person makes repeated vexatious queries, especially after a local government has already provided a substantial response to the person's query. It is proposed that if a person makes repeated complaints to a local government CEO that are vexatious, the CEO will have the power to refer that person's complaints to the Inspectorate, which after assessment of the facts may then rule the complaint vexatious. 	<ul style="list-style-type: none"> The City would like further detail to explain how the Inspectorate ruling that a complaint is vexatious is different to a CEO doing so. What power will the Inspectorate have to prevent the complainant from continuing to make complaints on the same matter? The City considers that the CEO should be required to notify the Mayor of a vexatious complaint referral to the Inspector.

City of Stirling

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
1.7 Minor Other Reforms		
<ul style="list-style-type: none"> Other minor reforms are being considered to enhance the oversight of local government. Ministerial Circulars have traditionally been used to provide guidance to the local government sector. 	<ul style="list-style-type: none"> Potential other reforms to strengthen guidance for local governments are being considered. For example, one option being considered is the potential use of sector-wide guidance notices. Guidance notices could be published by the Minister or Inspector, to give specific direction for how local governments should meet the requirements of the Local Government Act and Regulations. For instance, the Minister could publish guidance notices to clarify the process for how potential conflicts of interests should be managed. It is also proposed (see Item 1.1) that the Inspector has the power to issue notices to individual local governments to require them to rectify non-compliance with the Act or Regulations. 	<ul style="list-style-type: none"> The City supports the proposal, provided that the guidance notices are not used to promote a "one-size fits all" approach or stifle innovation.

City of Stirling

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
2.1 Resource Sharing		
<ul style="list-style-type: none"> The Act does not currently include specific provisions to allow for certain types of resource sharing – especially for sharing CEOs. Regional local governments would benefit from having clearer mechanisms for voluntary resource-sharing. 	<ul style="list-style-type: none"> Amendments are proposed to encourage and enable local governments, especially smaller regional local governments, to share resources, including Chief Executive Officers and senior employees. Local governments in bands 2, 3 or 4 would be able to appoint a shared CEO at up to two salary bands above the highest band. For example, a band 3 and a band 4 council sharing a CEO could remunerate to the level of band 1. 	<ul style="list-style-type: none"> The City supports this proposal.

City of Stirling

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
2.2 Standardisation of Crossovers		
<ul style="list-style-type: none"> • Approvals and standards for crossovers (the section of driveways that run between the kerb and private property) are inconsistent between local government areas, often with very minor differences. • This can create confusion and complexity for homeowners and small businesses in the construction sector. 	<ul style="list-style-type: none"> • It is proposed to amend the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> to standardise the process for approving crossovers for residential properties and residential developments on local roads. • A Crossover Working Group has provided preliminary advice to the Minister and DLGSC to inform this. • The DLGSC will work with the sector to develop standardised design and construction standards. 	<ul style="list-style-type: none"> • The City doesn't support this proposal and it should be removed. • The City has concerns as to how crossover management can be standardised across Western Australia. Verges in the Shire of Derby-West Kimberley differ from those in the Shire of Mundaring which differ from those in the City of Stirling.

City of Stirling

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
2.3 Introduce Innovation Provisions		
<ul style="list-style-type: none"> The <i>Local Government Act 1995</i> currently has very limited provisions to allow for innovations and responses to emergencies to (such as the Shire of Bruce Rock Supermarket). 	<ul style="list-style-type: none"> New provisions are proposed to allow exemptions from certain requirements of the <i>Local Government Act 1995</i>, for: <ul style="list-style-type: none"> Short-term trials and pilot projects Urgent responses to emergencies. 	<ul style="list-style-type: none"> The City strongly supports these provisions.

City of Stirling

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
2.4 Streamline Local Laws		
<ul style="list-style-type: none"> Local laws are required to be reviewed every eight years. The review of local laws (especially when they are standard) has been identified as a burden for the sector. Inconsistency between local laws is frustrating for residents and business stakeholders. 	<ul style="list-style-type: none"> It is proposed that local laws would only need to be reviewed by the local government every 15 years. Local laws not reviewed in the timeframe would lapse, meaning that old laws will be automatically removed and no longer applicable. Local governments adopting Model Local Laws will have reduced advertising requirements. 	<ul style="list-style-type: none"> If local laws are to be standardised, they must be based on the most modern and progressive local laws in existence. If local laws are to be standardised, they must be based on the lightest touch regulation. Standardised management of public places is counterproductive to modern and effective place management which requires a different approach in different places, keeping local, local.

City of Stirling

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
2.5 Simplifying Approvals for Small Business and Community Events		
<ul style="list-style-type: none"> Inconsistency between local laws and approvals processes for events, street activation, and initiatives by local businesses is frustrating for business and local communities. 	<ul style="list-style-type: none"> Proposed reforms would introduce greater consistency for approvals for: <ul style="list-style-type: none"> alfresco and outdoor dining minor small business signage rules running community events. 	<ul style="list-style-type: none"> The City strongly supports this proposal. The City is already implementing simplified approvals for small business and community events through it's own policies and procedures.

City of Stirling

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
2.6 Standardised Meeting Procedures, Including Public Question Time		
<ul style="list-style-type: none"> Local governments currently prepare individual standing order local laws. The Local Government Act 1995 and regulations require local governments to allocate time at meetings for questions from the public. Inconsistency among the meeting procedures between local governments is a common source of complaints. 	<ul style="list-style-type: none"> To provide greater clarity for ratepayers and applicants for decisions made by council, it is proposed that the meeting procedures and standing orders for all local government meetings, including for public question time, are standardised across the State. Regulations would introduce standard requirements for public question time, and the procedures for meetings generally. Members of the public across all local governments would have the same opportunities to address council and ask questions. 	<ul style="list-style-type: none"> If local laws are to be standardised, they must be based on the most modern and progressive local laws in existence. If local laws are to be standardised, they must be based on the lightest touch regulation. The City requests the Department consider some latitude in meeting procedures for local governments such as Stirling to innovate in the space of digital democracy. Local Governments differ in size and complexity and so must be afforded the ability to tweak some meeting procedures to meet their specific needs. <u>In relation to public question time limits, the City requests that the legislation set a maximum time for public question time. The maximum times should be allocated by local government bands as follows:</u> <u>1 hour for Band 1 local government;</u> <u>45 minutes for Band 2 local governments; and</u> <u>30 minutes for Band 3 and 4 local governments.</u>

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
2.7 Regional Subsidiaries		
<ul style="list-style-type: none"> Initiatives by multiple local governments may be managed through formal Regional Councils, or through less formal "organisations of councils", such as NEWROC and WESROC. These initiatives typically have to be managed by a lead local government. In 2016-17, provisions were introduced to allow for the formation of Regional Subsidiaries. Regional Subsidiaries can be formed in line with the <i>Local Government (Regional Subsidiaries) Regulations 2017</i>. So far, no Regional Subsidiary has been formed. 	<ul style="list-style-type: none"> Work is continuing to consider how Regional Subsidiaries can be best established to: <ul style="list-style-type: none"> Enable Regional Subsidiaries to provide a clear and defined public benefit for people within member local governments Provide for flexibility and innovation while ensuring appropriate transparency and accountability of ratepayer funds Where appropriate, facilitate financing of initiatives by Regional Subsidiaries within a reasonable and defined limit of risk Ensure all employees of a Regional Subsidiary have the same employment conditions as those directly employed by member local governments. 	<ul style="list-style-type: none"> The City strongly supports this proposal.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
3.1 Recordings and Live-Streaming of All Council Meetings		
<ul style="list-style-type: none"> Currently, local governments are only required to make written minutes of meetings. While there is no legal requirement for livestreaming or video or audio recording of council meetings, many local governments now stream and record their meetings. Complaints relating to behaviours and decisions at meetings constitute a large proportion of complaints about local governments. Local governments are divided into bands with the largest falling in bands 1 and 2, and smaller local governments falling bands 3 and 4. The allocation of local governments into bands is determined by The Salaries and Allowances Tribunal based on factors¹ such as: <ul style="list-style-type: none"> Growth and development Strategic planning issues Demands and diversity of services provided to the community Total expenditure Population Staffing levels. 	<ul style="list-style-type: none"> It is proposed that all local governments will be required to record meetings. Band 1 and 2 local governments would be required to livestream meetings, and make video recordings available as public archives. Band 1 and 2 are larger local governments are generally located in larger urban areas, with generally very good telecommunications infrastructure, and many already have audio-visual equipment. Band 1 and 2 local governments would be required to livestream meetings, and make video recordings available as public archives. Several local governments already use platforms such as YouTube, Microsoft Teams, and Vimeo to stream and publish meeting recordings. Limited exceptions would be made for meetings held outside the ordinary council chambers, where audio recordings may be used. Recognising their generally smaller scale, typically smaller operating budget, and potential to be in more remote locations, band 3 and 4 local governments would be required to record and publish audio recordings, at a minimum. These local governments would still be encouraged to livestream or video record meetings. All council meeting recordings would need to be published at the same time as the meeting minutes. Recordings of all confidential items would also need to be submitted to the DLGSC for archiving. 	<ul style="list-style-type: none"> The City strongly supports this proposal.

¹ See page 3 of the [2018 Salaries and Allowances Tribunal Determination](#)

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
3.2 Recording All Votes in Council Minutes		
<ul style="list-style-type: none"> A local government is only required to record which councillor voted for or against a motion in the minutes of that meeting if a request is made by an elected member at the time of the resolution during the meeting. The existing provision does not mandate transparency. 	<ul style="list-style-type: none"> To support the transparency of decision-making by councillors, it is proposed that the individual votes cast by all councillors for all council resolutions would be required to be published in the council minutes, and identify those for, against, on leave, absent or who left the chamber. Regulations would prescribe how votes are to be consistently minuted. 	<ul style="list-style-type: none"> The City strongly supports this proposal.

City of Stirling

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
3.3 Clearer Guidance for Meeting Items that may be Confidential		
<ul style="list-style-type: none"> The Act currently provides broad definitions of what type of matters may be discussed as a confidential item. There is limited potential for review of issues managed as confidential items under the current legislation. 	<ul style="list-style-type: none"> Recognising the importance of open and transparent decision-making, it is considered that confidential meetings and confidential meeting items should only be used in limited, specific circumstances. It is proposed to make the Act more specific in prescribing items that may be confidential, and items that should remain open to the public. Items not prescribed as being confidential could still be held as confidential items only with the prior written consent of the Inspector. All confidential items would be required to be audio recorded, with those recordings submitted to the DLGSC. 	<ul style="list-style-type: none"> The City supports this proposal <u>conditionally</u>. <u>The City has concerns regarding the limited detail provided.</u> Discretion should also be retained by the local government to determine items that may be dealt with confidentially. The process of seeking consent from the Inspector carries with it the risk of delays in the approvals process which runs against the idea of local government as an agile level of government. <u>Specification of items to be confidential should include consideration of:</u> <ol style="list-style-type: none"> <u>Different financial thresholds for different local government bands; and</u> <u>Different factual thresholds for different commercial, contractual and personal matters/circumstances.</u>

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
3.4 Additional Online Registers		
<ul style="list-style-type: none"> Local governments are required to provide information to the community through annual reports, council minutes and the publication of information online. Consistent online publication of information can substitute for certain material in annual reports. Consistency in online reporting across the sector will provide ratepayers with better information. These registers supplement the simplification of financial statements in Theme 6. 	<ul style="list-style-type: none"> It is proposed to require local governments to report specific information in online registers on the local government's website. Regulations would prescribe the information to be included. <p>The following new registers, each updated quarterly, are proposed:</p> <ul style="list-style-type: none"> Lease Register to capture information about the leases the local government is party to (either as lessor or lessee) Community Grants Register to outline all grants and funding provided by the local government Interests Disclosure Register which collates all disclosures made by elected members about their interests related to matters considered by council Applicant Contribution Register accounting for funds collected from applicant contributions, such as cash-in-lieu for public open space and car parking Contracts Register that discloses all contracts above \$100,000. 	<ul style="list-style-type: none"> The City supports this proposal.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
3.5 Chief Executive Officer Key Performance Indicators (KPIs) be Published		
<ul style="list-style-type: none"> It is a requirement of the <i>Local Government Act 1995</i> that CEO performance reviews are conducted annually. The Model Standards for CEO recruitment and selection, performance review and termination require that a local government must review the performance of the CEO against contractual performance criteria. Additional performance criteria can be used for performance review by agreement between both parties. 	<ul style="list-style-type: none"> To provide for minimum transparency, it is proposed to mandate that the KPIs agreed as performance metrics for CEOs: <ul style="list-style-type: none"> Be published in council meeting minutes as soon as they are agreed prior to (before the start of the annual period) The KPIs and the results be published in the minutes of the performance review meeting (at the end of the period) The CEO has a right to provide written comments to be published alongside the KPIs and results to provide context as may be appropriate (for instance, the impact of events in that year that may have influenced the results against KPIs). 	<ul style="list-style-type: none"> The City supports this proposal.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
4.1 Community and Stakeholder Engagement Charters		
<ul style="list-style-type: none"> There is currently no requirement for local governments to have a specific engagement charter or policy. Many local governments have introduced charters or policies for how they will engage with their community. Other States have introduced a specific requirement for engagement charters. 	<ul style="list-style-type: none"> It is proposed to introduce a requirement for local governments to prepare a community and stakeholder engagement charter which sets out how local government will communicate processes and decisions with their community. A model Charter would be published to assist local governments who wish to adopt a standard form. 	<ul style="list-style-type: none"> The City supports this proposal

City of Stirling

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
4.2 Ratepayer Satisfaction Surveys (Band 1 and 2 local governments only)		
<ul style="list-style-type: none"> Many local governments already commission independent surveying consultants to hold a satisfaction survey of residents/ratepayers. These surveys provide valuable data on the performance of local governments. 	<ul style="list-style-type: none"> It is proposed to introduce a requirement that every four years, all local governments in bands 1 and 2 hold an independently-managed ratepayer satisfaction survey. Results would be required to be reported publicly at a council meeting and published on the local government's website. All local governments would be required to publish a response to the results. 	<ul style="list-style-type: none"> The City strongly supports this proposal.

City of Stirling

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
4.3 Introduction of Preferential Voting		
<ul style="list-style-type: none"> The current voting method for local government elections is first past the post. The existing first-past-the-post does not allow for electors to express more than one preference. The candidate with the most votes wins, even if that candidate does not have a majority. Preferential voting better captures the precise intentions of voters and as a result may be regarded as a fairer and more representative system. Voters have more specific choice. 	<ul style="list-style-type: none"> Preferential voting is proposed be adopted as the method to replace the current first past the post system in local government elections. In preferential voting, voters number candidates in order of their preferences. Preferential voting is used in State and Federal elections in Western Australia (and in other states). This provides voters with more choice and control over who they elect. All other states use a form of preferential voting for local government. 	<ul style="list-style-type: none"> The City does not support this proposal. The City considers that any move to introduce Preferential Voting at Local Government Elections will result in further politicisation at the local government level in WA. Preferential voting will encourage trading of preferences and ticket voting. Moving to a more complicated voting system will discourage participation and increase informal voting. It will also increase the expense of holding an election for a local government as the counting process will take longer, and it is unlikely that all results will be declared on the night.

City of Stirling

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
4.4 Public Vote to Elect the Mayor and President		
<ul style="list-style-type: none"> The Act currently allows local governments to have the Presiding Member (the Mayor or President) elected either: <ul style="list-style-type: none"> by the electors of the district through a public vote; or by the council as a resolution at a council meeting. 	<ul style="list-style-type: none"> Mayors and Presidents of all local governments perform an important public leadership role within their local communities. Band 1 and 2 local governments generally have larger councils than those in bands 3 and 4. Accordingly, it is proposed that the Mayor or President for all band 1 and 2 councils is to be elected through a vote of the electors of the district. Councils in bands 3 and 4 would retain the current system. A number of Band 1 and Band 2 councils have already moved towards Public Vote to Elect the Mayor and President in recent years, including City of Stirling and City of Rockingham. 	<ul style="list-style-type: none"> The City strongly supports this proposal

City of Stirling

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
4.5 Tiered Limits on the Number of Councillors		
<ul style="list-style-type: none"> The number of councillors (between 5-15 councillors) is decided by each local government, reviewed by the Local Government Advisory Board, and if approved by the Minister. The Panel Report recommended electoral reforms to improve representativeness. 	<ul style="list-style-type: none"> It is proposed to limit the number of councillors based on the population of the entire local government. Some smaller local governments have already been moving to having smaller councils to reduce costs for ratepayers. The Local Government Panel Report proposed: <ul style="list-style-type: none"> For a population of up to 5,000 – five councillors (including the President) population of between 5,000 and 75,000 – five to nine councillors (including the Mayor/President) population of above 75,000 – nine to fifteen councillors (including Mayor). 	<ul style="list-style-type: none"> The City supports this proposal.

City of Stirling

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
4.6 No Wards for Small Councils (Band 3 and 4 Councils only)		
<ul style="list-style-type: none"> A local government can make an application to be divided into wards, with councillors elected to those wards. Only about 10% of band 3 and 4 local governments currently have wards. 	<ul style="list-style-type: none"> It is proposed that the use of wards for councils in bands 3 and 4 is abolished. Wards increase the complexity of elections, as this requires multiple versions of ballot papers to be prepared for a local government's election. In smaller local governments, the population of wards can be very small. These wards often have councillors elected unopposed, or elect a councillor with a very small number of votes. Some local governments have ward councillors elected with less than 50 votes. There has been a trend in smaller local governments looking to reduce the use of wards, with only 10 councils in bands 3 and 4 still having wards. 	<ul style="list-style-type: none"> The City has no comment on this proposal.

City of Stirling

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
4.7 Electoral Reform – Clear Lease Requirements for Candidate and Voter Eligibility		
<ul style="list-style-type: none"> A person with a lease in a local government district is eligible to nominate as a candidate in that district. A person with a lease in a local government district is eligible to apply to vote in that district. The City of Perth Inquiry Report identified a number of instances where dubious lease arrangements put to question the validity of candidates in local government elections, and subsequently their legitimacy as councillors. 	<ul style="list-style-type: none"> Reforms are proposed to prevent the use of "sham leases" in council elections. Sham leases are where a person creates a lease only to be able to vote or run as a candidate for council. The City of Perth Inquiry Report identified sham leases as an issue. Electoral rules are proposed to be strengthened: <ul style="list-style-type: none"> A minimum lease period of 12 months will be required for anyone to register a person to vote or run for council. Home based businesses will not be eligible to register a person to vote or run for council, because any residents are already the eligible voter(s) for that address. Clarifying the minimum criteria for leases eligible to register a person to vote or run for council. The reforms would include minimum lease periods to qualify as a registered business (minimum of 12 months), and the exclusion of home based businesses (where the resident is already eligible) and very small sub-leases. The basis of eligibility for each candidate (e.g. type of property and suburb of property) is proposed to be published, including in the candidate pack for electors. 	<ul style="list-style-type: none"> The City strongly supports this proposal.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
4.8 Reform of Candidate Profiles		
<ul style="list-style-type: none"> • Candidate profiles can only be 800 characters, including spaces. This is equivalent to approximately 150 words. 	<ul style="list-style-type: none"> • Further work will be undertaken to evaluate how longer candidate profiles could be accommodated. • Longer candidate profiles would provide more information to electors, potentially through publishing profiles online. • It is important to have sufficient information available to assist electors make informed decisions when casting their vote. 	<ul style="list-style-type: none"> • The City strongly supports this proposal which will provide further transparency for the electoral process.

City of Stirling

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
4.9 Minor Other Electoral Reforms		
<ul style="list-style-type: none"> Other minor reforms are proposed to improve local government elections. 	<ul style="list-style-type: none"> Minor other electoral reforms are proposed to include: <ul style="list-style-type: none"> The introduction of standard processes for vote recounts if there is a very small margin between candidates (e.g. where there is a margin of less than 10 votes a recount will always be required) The introduction of more specific rules concerning local government council candidates' use of electoral rolls. 	<ul style="list-style-type: none"> The City strongly supports this proposal.

City of Stirling

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
5.1 Introduce Principles in the Act		
<ul style="list-style-type: none"> The Act does not currently outline specific principles. The Act contains a short "Content and Intent" section only. The Panel Report recommended greater articulation of principles 	<ul style="list-style-type: none"> It is proposed to include new principles in the Act, including: <ul style="list-style-type: none"> The recognition of Aboriginal Western Australians Tiering of local governments (with bands being as assigned by the Salaries and Allowances Tribunal) Community Engagement Financial Management. 	<ul style="list-style-type: none"> The City strongly supports this proposal. The City supports the creation of an additional band. This would recognise that the City of Stirling and other similar sized local governments are far more complex than other Band 1 local governments. Band 1 has become so large that the local governments vary in size and complexity down to less than a third of the size of the City of Stirling. Bracket creep has seen many small local governments move upwards through the banding/tiers over recent years.

City of Stirling

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
5.2 Greater Role Clarity		
<ul style="list-style-type: none"> The Act provides for the role of council, councillor, mayor or president and CEO. The role of the council is to: <ul style="list-style-type: none"> govern the local government's affairs be responsible for the performance of the local government's functions. 	<ul style="list-style-type: none"> The Local Government Act Review Panel recommended that roles and responsibilities of elected members and senior staff be better defined in law. It is proposed that these roles and responsibilities are further defined in the legislation. These proposed roles will be open to further consultation and input. These roles would be further strengthened through Council Communications Agreements (see item 5.3). 	<ul style="list-style-type: none"> The City supports this proposal. Ensuring the safety of Elected Members is critical to the performance of their roles. Elected Members can expect local governments to have a safe working environment The roles of each of the Mayor or President, Council, Elected Member and CEO in contributing to a safe working environment should be specified for each role.
	<p>5.2.1 - Mayor or President Role</p> <ul style="list-style-type: none"> It is proposed to amend the Act to specify the roles and responsibilities of the Mayor or President. While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the Mayor or President is responsible for: <ul style="list-style-type: none"> Representing and speaking on behalf of the whole council and the local government, at all times being consistent with the resolutions of council Facilitating the democratic decision-making of council by presiding at council meetings in accordance with the Act Developing and maintaining professional working relationships between councillors and the CEO Performing civic and ceremonial duties on behalf of the local government 	<ul style="list-style-type: none"> The City supports this proposal.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
	<ul style="list-style-type: none"> Working effectively with the CEO and councillors in overseeing the delivery of the services, operations, initiatives and functions of the local government. 	
	<p>5.2.2 - Council Role</p> <ul style="list-style-type: none"> It is proposed to amend the Act to specify the roles and responsibilities of the Council, which is the entity consisting of all of the councillors and led by the Mayor or President. While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the Council is responsible for: <ul style="list-style-type: none"> Making significant decisions and determining policies through democratic deliberation at council meetings Ensuring the local government is adequately resourced to deliver the local governments operations, services and functions - including all functions that support informed decision-making by council Providing a safe working environment for the CEO; Providing strategic direction to the CEO; Monitoring and reviewing the performance of the local government. 	<ul style="list-style-type: none"> The City supports this proposal.
	<p>5.2.3 - Elected Member (Councillor) Role</p> <ul style="list-style-type: none"> It is proposed to amend the Act to specify the roles and responsibilities of all elected councillors. While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that every elected councillor is responsible for: <ul style="list-style-type: none"> Considering and representing, fairly and without bias, the current and future interests of all people who live, 	<ul style="list-style-type: none"> The City supports this proposal.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
	<p>work and visit the district (including for councillors elected for a particular ward)</p> <ul style="list-style-type: none"> • Positively and fairly contribute and apply their knowledge, skill, and judgement to the democratic decision-making process of council • Applying relevant law and policy in contributing to the decision-making of the council • Engaging in the effective forward planning and review of the local governments' resources, and the performance of its operations, services, and functions • Communicating the decisions and resolutions of council to stakeholders and the public • Developing and maintaining professional working relationships with all other councillors and the CEO • Maintaining and developing their knowledge and skills relevant to local government • Facilitating public engagement with local government • It is proposed that elected members should not be able to use their title (e.g. "Councillor", "Mayor", or "President") and associated resources of their office (such as email address) unless they are performing their role in their official capacity. 	
	<p>5.2.4 - CEO Role</p> <ul style="list-style-type: none"> • The Local Government Act 1995 requires local governments to employ a CEO to run the local government administration and implement the decisions of council. • To provide greater clarity, it is proposed to amend the Act to specify the roles and responsibilities of all local government CEOs. 	<ul style="list-style-type: none"> • The City supports this proposal.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
	<ul style="list-style-type: none"> • While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the CEO of a local government is responsible for: <ul style="list-style-type: none"> • Coordinating the professional advice and assistance necessary for all elected members to enable the council to perform its decision-making functions. • Facilitating the implementation of council decisions. • Ensuring functions and decisions lawfully delegated by council are managed prudently on behalf of the council • Managing the effective delivery of the services, operations, initiatives and functions of the local government determined by the council • Providing timely and accurate information and advice to all councillors in line with the Council Communications Agreement (see item 5.3) • Overseeing the compliance of the operations of the local government with State and Federal legislation on behalf of the council • Implementing and maintaining systems to enable effective planning, management, and reporting on behalf of the council. 	

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
5.3 Council Communication Agreements		
<ul style="list-style-type: none"> The Act provides that council and committee members can have access to any information held by the local government that is relevant to the performance of the member in their functions. The availability of information is sometimes a source of conflict within local governments. 	<ul style="list-style-type: none"> In State Government, there are written Communication Agreements between Ministers and agencies that set standards for how information and advice will be provided. It is proposed that local governments will need to have Council Communications Agreements between the council and the CEO. These Council Communication Agreements would clearly specify the information that is to be provided to councillors, how it will be provided, and the timeframes for when it will be provided. A template would be published by DLGSC. This default template will come into force if a council and CEO do not make a specific other agreement within a certain timeframe following any election. 	<ul style="list-style-type: none"> The City supports this proposal.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
5.4 Local Governments May Pay Superannuation Contributions for Elected Members		
<ul style="list-style-type: none"> Elected members are eligible to receive sitting fees or an annual allowance. Superannuation is not paid to elected members. However, councillors can currently divert part of their allowances to a superannuation fund. Councils should be reflective and representative of the people living within the district. Local governments should be empowered to remove any barriers to the participation of gender and age diverse people on councils. 	<ul style="list-style-type: none"> It is proposed that local governments should be able to decide, through a vote of council, to pay superannuation contributions for elected members. These contributions would be additional to existing allowances. Superannuation is widely recognised as an important entitlement to provide long term financial security. Other states have already moved to allow councils to make superannuation contributions for councillors. Allowing council to provide superannuation is important part of encouraging equality for people represented on council – particularly for women and younger people. Providing superannuation to councillors recognises that the commitment to elected office can reduce a person's opportunity to undertake employment and earn superannuation contributions. 	<ul style="list-style-type: none"> The City supports this proposal and will seek to play a leadership role in the introduction of superannuation for Councillors.

City of Stirling

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
5.5 Local Governments May Establish Education Allowances		
<ul style="list-style-type: none"> Local government elected members must complete mandatory training. There is no specific allowance for undertaking further education. 	<ul style="list-style-type: none"> Local governments will have the option of contributing to the education expenses for councillors, up to a defined maximum value, for tuition costs for further education that is directly related to their role on council. Councils will be able to decide on a policy for education expenses, up to a maximum yearly value for each councillor. Councils may also decide not to make this entitlement available to elected members. Any allowance would only be able to be used for tuition fees for courses, such as training programs, diplomas, and university studies, which relate to local government. Where it is made available, this allowance will help councillors further develop skills to assist with making informed decisions on important questions before council, and also provide professional development opportunities for councillors. 	<ul style="list-style-type: none"> The City strongly supports this proposal on the basis that it does not prevent the City paying for training for Elected Members that is not further education outside of this allowance. The City supports the payment to Elected Members of a "training completion fee" payable to Elected Members on successful completion of their mandatory training.

City of Stirling

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
5.6 Standardised Election Caretaker period		
<ul style="list-style-type: none"> There is currently no requirement for a formal caretaker period, with individual councils operating under their own policies and procedures. This is commonly a point of public confusion. 	<ul style="list-style-type: none"> A statewide caretaker period for local governments is proposed. All local governments across the State would have the same clearly defined election period, during which: <ul style="list-style-type: none"> Councils do not make major decisions with criteria to be developed defining 'major' Incumbent councillors who nominate for re-election are not to represent the local government, act on behalf of the council, or use local government resources to support campaigning activities. There are consistent election conduct rules for all candidates. 	<ul style="list-style-type: none"> The City supports this proposal.

City of Stirling

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
5.7 Remove WALGA from the Act		
<ul style="list-style-type: none"> The Western Australian Local Government Association (WALGA) is constituted under the <i>Local Government Act 1995</i>. The Local Government Panel Report and the Select Committee Report included this recommendation. 	<ul style="list-style-type: none"> The Local Government Panel Report recommended that WALGA not be constituted under the <i>Local Government Act 1995</i>. Separating WALGA out of the Act will provide clarity that WALGA is not a State Government entity. 	<ul style="list-style-type: none"> The City supports this proposal

City of Stirling

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
5.8 CEO Recruitment		
<ul style="list-style-type: none"> Recent amendments introduced provisions to standardise CEO recruitment. The recruitment of a CEO is a very important decision by a local government. 	<ul style="list-style-type: none"> It is proposed that DLGSC establishes a panel of approved panel members to perform the role of the independent person on CEO recruitment panels. Councils will be able to select an independent person from the approved list. Councils will still be able to appoint people outside of the panel with the approval of the Inspector. 	<ul style="list-style-type: none"> The City supports this proposal.

City of Stirling

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
6.1 Model Financial Statements and Tiered Financial Reporting		
<ul style="list-style-type: none"> The financial statements published in the Annual Report is the main financial reporting currently published by local governments. Reporting obligations are the same for large (Stirling, Perth, Fremantle) and small (Sandstone, Wiluna, Dalwallinu) local governments, even though they vary significantly in complexity. The Office of the Auditor General has said that some existing reporting requirements are unnecessary or onerous - for instance, information that is not relevant to certain local governments, or that is a duplicate of other published information. 	<ul style="list-style-type: none"> The Minister strongly believes in transparency and accountability in local government. The public rightly expects the highest standards of integrity, good governance, and prudent financial management in local government. It is critically important that clear information about the financial position of local governments is openly available to ratepayers. Financial information also supports community decision-making about local government services and projects. Local governments differ significantly in the complexity of their operations. Smaller local governments generally have much less operating complexity than larger local governments. The Office of the Auditor General has identified opportunities to improve financial reporting, to make statements clearer, and reduce unnecessary complexity. Recognising the difference in the complexity of smaller and larger local governments, it is proposed that financial reporting requirements should be tiered – meaning that larger local governments will have greater financial reporting requirements than smaller local governments. It is proposed to establish standard templates for Annual Financial Statements for band 1 and 2 councils, and simpler, clearer financial statements for band 3 and 4. Online Registers, updated quarterly (see Item 3.4), would provide faster and greater transparency than current annual reports. Standard templates will be published for use by local governments. 	<ul style="list-style-type: none"> The City supports this proposal.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
	<ul style="list-style-type: none">• Simpler Strategic and Financial Planning (item 6.2) would also improve the budgeting process.	

City of Stirling

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
6.2 Simplify Strategic and Financial Planning		
<ul style="list-style-type: none"> Requirements for plans are outlined in the Local Government Financial Management and Administration Regulations. There is also the Integrated Planning and Reporting (IPR) framework. While many councils successfully apply IPR to their budgeting and reporting, IPR may seem complicated or difficult, especially for smaller local governments. 	<ul style="list-style-type: none"> Having clear information about the finances of local government is an important part of enabling informed public and ratepayer engagement and input to decision-making. The framework for financial planning should be based around information being clear, transparent, and easy to understand for all ratepayers and members of the public. In order to provide more consistency and clarity across the State, it is proposed that greater use of templates is introduced to make planning and reporting clearer and simpler, providing greater transparency for ratepayers. Local governments would be required to adopt a standard set of plans, and there will be templates published by the DLGSC for use or adaption by local governments. It is proposed that the plans that are required are: <ul style="list-style-type: none"> Simplified Council Plans that replace existing Strategic Community Plans and set high-level objectives, with a new plan required at least every eight years. These will be short-form plans, with a template available from the DLGSC Simplified Asset Management Plans to consistently forecast costs of maintaining the local government's assets. A new plan will be required at least every ten years, though local governments should update the plan regularly if the local government gains or disposes of major assets (e.g. land, buildings, or roads). A template will be provided, and methods of valuations will be simplified to reduce red tape Simplified Long Term Financial Plans will outline any long term financial management and 	<ul style="list-style-type: none"> The City strongly supports this proposal

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
	<p>sustainability issues, and any investments and debts. A template will be provided, and these plans will be required to be reviewed in detail at least every four years.</p> <ul style="list-style-type: none"> • A new Rates and Revenue Policy (see item 6.3) that identifies the approximate value of rates that will need to be collected in future years (referencing the Asset Management Plan and Long Term Financial Plan) – providing a forecast to ratepayers (updated at least every four years) • The use of simple, one-page Service Proposals and Project Proposals that outline what proposed services or initiatives will cost, to be made available through council meetings. These will become Service Plans and Project Plans added to the yearly budget if approved by council. This provides clear transparency for what the functions and initiatives of the local government cost to deliver. Templates will be available for use by local governments. 	

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
6.3 Rates and Revenue Policy		
<ul style="list-style-type: none"> Local governments are not required to have a rates and revenue policy. Some councils defer rate rises, resulting in the eventual need to drastically raise rates to cover unavoidable costs – especially for the repair of infrastructure. 	<ul style="list-style-type: none"> The Rates and Revenue Policy is proposed to increase transparency for ratepayers by linking rates to basic operating costs and the minimum costs for maintaining essential infrastructure. A Rates and Revenue Policy would be required to provide ratepayers with a forecast of future costs of providing local government services. The Policy would need to reflect the Asset Management Plan and the Long Term Financial Plan (see item 6.2), providing a forecast of what rates would need to be, to cover unavoidable costs. A template would be published for use or adaption by all local governments. The Local Government Panel Report included this recommendation. 	<ul style="list-style-type: none"> The City supports this proposal.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
6.4 Monthly Reporting of Credit Card Statements		
<ul style="list-style-type: none"> No legislative requirement. Disclosure requirements brought in by individual councils have shown significant reduction of expenditure of funds. 	<ul style="list-style-type: none"> The statements of a local government's credit cards used by local government employees will be required to be tabled at council at meetings on a monthly basis. This provides oversight of incidental local government spending. 	<ul style="list-style-type: none"> The City supports this proposal.

City of Stirling

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
6.5 Amended Financial Ratios		
<ul style="list-style-type: none"> Local governments are required to report seven ratios in their annual financial statements. These are reported on the MyCouncil website. These ratios are intended to provide an indication of the financial health of every local government. 	<ul style="list-style-type: none"> Financial ratios will be reviewed in detail, building on work already underway by the DLGSC. The methods of calculating ratios and indicators will be reviewed to ensure that the results are accurate and useful. 	<ul style="list-style-type: none"> The City supports this proposal.

City of Stirling

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
6.6 Audit Committees		
<ul style="list-style-type: none"> Local governments must establish an Audit Committee that has three or more persons, with the majority to be council members. The Audit Committee is to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under the Act. The Panel Report identified that Audit Committees should be expanded, including to provide improved risk management. 	<ul style="list-style-type: none"> To ensure independent oversight, it is proposed the Chair of any Audit Committee be required to be an independent person who is not on council or an employee of the local government. Audit Committees would also need to consider proactive risk management. To reduce costs, it is proposed that local governments should be able to establish shared Regional Audit Committees. The Committees would be able to include council members but would be required to include a majority of independent members and an independent chairperson. 	<ul style="list-style-type: none"> The City does not support this proposal. The City is concerned about the potential cost impacts of this reform, the disincentive for Councillors to participate in Audit Committees and unintended inefficiencies that may result. In order to give effect to the requirement that Audit Committee have a majority of independent members would require either the downsizing of the City's current Audit Committee or the appointment of a further eight independent members. If the Audit Committee were downsized then this would mean that a limited number of Councillors would have involvement in the audit process. This would result in audit items being reconsidered at Council meetings. The City understands that the Minister proposes to allow meeting fees to be paid to independent members. If more independent members were added to create an independent majority, then this would create a large added cost to the City in sitting fees. It would also be doubtful whether the City would be able to attract an additional eight independent members who were suitably qualified.

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
6.7 Building Upgrade Finance		
<ul style="list-style-type: none"> The local government sector has sought reforms that would enable local governments to provide loans to property owners to finance for building improvements. This is not currently provided for under the Act. The Local Government Panel Report included this recommendation. 	<ul style="list-style-type: none"> Reforms would allow local governments to provide loans to third parties for specific building improvements - such as cladding, heritage and green energy fixtures. This would allow local governments to lend funds to improve buildings within their district. Limits and checks and balances would be established to ensure that financial risks are proactively managed. 	<ul style="list-style-type: none"> The City seeks further details on the proposal which may involve significant risk before committing to a position.

City of Stirling

CURRENT PROVISIONS	PROPOSED REFORMS	CITY OF STIRLING COMMENTS
6.8 Cost of Waste Service to be Specified on Rates Notices		
<ul style="list-style-type: none"> No requirement for separation of waste charges on rates notice. Disclosure will increase ratepayer awareness of waste costs. The Review Panel Report included this recommendation. 	<ul style="list-style-type: none"> It is proposed that waste charges are required to be separately shown on rate notices (for all properties which receive a waste service). This would provide transparency and awareness of costs for ratepayers. 	<ul style="list-style-type: none"> The City supports this proposal.

City of Stirling

13.2 ANNUAL REPORT 2020/2021 FOR CONSIDERATION**Report Information**

Location: Not Applicable
Applicant: Not Applicable
Reporting Officer: Chief Executive Officer
Business Unit: Office of the Chief Executive Officer
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

0222/011

Moved Councillor Lagan, seconded Councillor Hatton

That Council ACCEPTS the Annual Report of the City of Stirling for the year 2020/2021, incorporating the 2020/2021 Annual Financial Statements and the 2020/2021 Independent Auditor's Report.

The motion was put and declared CARRIED (14/1) by an Absolute Majority.

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

Against: Councillor Re.

Recommendation

That Council ACCEPTS the Annual Report of the City of Stirling for the year 2020/2021, incorporating the 2020/2021 Annual Financial Statements and the 2020/2021 Independent Auditor's Report.

NB: Absolute Majority vote required at Council.

Report Purpose

To seek Council acceptance of the Annual Report and Annual Financial Statements for the 2020/2021 financial year, and to receive the Audit Report on those Financial Statements.

Relevant Documents

Attachments

Attachment 1 - 2020 / 2021 Annual Report (previously circulated to Elected Members under separate cover)* [↗](#)

Available for viewing at meeting

Nil

**(Please note that Attachment 1 can be viewed as a separate document to the Agenda on the City of Stirling website).*

Background

Each year, Council is required to accept the City of Stirling Annual Report incorporating the Annual Financial Statements and Independent Auditor's certification of the accounts. Following acceptance, the Annual Report will be presented at the Electors' General Meeting (EGM). The Annual Report will also be available on the City's website and in hard copy format at the City Administration Centre and Stirling Libraries. The EGM has been scheduled to be held at 6.00pm on Monday 28 March 2022 at the City's Administration Centre. Advertising of the EGM will commence following adoption of the Annual Report.

This year's Annual Report satisfies the requirements of the *Local Government Act 1995*, the Local Government Integrated Planning and Reporting Framework, and maintains a format which is guided by the Global Reporting Initiative (GRI) framework. The GRI framework was endorsed by Council at its meeting held 5 February 2008 (Council Resolution Number 0208/009).

Comment

The Annual Report provides a comprehensive account of the City's activities throughout the 2020/2021 financial year. It outlines the progress made towards the strategic objectives set out in the City's Strategic Community Plan (2018-2028) and details the City's performance against the commitments made in its Corporate Business Plan (2020-2024).

A draft of the proposed 2020/2021 City of Stirling Annual Report was provided to Elected Members for review on Friday 4 February. Feedback received has since been incorporated into the Annual Report, and amendments made to the publication are noted below:

- Addition of the word 'Draft' to the cover.
- A sentence added to direct readers to specific ward information on the website www.stirling.wa.gov.au/citywards (page 28).
- Replacement of the image of Councillor Stephanie Proud in the 'Elected Members in the Community' section (page 38).
- Additional column added to Table 4 (page 43).
- Removal of five rows on Table 6 (page 57).
- An updated figure on Table 10 (page 125) for 2019 results.
- A sentence added to direct readers to further information on the website at www.stirling.wa.gov.au/foi (page 164).
- The number of FOI applications the City responded to has been amended to 61 (page 164).
- The sentence which reads: "It is an individual's responsibility to ensure that personal information held by the City is accurate, complete and up to date" has been replaced with "It also enables the public to ensure that personal information in documents is accurate, complete and up to date (page 164).
- A paragraph added informing of the allocation of the Emergency Relief Fund (page 167).

Consultation/Communication Implications

The *Local Government Act 1995* requires the Annual Report to be made available to the public before the Electors' General Meeting.

Policy and Legislative Implications

Section 5.53(1) of the *Local Government Act 1995* requires a Local Government to prepare an Annual Report for each financial year. Section 5.53(2)(f) of the *Local Government Act 1995* specifies that the Annual Report is to contain the financial report of the financial year and Section 5.53(2)(h) specifies that it must contain the Independent Auditor's report for the financial year.

In accordance with Section 5.54(1) of the *Local Government Act 1995*, an Annual Report for the financial year is to be accepted by the Local Government no later than 31 December after that financial year. Section 5.54(2) notes that if the Independent Auditor's report is not available in time for the Annual Report for a financial year to be accepted by 31 December after that financial year, the Annual Report is to be accepted by the local government no later than two months after the Independent Auditor's report becomes available. The City received the Independent Auditor's report on 23 December 2021.

Financial Implications

Nil.

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
Waste generation	The 2020/2021 Annual Report is printed on paper adhering to environmental guidelines and a minimal number of hard copies will be produced. The publication is made available on the City's website to ensure minimal environmental impact from production.

SOCIAL	
Issue	Comment
Community engagement	The publication of a comprehensive Annual Report demonstrates a commitment to transparent reporting. The detailed information contained within the reports enables a greater level of engagement and information sharing between the City and its stakeholders on key sustainability issues.

ECONOMIC	
Issue	Comment
Nil.	

Conclusion

This report seeks Council acceptance of the 2020/2021 Annual Report incorporating the Annual Financial Statements and the Audit Report on these Financial Statements. The Annual Report will be made available to the public on the City of Stirling website on Monday 21 February 2022 and in hard copy format at the City's Administration Centre and Stirling Libraries by Friday 4 March 2022. It will also be presented to the community at the City of Stirling Electors' General Meeting being held at 6.00pm on Monday 28 March 2022 at the City's Administration Centre.

**13.3 NOTICE OF MOTION - COUNCILLOR FELICITY FARRELLY -
WALKING AND CYCLING PATH SAFETY BETWEEN
SCARBOROUGH BEACH AND TRIGG**

This item was REFERRED to a future Council meeting at the Council meeting held 11 May 2021 to allow an Elected Member Workshop to be held.

Additional information and a Suggested Alternative Recommendation have been included at the end of the report.

Councillor Felicity Farrelly submitted the following Notice of Motion at the Council Meeting held 27 April 2021:-

“That the City INVESTIGATES the safety of the walking/cycling path between Scarborough Beach and Trigg along West Coast Highway and reviews alternative options for the separation of slow cycling, walking and speed cycling, including the option of an environmentally friendly coastal boardwalk (alongside the adjacent path to the west).”

Background Information/Reason for Motion (provided by Councillor Farrelly)

“There is a perception of being unsafe walking alongside the road especially as the path travels down to the underpass at Trigg south beach. West Coast Highway has become a key road in the area with high levels of walking traffic and recreational bikes using the one pathway. It is especially busy at weekends.

With the continuing popularity of recreational e bike, e scooters and e skateboards, pedestrian traffic is at risk of being hit and the above bike/skate/scooter recreational users are not safe.”

Report Information

Location:	West Coast Highway Shared Path between Scarborough and Trigg
Applicant:	Not Applicable
Reporting Officer:	Manager Engineering Services
Business Unit:	Engineering Services
Ward:	Coastal
Suburb:	Scarborough

Authority/Discretion

Definition

- | | | |
|-------------------------------------|----------------------|---|
| <input type="checkbox"/> | Advocacy | <i>when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>the substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>includes adopting local laws, town planning schemes and policies. It is also when Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>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.</i> |
| <input type="checkbox"/> | Information Purposes | <i>includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').</i> |

Council Resolution

0222/012

Moved Councillor Farrelly, seconded Councillor Krsticevic

That the City DEVELOPS a strategy for the long-term implementation of a suitable walking and cycling facility between Scarborough and Trigg.

The motion was put and declared CARRIED (15/0).

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

Against: Nil.

Notice of Motion Recommendation

That the City INVESTIGATES the safety of the walking/cycling path between Scarborough Beach and Trigg along West Coast Highway and reviews alternative options for the separation of slow cycling, walking and speed cycling, including the option of an environmentally friendly coastal boardwalk (alongside the adjacent path to the west).

Suggested Alternative Recommendation (refer to Conclusion)

Report Purpose

To respond to the Notice of Motion submitted by Councillor Felicity Farrelly.

Relevant Documents

Attachments

Attachment 1 - Options Considered For Separated Path Facility in 2013 [↓](#)

Available for viewing at meeting

Nil

Background

The potential conflict between pedestrians and fast-moving cyclists on the recreational shared path (RSP) between Scarborough and Trigg has been an issue of concern for a number of years.

In 2005, a proposal was developed to address the issue by the provision of a coastal dune boardwalk connecting Scarborough to Trigg. The proposal sought to improve safety for pedestrians by taking them away from the shared path along West Coast Highway, to reduce conflict between different path users, to link two major recreational nodes at Scarborough and Trigg Beaches, and to provide opportunities for tourists and locals to interact with the environment in a safe and sustainable manner.

Extensive consultation was undertaken with the community and key stakeholder groups, resulting in majority non-support for the proposal. The primary reason for the non-support was the perceived adverse impact and damage to the environment of the South Trigg Coastal Reserve, which is a Class A reserve (under the *Land Administration Act*) and Bush Forever site.

In considering the responses received during the consultation, Council resolved at its meeting held 13 December 2005 (Item Number 11.1/CS2) as follows:-

“That given the results of the community and stakeholder consultation processes that Council takes NO FURTHER action on the Boardwalk at this time.”

In the years following this decision, there were increasing public concerns over the conflicting use of the recreational shared path along the coast, particularly the section abutting West Coast Highway. In 2011, a report was considered by Council regarding the Trigg Beach Masterplan. At its meeting held 8 March 2011, Council resolved, in part (Council Resolution Number 0311/026) as follows:-

“4. That a report be PRESENTED to the July Infrastructure and Community Development Committee with reference to the implementation of an environmentally sustainable board walk linking the Trigg Beach Master Plan and SEAS areas to achieve a pedestrian link.”

Over the following 12 months, the City undertook extensive research for a potential coastal dune boardwalk, including consideration of various routes, materials for construction and other features such as viewing platforms. The matter was presented to Council at its meeting held 30 October 2012, and Council resolved (Council Resolution Number 1012/067) as follows:-

- “1. That Council ENDORSE the Boardwalk Project for public consultation based on the following principles:-*
 - a. That Option C is the preferred route as indicated on the Concept Plan.*
 - b. The proposal is a hybrid route comprising elevated boardwalk with at grade paths intersecting with existing accesses.*
 - c. Elevated boardwalk elements are to be an aluminium structure to minimise the construction and longer term environmental footprint.*
 - d. The aluminium boardwalk elements are to be anodised using colours that complement the natural environment.*
 - e. Viewing platforms are to be provided at the indicative locations shown on the concept plan.*
 - f. Consideration is given to a ‘landmark’ viewing structure at the principal summit location.*
- 2. That the provision of a detailed design brief be DEFERRED until the outcome of the public consultation and a further report will be provided to Council.”*

Following the re-introduction of a possible boardwalk concept into the public arena, a group was formed under the banner of Stop the Boardwalk Action Group (SBAG). This group was very active in opposing the project, including the establishment of a dedicated Facebook page and various articles published in community newspapers.

Consultation was undertaken with the community in early-to-mid 2013, and just over 500 individual responses were received during this period. Of these responses, 330 followed a pro-forma template developed by SBAG, which resulted in 85% of the responses indicating non-support for the proposal. Similar to the previous consultation in 2005, the primary reason for the objections was the perceived adverse impact and damage to the environment of the South Trigg Coastal Reserve and associated dune system.

When the matter was considered by Council in late 2013, officers made a recommendation to proceed with the detailed design brief for the preferred route that would take into account the comments and concerns received during the consultation. This recommendation was supported by the (Infrastructure and Community Development) Committee, but the motion was declared Lost at the Council meeting held 3 September 2013 due to a lack of support.

Given the two previous failed attempts to progress a separate pedestrian facility through the South Trigg Coastal Reserve, there has not been any further progress on this project since that time.

Comment

The current Notice of Motion has requested a review of options for the separation of slow cycling, walking and speed cycling, including the option of an environmentally friendly coastal boardwalk alongside the existing path. The constraints of space within the existing road reserve means that any separation can only be achieved by encroaching wholly or partially into the adjacent South Trigg Coastal Reserve.

Review of Options

The City already undertook extensive research and investigations in 2012 and 2013 to determine suitable routes for a separated pedestrian facility. The three route options that were considered are shown in Attachment 1. A summary of the options, including how they addressed the design principles adopted by Council in 2012, are described as follows:-

- Option A
 - This route is located near or next to the existing RSP (as requested in the Notice of Motion) with access provided to the beach as per the current layout. Where the ground falls away, a retaining wall up to 1.5m in height will be required (similar to that alongside West Coast Drive between Trigg and Watermans Bay). All of this section will be visible to the properties opposite and utilise a 4.0m corridor of land.
 - In order to connect with the path between the beach and the Bournemouth Parade pedestrian underpass, the route will be required to diverge away from the RSP to intersect with the beach path and then continue north as an elevated boardwalk to the existing promenade at Trigg.
 - This route does little to isolate pedestrians from the impact of West Coast Highway, has limited interaction with the dunes and only really addresses the need for a separation between cyclists and pedestrians. In many cases, views from the path to the ocean will be as obstructed as they are from the current RSP.
 - Financial Impact (Estimated Cost in 2012) = \$1,056,000.
 - Environmental Impact (Area of Land Fenced Off) = 2,712m².
- Option B
 - This route best aligns with the design principle of a structure that cannot be seen from the immediate vicinity of residents from the east side of West Coast Highway. This option is located as low as possible behind the primary dunes and elevated for almost its full length to minimise disturbance to the dunes.
 - Unfortunately, in order to avoid it being visible (from residential properties) as much as possible, it will not benefit from any significant views towards the ocean, as it would be at the low point of the dunes. Parts of it would unavoidably remain visible and any sections that are intentionally elevated (as at the Floreat boardwalk) would then become visible from West Coast Terrace.
 - This route brings pedestrians into close (but controlled) proximity to the dune systems, provides the desired separation from cyclists and the traffic along West Coast Highway, but does not realise the potential of the coastal views.
 - Financial Impact (Estimated Cost in 2012) = \$3,810,000.
 - Environmental Impact (Area of Land Fenced Off) = 360m²

- Option C
 - This is a hybrid solution, which attempts to balance the brief with the opportunities offered by the topography. In some locations it employs an 'at-grade' path (which will have least impact constructed in concrete) and being screened by vegetation, will be less visible. By departing from the RSP, it can be hidden behind the raised dunes along much of the length fronting West Coast Terrace while still elevated enough to enjoy sea and coastal views.
 - In rising to the primary (and existing) viewpoint a section of boardwalk to the south will be elevated and visible but will also enjoy coastal views and provide an interaction with the topography. By intercepting the natural peaks, and with the longer spans available using an aluminium structure, no more than a single intermediate support will be required for each 'bridge' and the peaks themselves can become viewpoints or seating areas.
 - This route brings pedestrians into close (but controlled) proximity to the dune systems, provides the desired separation from cyclists and the traffic along West Coast Highway, provides a varied and interesting experience and maximises the potential of the views along and from the sunset coast.
 - Financial Impact (Estimated Cost in 2012) = \$1,874,000.
 - Environmental Impact (Area of Land Fenced Off) = 1,984m².

There have not been any significant changes to the topography of the dune system since the afore mentioned options were investigated in 2012 and 2013, and these options would therefore be considered as valid.

Options for Council

While the benefits for tourism and the safety of path users are clearly evident, the question for Council to consider is whether the estimated cost of the project – with options ranging between \$1.056 million and \$3.810 million (in 2012 dollars) – can be justified on the basis of the current conditions along the shared path.

There is unfortunately no official reporting system for collisions or incidents that occur on this RSP (or any shared paths for that matter), and while there have been anecdotal reports and incidents involving fast cyclists at various stages, the City is not aware of any collisions resulting in a fatality or serious injury.

The City is aware that Main Roads WA (MRWA) has previously been requested to consider the installation of a crash barrier along the length of West Coast Highway to ensure that safety and separation is maintained between path users and northbound traffic on West Coast Highway. Investigations by MRWA (as the controlling agency for West Coast Highway) indicated that there have been zero reported crashes in the last five-year period involving vehicles leaving this section of roadway, and the risk of a collision by an errant vehicle is considered to be low. Also, the speed environment is 60km/h, which is not dissimilar to many other dual carriageways with pedestrian traffic, in which there are no requirements for barriers. As such, MRWA considers that a safety barrier is not required at this stage.

Based on the information presented in the report, Council has the following options available:-

- Option 1 – Proceed with the development of a proposal for separated shared path along West Coast Highway that would encroach wholly or partially into the South Trigg Coastal Reserve and undertake broader consultation to determine the views of the community and key stakeholders.
- Option 2 – Do not proceed with a proposal for a separated shared path along West Coast Highway on the basis of the significantly high costs and the strong likelihood for non-support from the community and stakeholders, as demonstrated on two previous occasions.

Based on the previous objections raised in 2005 and 2013, and the significantly high costs required, the City would recommend Option 2.

Consultation/Communication Implications

There has been no further consultation with the community regarding a renewed proposal for a coastal boardwalk between Scarborough and Trigg since the previous consultation in 2013. Any future proposals would be subject to the same extensive consultation process with the community as previous proposals.

Policy and Legislative Implications

The South Trigg Coastal Reserve – through which a separated path would need to be constructed – is classified as a Class A reserve under the *Land Administration Act*. Class A reserve status does not necessarily prohibit all works, particularly properly managed and controlled paths providing access and enjoyment. However, they are protected by legislation which requires a high level of scrutiny and appropriate design solutions to meet environmental requirements.

Financial Implications

The cost estimate for construction of the three options considered in 2012 ranged between \$1.056 million and \$3.810 million, with the preferred option (Option C) being \$1.874m. The Perth Consumer Price Index has risen by 14.6% between March 2012 and March 2021 (Source: Australian Bureau of Statistics, 2021). It would therefore be reasonable to assume that a similar increase in cost estimate would be applied to the three options considered in 2012. Based on this calculation, the preferred option (Option C) would increase from \$1.874m to around \$2.148m.

There are currently no funds allocated in the current or draft 2021/2022 Annual Budget for the development of design for a separated shared path. Should Council wish to proceed with Option 1, and subject to community consultation indicating majority support for the proposal, the project would need to be listed for detailed design in a future Annual Budget. The City may also be able to explore whether there were any external funding opportunities through the State and Federal Governments to subsidise the construction costs.

Strategic Implications

Key Result Area: Liveable neighbourhoods

Outcome B3: Built infrastructure that meets community needs

Sustainability Implications

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

ENVIRONMENTAL	
Issue	Comment
Vegetation impact	The primary reason for the two previous failed attempts to construct a separated path for pedestrians has been the potential adverse impacts on the South Trigg Coastal Reserve.

SOCIAL	
Issue	Comment
Community engagement	Previous consideration of a coastal boardwalk has received majority non-support from the community and key stakeholders.
Health, wellbeing and safety	The provision of a separate path facility would reduce the potential conflict between fast cyclists and pedestrians.

ECONOMIC	
Issue	Comment
Dvlpmnt of key business sectors	Linking Scarborough and Trigg will enhance the tourism potential by providing an attractive pedestrian link between the two centres.

Conclusion

Council has requested a review of options for the separation of slow cycling, walking and speed cycling, including the option of an environmentally friendly coastal boardwalk alongside the existing path. This review included reference to extensive research undertaken by the City in 2012 and 2013, where a number of options were considered for the provision of a coastal dune boardwalk to provide the requested separation and protection of path users.

Regardless of any option that is chosen, the constraints of space within the existing road reserve means that any separation can only be achieved by utilising space within the adjacent South Trigg Coastal Reserve. Given the significantly high costs involved in constructing a separated path, and the likely non-support from the community and stakeholders, as demonstrated on two previous occasions, the City does not recommend proceeding with a proposal for a separated shared path along West Coast Highway.

Suggested Alternative Recommendation

That Council DOES NOT PROCEED with a proposal for a separated shared path along West Coast Highway between Scarborough and Trigg at this stage.

Reason for Alternative Recommendation

The City has already undertaken extensive research and analysis of potential options, which would all require some encroachment into the adjacent 'Class A' South Trigg Coastal Reserve. These options have been considered on two previous occasions by Council, and on both occasions, there have been significant objections from the community, resulting in a lack of support by Council.

Additional Information – 15 February 2022

An Elected Member Workshop was held Monday 15 November 2021 and was attended by the Mayor and eight Councillors. The following key points were noted and discussed at the workshop:

- Detailed information was provided on the previous proposals developed in 2005 and 2011.
- The workshop largely focussed on the northern section, between Scarborough and Trigg, but also briefly included discussion on a new proposal for a similar facility between Brighton Beach and Floreat Beach (or the City's southern boundary at Peasholm Dog Beach).
- There was general support to progress with a proposal for a coastal boardwalk. There was general agreement that the northern section (between Scarborough and Trigg) should be the focus in the first stage, acknowledging that it may generate opposition from the same stakeholder groups that objected previously. The southern section may be progressed in the future if there is interest from the Town of Cambridge to complete the missing section between Peasholm Dog Beach and Floreat Beach.
- The provision of a separated shared path between Scarborough and Trigg is currently unfunded and not listed on the City's Long Term Financial Plan at this stage.
- Based on CPI increases between 2012 (when the previous options were costed) and the current day, the cost to implement a solution similar to the previous preferred treatment (Option C) would be in the order of \$2.2 million.
- Brief discussion was held regarding the current CHRMAP process being undertaken by the City, which will involve extensive consultation to determine community values towards various coastal infrastructure assets.

Suggested Alternative Recommendation

That the City DEVELOPS a strategy for the long-term implementation of a suitable walking and cycling facility between Scarborough and Trigg.

Reason for Alternative Recommendation

There was general support at the Elected Member Workshop on 15 November 2021 to progress with a proposal for a separated shared path along the coast, with the northern section (between Scarborough and Trigg) being the initial focus.



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.

Nil.

15. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**15.1 QUESTIONS ON NOTICE - COUNCILLOR ELIZABETH RE**

Councillor Elizabeth Re submitted the following questions prior to the Council meeting held 15 February 2022:-

- Q1. *"How many times has the City of Stirling appeared in a court in WA each year since 2016?"*
- Q2. *"Under which City of Stirling Business Units have these legal cases originated from?"*
- Q3. *"How much has each individual business unit spent on these legal cases each year since 2016?"*
- Q4. *"How many of these legal cases have been won and lost by the City of Stirling?"*
- Q5. *"How many and how much money has been recovered in legal expenses each year since 2016 and by which Business Units?"*

City of Stirling legal expenses reduced by 65% from the 2018/2019 financial year to the 2020/2021 financial year.

Detailed written responses to these questions will be provided in due course.

Additional Information – 15 February 2021

The following information is provided in response to Q1 to Q4 above:

Historical matters in Courts and Tribunals to which the City could be a party vary across a number of jurisdictions. These include:

- The State Administrative Tribunal for Planning, Environmental, Building Disputes and Dog Attack matters.
- The Fair Work Commission for Employee matters.
- The Supreme Court of WA for commercial litigation, administrative law matters and appeal matters.
- Magistrates Court of WA for Prosecutions, Rates and Charges Recovery and commercial litigation.
- District Court of WA for Prosecutions, Rates and Charges Recovery and commercial litigation.
- Office of the Information Commissioner WA for Freedom of Information complaints.
- Registrar of Trademarks for Intellectual Property matters.

Other instances where the City may attend Court include in the following circumstances:

- In relation to matters that the City has been joined as a party to.
- When subpoenaed to attend for various matters. This occurs on a regular basis.
- When Local Government Insurance Services exercises rights of subrogation for insurance matters.

There is no obligation for the City to have legal representation in any of these proceedings, although, generally, legal representation is provided.

Due to all the above matters, the number of the City's appearances in Courts since 2016 would be significant. It is not possible to classify these matters as either 'won' or 'lost'.

It is considered that researching and providing answers to the above four questions would create an unreasonable diversion of time and resources away from the City's other business priorities. There also appears to be no demonstrable community benefit in allocating the time and resources to answer the questions.

Below is a table showing the total legal spend per year since the 2015/2016 Financial Year. This demonstrates a reduction in legal spend from 2015/2016 to 2020/2021 of approximately 60%:

Year	2015/ 2016	2016/ 2017	2017/ 2018	2018/ 2019	2019/ 2020	2020/ 2021
	1,021,384.08	1,091,914.18	1,603,838.71	1,170,933.69	616,157.07	402,340.79

Q5. *"How many and how much money has been recovered in legal expenses each year since 2016 and by which Business Units?"*

Year	2015/ 2016	2016/ 2017	2017/ 2018	2018/ 2019	2019/ 2020	2020/ 2021
	(659,518.79)	(944,026.23)	(889,642.42)	(419,541.01)	(450,242.73)	(95,214.68)

16. NEW BUSINESS OF AN URGENT NATURE

Nil.

17. MATTERS BEHIND CLOSED DOORS**Council Resolution****0222/013****Moved Councillor Lagan, seconded Councillor Re**

That item 17.1 - Meeting Procedures Local Law 2021 be CONSIDERED Behind Closed Doors in accordance with Section 5.23(2)(d) of the *Local Government Act 1995* , which permits the meeting to be closed to the public for business relating to the following:

- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.***

The motion was put and declared CARRIED (15/0).

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

Against: Nil.

At 8.25pm, the meeting was closed to the public and all employees who were not required left the meeting.

17.1 MEETING PROCEDURES LOCAL LAW 2021**Confidentiality**

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

- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.*

Report Information

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

Council Resolution**0222/014****Moved Councillor Farrelly, 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 (12/3).

For: Councillors Creado, Farrelly, Krsticevic, Migdale, Olow, Perkovic, Proud, Re, Sandri, Sargent, Thornton and Mayor Irwin.

Against: Councillors Ferrante, Hatton and Lagan.

Council Resolution**0222/015****Moved Councillor Re, seconded Councillor Lagan****That the Meeting be REOPENED to the public.****The motion was put and declared CARRIED (15/0).****For:** Councillors Creado, Farrelly, Ferrante, Hatton, Krsticevic, Lagan, Migdale, Olow, Perkov, Proud, Re, Sandri, Sargent, Thornton and Mayor Irwin.**Against:** Nil.

At 8.37pm, the meeting was reopened to the public.

18. CLOSURE

The Presiding Member declared the meeting closed at 8.38pm.

These minutes were confirmed as a true and correct record of proceedings on:

...../...../ 2022

SIGNED:

Presiding Member Name:

PRESIDING MEMBER