



TOWN OF
VICTORIA PARK

Agenda Briefing Forum Agenda – Tuesday 2 June 2026



WE'RE OPEN
VIC PARK

Please be advised that an **Agenda Briefing Forum** will be held at **6:30 PM** on **Tuesday 2 June 2026** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

Mr Carl Askew
28 May 2026

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1 About the Agenda Briefing Forum

The purpose of the Agenda Briefing Forum is to ask questions and seek clarity on the draft Ordinary Council Meeting agenda, in line with the Agenda Briefing, Concept Forum and Council Workshops Policy.

The meeting is open to all members of the public, except during the consideration of matters deemed confidential in line with the *Local Government Act 1995*.

Members of the public that are directly impacted by an item on the agenda may participate in the meeting through a deputation. A deputation is a presentation made by one individual or a group up to five people affected (adversely or favourably) by a matter on the agenda. Deputations may not exceed 10 minutes. A [Deputation Form](#) must be submitted to the Town no later than 24 hours prior to the meeting and is to be approved by the Chief Executive Officer.

All others may participate in the meeting during the allotted Public Participation Time. While it is not required, members of the public are encouraged to submit their questions and statements in advance by [email](#) or by completing the [Public Question/ Statement Form on the Town's website](#). Please note that questions and statements at the Agenda Briefing Forum must be related to agenda items only.

For any questions regarding the Agenda Briefing Forum or any item presented in the draft agenda, please contact the Governance team at GovernanceVicPark@vicpark.wa.gov.au.

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Any advice provided by an employee of the Town on the operation of written law, or the performance of a function by the Town, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the Town. Any advice on a matter of law, or anything sought to be relied upon as representation by the Town, should be requested in writing.

Noting that the Agenda Briefing Forum is only for the purpose of seeking further information on the draft Ordinary Council Meeting Agenda, and does not constitute a decision-making forum, any person or entity who has an application or submission before the Town must not rely upon officer recommendations presented in the draft agenda. Written notice of the Council's decision, and any such accompanying conditions, will be provided to the relevant person or entity following the Ordinary Council Meeting.

2 Opening

3 Acknowledgement of country

Acknowledgement of the traditional owners

Ngany djerapiny Wadjak – Noongar boodja-k yaakiny, nidja bilya bardook.

I am honoured to be standing on Whadjuk - Nyungar country on the banks of the Swan River.

Ngany kaaditj Noongar moort keny kaadak nidja Wadjak Noongar boodja. Ngany kaaditj nidja Noongar birdiya – koora, ye-ye, boorda, baalapiny moorditj Noongar kaaditjin, moort, wer boodja ye-ye.

I acknowledge the traditional custodians of this land and respect past, present and emerging leaders, their continuing cultural heritage, beliefs and relationship with the land, which continues to be important today.

Ngany youngka baalapiny Noongar birdiya wer moort nidja boodja.

I thank them for the contribution made to life in the Town of Victoria Park and to this region.

4 Announcements from the Presiding Member

4.1 Purpose of the Agenda Briefing Forum

The purpose of this forum is to provide an opportunity for Elected Members to ask questions and obtain additional information on officer reports in the draft Ordinary Council Meeting agenda. It is not a decision-making forum, nor is it open for debate.

Members of the public that may be directly affected by an item on the agenda can make presentations, deputations, statements, and ask questions, prior to the matter being formally considered by Council at the next Ordinary Council Meeting.

4.2 Notice of recording and live-streaming

All participation in the meeting will be audio and visually recorded and live-streamed on the Town's website. The live-stream will be archived and made available on the Town's website after the meeting.

4.3 Conduct of meeting

All those in attendance are expected to extend due courtesy and respect to the meeting by refraining from making any adverse or defamatory remarks regarding Council, the staff or any elected member. No one shall create a disturbance at a meeting by interrupting or interfering with the proceedings through expressing approval or dissent, by conversing, or by any other means.

All questions and statements made by members of the public are not to personalise any elected member or member of staff. Questions and statements are to be directed to the Presiding Member, who may choose to call upon an officer of the Town, or another elected member, to assist with responses.

4.4 Public participation time

There is an opportunity to ask questions and make statements at the beginning and end of the meeting.

The opportunity to ask questions and make statements at the end of the meeting is limited to those members of the public who did not participate in the first public participation time at this meeting.

Public participation time will be held for 30 minutes. Any additional time must be by agreement from the meeting and will be in five-minute increments.

4.5 Questions taken on notice

Responses to questions taken on notice that relate to an agenda item will be presented in the officer report for the Ordinary Council Meeting agenda under the heading 'Further consideration'.

5 Attendance

Mayor

Mayor Karen Vernon

Banksia Ward

Cr Claire Anderson
Cr Scott Ingram
Cr Peter Melrosa
Deputy Mayor Lindsay Miles

Jarrah Ward

Cr Andra Biondi
Cr Sky Croeser
Cr Jack Gordon-Manley
Cr Daniel Minson

Chief Executive Officer

Mr Carl Askew

Chief Operations Officer

Ms Alison Luobikis

Chief Community Planner

Mr David Doy

Chief Financial Officer

Mr Duncan Olde

Manager Governance and Risk

Mr Brett Douglas

Secretary

Ms Laine Cooke

Public liaison

Ms Sarah Vader

5.1 Apologies

5.2 Approved leave of absence

Nil.

6 Declarations of interest

6.1 Declarations of financial interest

A person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the Council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

A declaration under this section requires that the nature of the interest must be disclosed. Consequently, a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration.

An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest, where they are providing advice or a report to the Council. Employees may continue to provide advice to the Council in the decision-making process if they have disclosed their interest.

6.2 Declarations of proximity interest

A person has a proximity interest in a matter if the matter concerns: a) a proposed change to a planning scheme affecting land that adjoins the person's land; b) a proposed change to the zoning or use of land that adjoins the person's land; or c) a proposed development (as defined in section 5.63(5) of the *Local Government Act 1995*) of land that adjoins the persons' land.

Land adjoins a person's land if: a) the proposal land, not being a thoroughfare, has a common boundary with the person's land; b) the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or c) the proposal land is that part of a thoroughfare that has a common boundary with the person's land. A person's land is a reference to any land owned by the person or in which the person has any estate or interest.

A member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration.

Employees are required to disclose their proximity interests where they are providing advice or a report to the Council. Employees may continue to provide advice to the Council in the decision-making process if they have disclosed their interest.

6.3 Declarations of interest affecting impartiality

Elected members (in accordance with Code of Conduct for Council Members, Committee Members and Candidates) and employees (in accordance with the Code of Conduct for employees) are required to declare any interest that may affect their impartiality in considering a matter. The declaration must disclose the nature of the interest. This declaration does not restrict any right to participate in or be present during the decision-making process.

- 7 Public participation time**
- 8 Presentations**
- 9 Deputations**
- 10 Method of dealing with agenda business**

11 Chief Executive Officer reports

11.1 Council Resolutions Status Report - May 2026

| | |
|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Location | Town-wide |
| Reporting officer | Mayoral and Governance Support Officer |
| Responsible officer | Manager Governance and Risk |
| Voting requirement | Simple majority |
| Attachments | <ol style="list-style-type: none">1. Outstanding Council Resolutions Status Report May 2026 [11.1.1 - 22 pages]2. Completed Council Resolutions Status Reports May 2026 [11.1.2 - 2 pages] |

Summary

The Council Resolution status reports are provided for Council's information.

Recommendation

That Council:

1. Notes the Outstanding Council Resolutions Report as shown in attachment 1.
2. Notes the Completed Council Resolutions Report as shown in attachment 2.

Background

1. On 17 August 2021 Council resolved as follows:

That Council:

1. *Endorse the inclusion of Council Resolutions Status Reports as follows:*
 - a) *Outstanding Items – all items outstanding; and*
 - b) *Completed Items – items completed since the previous months' report to be presented to each Ordinary Council Meeting, commencing October 2021.*
2. *Endorse the format of the Council Resolutions Status Reports as shown in Attachment 1.*

Discussion

The Outstanding Council Resolutions Report details all outstanding items. A status update has been included by the relevant officer/s.

The Completed Council Resolutions Report details all Council resolutions that have been completed by officers from 2 April 2026 to 25 May 2026. A status update has been included by the relevant officer/s.

Legal and policy compliance

Not applicable.

Financial implications

| | |
|------------------------------|---------------------------------------------------------------------------------|
| Current budget impact | Sufficient funds exist within the annual budget to address this recommendation. |
| Future budget impact | Not applicable. |

Risk management consideration

| Risk impact category | Risk event description | Risk rating | Risk appetite | Risk Mitigation |
|----------------------------------------|------------------------|-------------|---------------|-----------------|
| Financial | Not applicable. | | Low | |
| Environmental | Not applicable. | | Medium | |
| Health and safety | Not applicable. | | Low | |
| Data, Information Technology and Cyber | Not applicable. | | Medium | |
| Assets | Not applicable. | | Medium | |
| Compliance Breach | Not applicable. | | Low | |
| Reputation | Not applicable. | | Low | |
| Service delivery interruption | Not applicable. | | Medium | |

Engagement

| Internal engagement | |
|---------------------|-----------------------------------------------------------------------------------------------|
| Stakeholder | Comments |
| All service areas | Relevant officers have provided comments on the progress of implementing Council resolutions. |

Strategic alignment

| Civic Leadership | |
|--------------------|-----------------------------------------|
| Community Priority | Intended public value outcome or impact |

| | |
|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| CL3 - Accountability and good governance. | The reports provide elected members and the community with implementation/progress updates on Council resolutions. |
|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------|

11.2 Annual Review of Delegations

| | |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Location | Town-wide |
| Reporting officer | Manager Governance and Strategy |
| Responsible officer | Chief Executive Officer |
| Voting requirement | Absolute majority |
| Attachments | <ol style="list-style-type: none">1. Annual Review of Delegations 2026 [11.2.1 - 6 pages]2. Delegations and Sub- Delegations Amendments 2026- 2027 [11.2.2 - 30 pages]3. Delegations and Sub Delegations Register 2025 2026 [11.2.3 - 182 pages] |

Summary

For Council to undertake its annual review of delegations and consider proposed amendments.

Recommendation

That Council:

1. Notes a review of the Town's delegations has been completed in accordance with sections 5.18 and 5.46 of the *Local Government Act 1995*.
2. Endorses the amended delegations as contained in Attachment 2.

Background

1. In accordance with the *Local Government Act 1995*, Council is required to review its delegations each financial year.
2. Council last reviewed the Register of Delegations and Sub-delegations at its meeting held on 20 May 2025 (resolution 96/2025 refers).
3. Amended delegations are proposed.
4. In accordance with sections 5.16 and 5.42 of the *Local Government Act 1995* (the Act), a local government can delegate certain functions to a committee of Council, or the Chief Executive Officer. Other legislation also provides for the delegation of some function to the Chief Executive Officer, as well as other officers. Some of these functions can then be on delegated by the Chief Executive Officer.
5. Sections 5.18 and 5.46 of the Act require that at least once every financial year, delegations are to be reviewed by the delegator for those delegations under the Act.
6. The Town's register is based on the model provided by the Western Australian Local Government Association (WALGA).
7. The 2025-26 review has resulted in refining delegations to ensure the Town's continued ability to maintain high standards of service delivery and improved workflow processes.

Discussion

8. The 2025-26 annual review of the Register of Delegations and Sub-delegations was a comprehensive review of existing delegations to determine:
 - (a) the appropriateness of the existing delegations and whether to amend or delete any delegations
 - (b) the need for any additional delegations.
9. The proposed amendments reflect the following:
 - (a) Amending existing delegations to improve workflow processes and service delivery.

- (b) Minor wording and formatting changes.
10. Although the main changes are detailed in Attachment 1, Attachment 3 Annual Review of Delegations – 2025/26 Identified Changes, provides an overview of all the requested changes.

Relevant documents

[Department of Local Government, Sport and Cultural Industries Operational Guideline No. 17 - Delegations Register of Delegations and Sub-delegations](#)

Legal and policy compliance

[Section 5.42 of the Local Government Act 1995](#)

[Section 127 of the Building Act 2011](#)

[Section 48 of the Bush Fires Act 1954](#)

[Section 44 of the Cat Act 2011](#)

[Section 10AA of the Dog Act 1976](#)

[Section 118 of the Food Act 2008](#)

[Section 16 of the Graffiti Vandalism Act 2016](#)

[Sections 39 and 40 of the Liquor Control Act 1988](#)

[Section 21 of the Public Health Act 2016](#)

[clause 82\(1\) of Schedule 2 of the Planning and Development \(Local Planning Schemes\) Regulations 2015](#)

Financial implications

| | |
|------------------------------|---------------------------------------------------------------------------------|
| Current budget impact | Sufficient funds exist within the annual budget to address this recommendation. |
| Future budget impact | Not applicable. |

Risk management consideration

| Risk impact category | Risk event description | Risk rating | Risk appetite | Risk Mitigation |
|----------------------------------------|-----------------------------------------------|-------------|---------------|----------------------------------------------------------------------|
| Financial | Not applicable. | | Low | |
| Environmental | Not applicable. | | Medium | |
| Health and safety | Not applicable. | | Low | |
| Data, Information Technology and Cyber | Not applicable. | | Medium | |
| Assets | Not applicable | | Low | |
| Compliance Breach | Not complying with legislative compliance. | Medium | Low | TREAT risk by Council reviewing its delegations before 30 June 2025. |
| Reputation | Increased oversight by regulatory authorities | Low | Low | TREAT risk by Council reviewing its delegations before 30 June 2025. |

| | | | | |
|-------------------------------|------------------------------------------------|--------|--------|-------------------------------------------------------------|
| | affecting the Town's reputation. | | | |
| Service delivery interruption | Unable to deliver services in a timely manner. | Medium | Medium | TREAT risk by putting in place the appropriate delegations. |

Engagement

| Internal engagement | |
|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Stakeholder | Comments |
| Chiefs, Managers and other relevant staff | Chiefs, Managers and other relevant staff were asked to provide feedback in relation to existing delegations and if any amendments were required. Feedback was also sought for any new delegations required. |
| C-Suite | At its meeting on 21 May 2025, C-Suite was asked to provide any feedback on the delegations with the proposed amendments and new delegations. |

Strategic alignment

| Civic Leadership | |
|-------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| Community Priority | Intended public value outcome or impact |
| CL1 – Effectively managing resources and performance. | Maintaining effective and practical delegations ensures Council remains strategically focused. |
| CL3 - Accountability and good governance. | Reviewing delegation annually ensures Council has complied with its legislative responsibility under the <i>Local Government Act 1995</i> . |

12 Chief Community Planner reports

12.1 Draft Economic Development Strategy 2026-2029

| | |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Location | Town-wide |
| Reporting officer | Place Leader (Economic Development) |
| Responsible officer | Manager Place Planning |
| Voting requirement | Simple majority |
| Attachments | <ol style="list-style-type: none">Attachment 1 - Draft Economic Development Strategy 2026-2029 [12.1.1 - 32 pages]Attachment 2 - Draft Economic Development Strategy 2026-2029 Survey Results Summary [12.1.2 - 13 pages]Attachment 3 - Draft Economic Development Strategy 2026-2029 - Changes Highlighted [12.1.3 - 32 pages] |

Summary

The Economic Development Strategy 2026-2029 (the Strategy) has been finalised with amendments informed from input received during the advertised public comment period and is ready for adoption by Council.

Recommendation

That Council adopts the Economic Development Strategy 2026-2029 per Attachment 1.

Background

- The Town has completed a minor review of the Town's expired Economic Development Strategy 2018-2023 to develop a new Strategy through a process of research, refinement and alignment with strategic direction and internal and external priorities.
- A minor review to develop the Strategy involved the below actions.
 - Community engagement through a business perception survey to the local business community;
 - A review of the economic priorities and actions under the Economic Development Strategy 2018-2023 evaluating what should be retained, removed or added to ensure alignment with the economic priorities set in the Town's Strategic Community Plan;
 - An online survey to the Business Advisory Group and Elected Members requesting feedback on the proposed draft Strategy; and
 - An online survey to collect feedback from the local community through public advertising.
- The Strategy outlines a targeted approach to economic development with four proposed key focus areas.
 - Focus Area 1 - Enabling Business Environment: The Town will create an enabling and supportive business environment to nurture business and employment growth.
 - Focus Area 2 - Local and global connections: The Town will foster the growth of local business network connections, local supply chains and expansion into national and global markets.

- c. Focus Area 3 – High Value Sectors: The Town will retain and grow key local industries to create employment and business growth.
 - d. Focus Area 4 - High value places: The Town will attract investment, development and activity to enhance and create high value places.
4. The draft Strategy was presented to Council on 17 March 2026 seeking endorsement to advertise for public comment. Council resolved to endorse publicly advertising the draft strategy subject to:
 - a. Modifying the draft Economic Development Strategy timeline to 2026-2029.
 - b. Including information and questions related to community wealth building principles in the public consultation.
 5. Following Council endorsement, the Town conducted a 21-day public consultation on the draft Strategy from 23 March 2026 to 13 April 2026.

Discussion

6. Through public advertising, the Town sought input from a broad cross-check of stakeholders including community members, business owners, students, residents, and visitors. The survey was promoted via the Town’s social media channels, Business E-newsletter, Community E-newsletter, print media, Business Advisory Group and direct business engagement. A total of 44 survey responses were received.
7. The public consultation broadly supported the strategic direction and approach of the draft Strategy with feedback collected used to inform amendments to the draft Strategy. A summary of the community feedback and resulting amendments to the Strategy are contained in Attachment 2 – Public Advertising Survey Results.
8. Key updates to the Strategy in response to feedback received, as highlighted in Attachment 3, include:
 - a. Added a definition of Community Wealth Building and incorporating actions to the relevant Focus Areas to strengthen local procurement, local employment and support the growth of social enterprises and cooperatives;
 - b. Added an action under Focus Area 1 to investigate establishing a Business Support Concierge Team;
 - c. Added actions that support CWB to Focus Area 1 to facilitate inclusive employment and the growth of local social enterprises and co-operatives;
 - d. Added an outcome and actions under Focus Area 2 that facilitates the growth of local procurement and supply chains;
 - e. Updated the definition of a High Value Sectors under Focus Area 3 to recognise that high value sectors do not only attract high employment and investment but also consist of locally owned businesses that support the growth of local supply chains that retain wealth locally;
 - f. Updated the definition of High Value Places in Focus Area 4 in the Strategy to address feedback that it lacked clarity, specifically to confirm that the term refers to activity centres. It was also refined to highlight that these places are characterised by a mix of locally owned businesses, which contribute to local character, retain wealth within the community, and support the resilience of main streets; and
 - g. Added an outcome to Focus Area 4 that aims to enhance accessibility of commercial tenancies to a range of locally owned businesses.
9. The amended Strategy was presented to the Business Advisory Group for feedback on 29 April 2026 and supported for progressing to Council for adoption.
10. As outlined in Attachment 1 each focus area provides strategic direction for economic development outcomes and actions to deliver the Town’s economic vision and priorities. An Implementation Action Plan will be developed once the Strategy is adopted to define specific projects and initiatives that will deliver against the focus areas and actions undertaken across 2026-2029. The Implementation Action Plan will be reviewed annually to align with the Town’s budget, resourcing and community priorities.
11. Ongoing monitoring and evaluation including the tracking of actions and measurement of outcomes will inform the next Strategy review that will commence in 2028.

Relevant documents

[Town of Victoria Park Economic Development Strategy: Pathways to Growth 2018-2023](#)

Legal and policy compliance

Not applicable.

Financial implications

| | |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Current budget impact | Sufficient funds exist within the annual budget to address this recommendation. |
| Future budget impact | The Strategy will guide the development of an Economic Development Program with a suite of projects and initiatives that will be subject to future budget processes. |

Risk management consideration

| Risk impact category | Risk event description | Risk rating | Risk appetite | Risk Mitigation |
|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|-------------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| Financial | Future budget is not available to deliver outcomes and actions set in the Strategy. | Low | Low | Accept risk by developing an Implementation Action Plan that will be reviewed annually to evaluate and prioritise actions and budget requests. |
| Environmental | Not applicable. | | | |
| Health and safety | Not applicable. | | | |
| Data, Information Technology and Cyber | Not applicable. | | | |
| Assets | Not applicable. | | | |
| Compliance Breach | Not applicable. | | Low | |
| Reputation | The Town cannot deliver on the actions outlined in the Strategy, impacting community trust in the Council's decision making | Minor | Low | TREAT risk through adoption of the Strategy and transparent reporting |
| Service delivery interruption | Delay in adopting strategy could disrupt the development of the Economic Development Program | Low | Medium | TREAT risk by aligning the adoption with planning and budget timelines |

Engagement

| Internal engagement | |
|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Stakeholder | Comments |
| Staff | Presented the Draft Strategy to Service Area Leader Team and Senior Management Team during the development of the Draft Strategy. Following consultation through public advertising, updates and additional actions were incorporated into the Draft Strategy and discussed with Property Development Leasing and Information Systems to determine capacity and appropriateness of the proposed actions. Events, Arts and Funding reviewed the Draft Strategy to inform actions under the Event Plan. |
| Elected Members | Elected Members were provided the Draft Economic Development Strategy and survey through the EM portal during the development of the draft. |
| Communications | Consultation was conducted to promote the draft Strategy to support community engagement and feedback |

| External engagement | |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Stakeholders | Town of Victoria Park residents, business owners, students and visitors |
| Period of engagement | 23 March 2026 to 13 April 2026 |
| Level of engagement | 2. Consult |
| Methods of engagement | Public advertising included an online survey, calls and emails |
| Advertising | Direct emails, social media advertising, print media and online ad in Perth Now Southern, targeted advertising across digital platforms, Business E-newsletters and E-Vibe. |
| Submission summary | See Attachment 2 – Economic Development Strategy Public Advertising Report. |
| Key findings | See Attachment 2 – Economic Development Strategy Public Advertising Report. |

Strategic alignment

| Economic | |
|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Community Priority | Intended public value outcome or impact |
| EC1 - Facilitating a strong local economy. | Adopting the Strategy will provide strategic guidance for the planning and implementation of the Economic Development Program that will help facilitate a strong local economy through supporting businesses and enabling a resilient business environment. |

| | |
|-------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| EC2 - Connecting businesses and people to our local activity centres through place planning and activation. | Adopting the Strategy will provide strategic guidance for the planning and implementation of the Economic Development Program that will help create attractive and resilient places with increased place activation and place investment. |
|-------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

12.2 Initiation of Scheme Amendment for Additional Use

| | |
|----------------------------|---------------------------------------------------------------------------------|
| Location | Lathlain |
| Reporting officer | Planning Officer |
| Responsible officer | Chief Community Planner |
| Voting requirement | Simple majority |
| Attachments | 1. Hidding Urban Planning - Scheme Amendment Report [12.2.1 - 28 pages] |

| | |
|---------------------------------------------------------------|------------------------------------|
| Landowner | Steven Lozyk |
| Applicant | Hidding Urban Planning |
| Application date | 24/04/2026 |
| DA/BA or WAPC reference | Not applicable |
| MRS zoning | Urban |
| LPS2 zoning | Local Centre |
| Previous TPS zoning | Local Centre |
| R-Code density | R-AC4 |
| Use class | 'Fast Food Outlet – Drive Through' |
| Use permissibility | 'X' (prohibited) |
| Lot area | 951m ² |
| Right-of-way (ROW) | Not applicable |
| Municipal heritage inventory | Not applicable |
| Residential character study area/weatherboard precinct | Not applicable |

Surrounding development

The subject site is bound by Orrong Road and Planning Control Area 183 and abutting the City of Belmont municipality. Surrounds in Town of Victoria Park and City of Belmont is low density residential.

Located within a small grouping of commercial tenancies including fast food outlets, a gym, a barber and a massage therapy business.

The intersection of Orrong Road and Francisco Place is a fully signalised intersection, including a dedicated turning lane along the Orrong Road frontage on approach to Francisco Place.

Access to the existing drive-through is obtained via the controlled intersection, with entry from Francisco Place to the drive-through lane and egress either to Orrong Road or returning to Francisco Place.

Recommendation

That Council:

1. In accordance with Section 75 of the *Planning and Development Act 2005* initiates Amendment No. 4 to the Town of Victoria Park Local Planning Scheme No. 2 as follows:

- a. Insert the following into Schedule B: Additional Uses of the Scheme Text:

| No. | Description of land | Additional Use | Conditions |
|-----|--------------------------------------------|-----------------------------------------|----------------------------------------------------------------------------------|
| A21 | No. 158 (Lot 193) Orrong Road, Lathlain | Fast Food Outlet – Drive Through - P | The drive-through component is not to be used between the hours of 12am and 6am. |

- b. Modify the Scheme Map by applying the notation 'A21' to the property at No.158 (Lot 193) Orrong Road, Lathlain

2. In accordance with Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) considers Amendment No. 4 to the Town of Victoria Park Local Planning Scheme No. 2 to constitute a 'standard amendment' for the following reasons:
 - a. Pursuant to Regulation 34(e) of the Regulations, it is considered that the amendment would have minimal impact on the land in the scheme area that is not the subject of the amendment;
 - b. Pursuant to Regulation 34(f) of the Regulations, it is considered that the amendment does not result in any significant environmental, social, economic or governance impact on the land in the scheme area; and
 - c. Pursuant to Regulation 34(g) of the Regulations, it is considered that the amendment is not a complex or basic amendment.
3. In accordance with Section 81 of the *Planning and Development Act 2005*, requests the CEO to submit Amendment No. 4 to the Environmental Protection Authority for review.
4. In accordance with Section 83A of the *Planning and Development Act 2005* requests the CEO to submit Amendment No. 4 to the Western Australian Planning Commission and the Minister for Planning for consent to advertise.

5. Subject to obtaining consent to advertise from the Minister, requests the CEO to advertise Amendment No. 4 for public comments for a period of 42 days in accordance with Regulation 47(3)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, with the following advice being included in all advertising notices and consultation letters circulated:

This proposed Amendment is available for inspection and public comment, and it should not be construed that final approval will be granted. Your written comments are welcome and will be considered by Council prior to a recommendation being made to either proceed, modify or abandon the proposal.

6. Authorises the Mayor and CEO, in accordance with Section 9.49a of the *Local Government Act 2005*, to execute the Amendment No. 4 documents.

Purpose

A formal request has been submitted for Council to amend Local Planning Scheme No. 2 (LPS2) to allow an Additional Use of 'Fast Food Outlet – Drive Through' at No. 158 Orrong Road, Lathlain (subject site). The land use of 'Fast Food Outlet – Drive Through' is currently an 'X' (prohibited) land use in a 'Local Centre' zone under LPS2.

Council is required to assess the merits of amending LPS2 as requested by the applicant and resolve to either initiate a Scheme Amendment or not.

Background

1. The subject site was first granted approval in 2004 (DA 03/0777) under the former Town Planning Scheme No. 1 (TPS 1) as a 'Fast Food Outlet' with the approval relating to the construction of the purpose built building including a drive-through facility. The land was zoned Local Centre and 'Fast Food Outlet' was a 'P' (permitted) use. The definition of 'Fast Food Outlet' under TPS1 is outlined below, which allowed for a drive through facility -
2. *'premises where food is prepared and sold to be taken away; or for consumption on those or adjacent premises if the operation of the premises is likely to attract considerable vehicular traffic to those premises for short periods'*.
3. Following the approval for the building, additional signage was approved in 2004 (DA 03/0777B).
4. Additions to the subject site were approved in 2018 (DA 5.2018.23.1) relating to an ablution block and verandah over the doors of the existing building.
5. The subject site operated as various food businesses which utilised the drive-through until March 2020 and the COVID-19 pandemic. During the COVID-19 pandemic, the subject site was repurposed as a drive-through testing facility operated by Clinipath Pathology, with the Minister's Notice of Exemption from Planning Requirements During State of Emergency permitting *"use/works on land for: medical or health-related activities associated with COVID-19"* without requiring development approval. The lease for the drive through testing facility expired in 2025.
6. In December 2024 the Town adopted Local Planning Scheme No. 2 (LPS 2) which includes two separate land use definitions for 'Fast Food Outlet' and 'Fast Food Outlet – Drive Through' with the former being a 'P' (permitted) use and 'Fast Food Outlet – Drive Through' being an 'X' (prohibited) use.
7. Earlier this year the Town received enquiries from a potential tenant around the use of the existing building as a Fast Food Outlet including a drive-through component. The Town's Officers advised that a Fast Food Outlet – Drive Through is a 'X' (prohibited) use under LPS 2.

8. As the property was not used as a 'Fast Food Outlet' with drive-through from March 2020 to present and more than 6 months have lapsed, there are no non-conforming use rights that would have otherwise allowed the drive-through component to continue.
9. Accordingly, a Scheme Amendment request has been received from Hidding Urban Planning, acting on behalf of the landowner to permit the site to be used as 'Fast Food Outlet – Drive Through' so as to allow the existing drive-through facility to be used (see photos below) -



Photographs 1 – 4: Existing Building & Drive Through Infrastructure

Applicant's submission

10. A report has been prepared and submitted by Hidding Urban Planning in support of their request (see Attachment 1).
11. The applicant seeks Council's support to amend LPS2 to include the additional use of 'Fast Food Outlet – Drive Through' for the subject site.
12. The applicant's report (see Attachment 1) contends that the Amendment will address an anomaly
13. *"whereby the purpose-built, approved drive-through premises that historically operated as such under TPS 1 is now unable to operate its drive-through component under LPS 2 despite no change to the site's physical form or functional design."*
14. The report contains detailed justification to support the Scheme Amendment inclusive of the following

"Consistency with strategic and scheme objectives:

- (i) The site sits within an existing neighbourhood/local activity centre in the Local Planning Strategy, which informed the preparation of LPS 2 and the retained the Local Centre zone.*
- (ii) Facilitating the re-use of this purpose built premises for local convenience based services is consistent with the Strategy's objectives to protect and enhance the character and function of the established centres.*
- (iii) The proposal does not intensity the bulk or scale and retains the existing built form, supporting centre vitality while maintaining the intended neighbourhood-serving role of the zone.*

Site-specific suitability and unique configuration:

- (i) *The premises and lot layout are specifically designed for a drive-through fast-food operation, with on-site queuing, circulation, and egress already established. The proposal enables adaptive re-use of the existing, purpose-built facility, avoiding demolition and reducing construction waste.*
- (ii) *The site is surrounded by road network, with a primary frontage to Orrong Road (Other Regional Road) and signalised access via Francisco Place. This configuration is atypical of most Local Centre locations (which commonly front local access streets) and is well aligned with the operational and access characteristics of a drive-through use. It leverages established vehicle movement systems and signalised access, removing any need for additional infrastructure or network modification.*
- (iii) *In LPS 2, 'fast food outlet – drive-through' is capable of being considered for approval in the 'Mixed Use' and 'District Centre' zones, which are mainly located on higher-order roads. The subject site similarly fronts Orrong Road, an Other Regional Road reserve, thereby meeting the same transport context that underpins permissibility in these other commercial zones.*
- (iv) *A site-specific Additional Use is appropriate for the land, as it responds to the unique circumstances of the land without creating a precedent for other Local Centres in the area, which are mostly found embedded within residential areas and fronting local access roads.*

Traffic, access, and safety:

- (i) *Access and egress are obtained via a fully signalised intersection, with existing turn lanes and on-site circulation designed to accommodate drive-through movements.*
- (ii) *The proposal introduces no new crossovers, does not alter the internal circulation approved for the site, and does not encroach into PCA 183.*
- (iii) *Operational conditions (e.g., queue management, delivery/waste collection times) are existing and will continue to provide for efficient and safe management of vehicle movements without any adverse impact on the surrounding network.*

Amenity and interface management:

- (i) *The Local Centre supports a complementary mix of convenience services opposite the site, such as a fitness gym, barber, massage therapy, and takeaway food outlets, which provides an appropriate interface and amenity to enable the continued use of the land for fast food with a functional drive-through service without any adverse impact.*
- (ii) *With the site bound by Orrong Road and other roads servicing the commercial location and it being developed with an established commercial character in an area which shares its interface with other local commercial uses, the continued use of this site for its purpose-built function will have no impact on this area.*

Appropriate statutory mechanism:

- (i) *Introducing an additional use to LPS 2 to recognise the approved use and function of this site is the appropriate statutory mechanism to apply in order to acknowledge the site's unique configuration and historic approval while safeguarding the Local Centre objectives elsewhere."*

Relevant planning framework**Legislation**

- **Planning and Development Act 2005**
[Planning and Development Act 2005 - \[04-af0-00\].pdf](#)
- **Planning and Development (Local Planning Schemes) Regulations 2015**
[Planning and Development \(Local Planning Schemes\) Regulations 2015 - \[00-s0-00\].pdf](#)
- **Local Planning Scheme No.2 (LPS2)**
[town-of-victoria-park-local-planning-scheme-no2-scheme-text](#)

| | |
|------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>State Government policies, bulletins or guidelines</p> | <ul style="list-style-type: none"> • Planning Control Area 183 Planning control areas • State of Emergency – Clause 78H Notice of Exemption From Planning Requirements During State of Emergency (April 8th) • Clause 78H Notice of exemption from planning requirements during state of emergency |
| <p>Local planning framework</p> | <ul style="list-style-type: none"> • Local Planning Scheme No.2 town-of-victoria-park-local-planning-scheme-no2-scheme-text • Strategic Community Plan strategic-community-plan • Local Planning Policy 3 ‘Non-Residential Uses In or Adjacent to Residential Areas’ local-planning-policy-3-non-residential-uses-in-or-adjacent-to-residential-areas • Local Planning Policy 37 ‘Community Consultation on Planning Proposals’ Local Planning Policy No. 37 ‘Community Consultation on Planning Proposals’ |

General matters to be considered

| | |
|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>LPS2 Local Centre Zone Objectives</p> | <p>The following objectives for the Local Centre zone contained within LPS2 are relevant to consideration of the application -</p> <ul style="list-style-type: none"> • <i>To facilitate a mix of land uses that service the day to day needs of the immediate neighbourhood.</i> • <i>To facilitate developments of a scale that contribute to the desired local character of the local centre, and which do not adversely impact on adjoining residential areas.</i> • <i>To provide a focus for medium density housing.</i> • <i>To encourage high quality, pedestrian friendly, street orientated developments.</i> • <i>To ensure the design and landscaping of developments provide a high standard of safety, convenience and amenity, and contribute towards a sense of place and community.</i> |
| <p>Local planning policy objectives</p> | <p>The following objectives of Local Planning Policy 3 ‘Non-Residential Uses In or Adjacent to Residential Areas’ are relevant in determining the application -</p> <ul style="list-style-type: none"> • <i>to ensure non-residential uses are compatible with the residential character, scale and amenity of surrounding residential properties;</i> • <i>to provide for non-residential uses which serve the needs of the community;</i> • <i>to encourage the re-use of existing purpose built non-residential buildings for a mix of appropriate local convenience/service and commercial uses</i> |

where it results in an economically viable use of the building and provides a service to the community;

- to minimise the impacts of non-residential development through appropriate and sufficient management of car parking and traffic generation, noise, visual amenity and any other form of emissions or activities that may be incompatible with surrounding residential uses;
- to ensure that the appearance and design of non-residential development is compatible with surrounding residential properties and the streetscape in terms of building size and scale, the provision of adequate landscaping treatments, the retention of existing mature trees and the suitable design and location of advertising signage;
- to maintain and enhance the amenity of residential environments through ensuring appropriate landscaping treatments, location of car parking and vehicular access legs, and the protection of visual privacy when considering applications for non-residential development;
- to avoid the concentration of non-residential uses where it would create a de-facto commercial area, isolate residential properties or contribute to the unplanned expansion of commercial or mixed use zones into surrounding residential zoned land.

Financial implications

| | |
|------------------------------|-----|
| Current budget impact | Nil |
| Future budget impact | Nil |

Planning Assessment

15. The proposal seeks to continue the historical use of a purpose-built fast food premises with a drive through component that operated on the site from 2004 to 2020 but then ceased during the COVID-19 pandemic.
16. While the adoption of Local Planning Scheme No. 2 altered the permissibility of "Fast Food Outlet – Drive Through" within the Local Centre zone, the request for an Additional Use is considered an appropriate statutory mechanism to recognise the site's unique circumstances and established operational history.
17. The proposal does not involve intensification of development, expansion of built form, or material changes to access and servicing arrangements.
18. On balance, the proposal is considered generally consistent with the objectives of the Local Centre zone and Local Planning Policy 3 – as discussed below.

| | |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| LPS2 Local Centre Zone Objectives | <p>Facilitates local convenience and day-to-day services</p> <ul style="list-style-type: none"> • The proposal supports the continued operation of a convenience-based food premises within an established Local Centre. |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

- The site has historically operated as a fast food premises with a drive through component since approval in 2004 and has continued to function as a convenience-oriented commercial site.
- The proposal enables the adaptive re-use of an existing purpose-built commercial building and supports continued service provision to the surrounding neighbourhood.
- The additional use is considered consistent with the Local Centre objective to facilitate a mix of land uses servicing the day-to-day needs of the immediate neighbourhood.

Scale and impact on surrounding residential areas

- The proposal does not involve any expansion of the approved building footprint, increase in height, or intensification of built form.
- The existing drive through circulation, queueing arrangements, access points and servicing areas were designed and approved for this purpose and remain unchanged.
- The subject site occupies a highly modified commercial interface adjoining Orrong Road and Francisco Place, rather than being centrally embedded within a residential street network.
- Given the site's orientation to an Other Regional Road and separation from residential properties by existing road infrastructure and commercial activity, the proposal is not considered to result in unreasonable amenity impacts on adjoining residential land.
- The proposal is therefore considered consistent with the objective to facilitate development of a scale compatible with the local character while avoiding adverse impacts on surrounding residential areas.

Pedestrian friendly and street orientated development

- The proposal relates to the continuation of use within an existing building and does not alter the established built form or pedestrian interface of the site.
- The building maintains presentation to the street and forms part of an existing commercial area featuring complementary convenience and service-based businesses.
- While drive through developments can present reduced pedestrian activation outcomes compared with traditional shopfront development, the existing development was purpose-built and approved in this format under previous planning controls.
- The proposal does not diminish the existing pedestrian environment or alter the established relationship of the building to the streetscape.

Safety, convenience and amenity

| | |
|------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <ul style="list-style-type: none"> • The existing vehicle access arrangements utilise a signalised intersection and established internal circulation network designed to accommodate drive through movements. • No new crossovers, access points or circulation changes are proposed. • The continued use of the site for a drive through operation is unlikely to generate impacts beyond those historically associated with the lawful operation of the premises. • Landscaping, access and servicing arrangements are already established and the proposal does not adversely affect the overall amenity or functionality of the Local Centre. |
| <p>Local planning policy objectives</p> | <p>Compatibility with residential character and amenity</p> <ul style="list-style-type: none"> • The site is located within an established commercial area and interfaces primarily with major road infrastructure and surrounding commercial uses. • The proposal relates to the continuation of a long-established commercial use on a purpose-built site rather than the introduction of a new or incompatible land use into a residential area. • The surrounding locality already accommodates a range of non-residential and convenience-based uses, including takeaway food outlets, personal services and fitness-based businesses. • Due to the site's configuration, orientation and established commercial context, the proposal is not considered likely to adversely affect the residential character or amenity of nearby properties. <p>Provision of community services</p> <ul style="list-style-type: none"> • The proposal supports the continued operation of a local convenience food premises capable of servicing the surrounding community. • The retention and occupation of the existing building promotes activation and ongoing economic use of the site within the Local Centre. • The proposal aligns with the policy objective of providing non-residential uses that serve community needs. <p>Re-use of Existing Purpose-Built Buildings</p> <ul style="list-style-type: none"> • The subject site was specifically designed and previously approved for fast food drive through operations. • The proposal facilitates the adaptive re-use of the existing purpose-built building without requiring substantial redevelopment or demolition. • Continued use of the existing infrastructure supports efficient land use outcomes and reduces unnecessary construction waste. • The proposal is aligned with the policy objective encouraging the re-use of existing purpose-built non-residential buildings where they provide an economically viable use and community service function. |

Traffic, parking and access management

- The site benefits from established vehicle access arrangements via a signalised intersection and existing internal circulation designed for drive through activity.
- No additional crossovers or significant changes to traffic movement patterns are proposed.
- The drive through component has historically operated from the site for an extended period without evidence of unacceptable traffic or safety impacts.
- Existing on-site queueing and circulation arrangements are capable of accommodating the proposed use.
- Subject to ongoing operational management, the proposal is considered consistent with the policy objective of minimising impacts associated with traffic generation and vehicle movements.

Visual amenity and built form compatibility

- No external building additions or substantial alterations are proposed as part of the amendment request.
- The existing built form, landscaping and signage arrangements are established within the streetscape context.
- The proposal does not increase building bulk or scale and retains the established commercial presentation of the site.
- As no material built form changes are proposed, the visual impact of the development remains consistent with the existing character of the locality.

Landscaping, access and residential interface

- Existing landscaping, parking and vehicular access arrangements remain unchanged.
- The proposal does not introduce additional encroachment toward adjoining residential properties or alter established setbacks and access patterns.
- The site's orientation toward Orrong Road and surrounding road infrastructure assists in reducing direct amenity impacts on nearby residential interfaces.

Avoidance of unplanned commercial expansion

- The proposal seeks a site-specific Additional Use recognising the unique historical approval and physical characteristics of the site.
- The amendment does not propose broader changes to the zoning framework or permissibility of drive through uses within the Local Centre zone generally.
- The applicant has demonstrated that the site possesses unique characteristics, including direct frontage to an Other Regional Road, signalised access arrangements and a purpose-built drive through

layout not typically associated with Local Centres embedded within residential neighbourhoods.

- Accordingly, the proposal is not considered to create an undesirable precedent or contribute to the unplanned expansion of commercial activity into surrounding residential areas.

19. Having regard to all of the above, the Officers consider there is significant merit in amending the Scheme as requested by the applicant.

20. While not proposed by the applicant, the Officers recommend that a condition be applied to the Additional Use that the drive-through component is not to be used between the hours of 12am and 6am. This is to protect the amenity of the nearby residential properties, and noting that the premises could be used for fast food purposes with drive-through by a range of different operators from small independent operators to large multi-national fast food chains. In this context, while the amenity of the adjacent residential properties is already affected by the location close to Orrong Road, it is considered reasonable that the level of residential amenity not be further eroded by allowing the drive-through facility to be used between 12am and 6am.

Risk management considerations

| Risk impact category | Risk event description | Risk rating | Risk appetite | Risk Mitigation |
|---------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|---------------|----------------------------------------------------------------------------------------------------|
| Financial | Not applicable | | | |
| Environmental | Not applicable | | | |
| Health and safety | Not applicable | | | |
| Infrastructure/ICT Systems/ Utilities | Not applicable | | | |
| Legislative Compliance | Not applicable | | | |
| Reputation | Not supporting the Scheme Amendment for approval may result in negative community sentiment as it may mean the owner is unable to find a suitable tenant for the premises. | Minor | Low | Supporting the Scheme Amendment and allowing for continued use of the purpose-built drive through. |
| Service Delivery | Not applicable | | | |

Engagement

Internal Engagement

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|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Place Planning | <p>Support</p> <p>The decision to include a separate land use definition of 'Fast Food – Drive Through' and apply an 'X' use class for Local Centres under LPS2 has the intent of prohibiting drive through facilities in local centres throughout the Town generally but did not give specific consideration to this local centre or site.</p> <p>For 158 Orrong Road, there is no objection to the proposed Scheme Amendment because of the site's context, including that:</p> <ul style="list-style-type: none"> • Unlike most Local Centres it is located on a Primary Regional Road. • The historical use resulting in the existing built form and access being specifically designed to accommodate drive through uses. • It is unlikely to have a material impact on the amenity of the surrounding neighbourhood. |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

External Engagement

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| Community Consultation | <p>Should Council initiate Amendment No. 4, it will be necessary for the Town to -</p> <ol style="list-style-type: none"> (a) Refer the Scheme Amendment to the Environmental Protection Authority for review; and (b) Refer the Scheme Amendment to the Western Australian Planning Commission for consent to advertise; and (c) Subject to (b), advertise the Scheme Amendment for public comments. <p>It is intended that community consultation will proceed in accordance with Council's Local Planning Policy No. 37 - Community Consultation on Planning Proposals. Consultation will occur for a minimum duration of 42 days, including:</p> <ul style="list-style-type: none"> • Public notices; • Online advertising (Your Thoughts); • Direct letters to nearby landowners and tenants; and • Public inspection (Admin/Library); |
|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Strategic alignment

| Economic | |
|---------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Strategic outcome | Intended public value outcome or impact |
| EC2 – Attracting businesses and people to local activity centres through place planning and activation. | Amending the Scheme to permit use of the site as 'Fast Food – Drive Through' will enable development that positively contributes to commerce, employment and desirable place outcomes. Without the Amendment being supported it is expected that the building may remain vacant as it would be difficult to attract a tenant to use the site as a Fast Food Outlet without use of existing drive-through infrastructure. |

12.3 Technology Park Scheme Amendment Community Consultation Responses

| | |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Location | Bentley |
| Reporting officer | Planning Officer |
| Responsible officer | Manager Development Services |
| Voting requirement | Simple majority |
| Attachments | <ol style="list-style-type: none">1. Technology Park Scheme Amendment [12.3.1 - 214 pages]2. Ordinary Council Meeting 16 September 2025 Minutes [12.3.2 - 9 pages]3. Town of Victoria Park Local Planning Scheme No.2 Amendment No. 3 - Schedule of Submissions [12.3.3 - 10 pages]4. Submission Summary Response from Applicant (2) [12.3.4 - 3 pages] |

Summary

This report presents the outcomes of community consultation for Amendment No. 3 to Local Planning Scheme No. 2, which seeks to extinguish restrictive covenants affecting land within Bentley Technology Park, and requests Council's endorsement to support the Amendment without modification.

Recommendation

That Council:

1. Notes the submissions received in respect to Amendment No. 3 to the Town of Victoria Park Local Planning Scheme No. 2 and endorses the Officer responses to those submissions as contained within this report, in accordance with Regulation 50(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Supports Amendment No. 3 to Local Planning Scheme No. 2 without modification, pursuant to Regulation 50(3)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to insert the following sub-clause (3) under Clause 35 – Restrictive Covenants to extinguish restrictive covenants affecting land within SU1 – Technology Park, Bentley -

“(3) A restrictive covenant affecting land in SU1 – Technology Park, Bentley depicted in Schedule D – Special Use Zones that has the effect of restricting sale, lease, subdivision, land use, construction, building height, fencing, parking or materials which may be developed on the land is extinguished.

Note: The owner of land affected by a restrictive covenant which is extinguished by operation of this clause should apply to the Registrar of Titles under the Transfer of Land Act 1893 for a memorandum of the discharge of the restrictive covenant to be entered on the certificate of title, to ensure that the Register reflects the statutory operation of this local planning scheme.”

3. Authorises the Chief Executive Officer to submit Amendment No. 3 to the Western Australian Planning Commission for final approval and Ministerial consent.
4. Requests the Chief Executive Officer to advise submitters of the Council's decision.

Background

1. Council previously resolved to initiate Amendment No. 3 to Local Planning Scheme No. 2 to extinguish restrictive covenants affecting land within Bentley Technology Park (BTP) at the Ordinary Council Meeting on 16 September 2025. The Amendment was classified as a 'standard amendment' under the *Planning and Development (Local Planning Schemes) Regulations 2015*. For further information on the background of the previous Council decision, please see the previous Council Minutes at Attachment 3.
2. Consent to advertise the Amendment was granted by the Western Australian Planning Commission and the Minister for Planning (or delegate). Community consultation was undertaken in accordance with statutory requirements and Local Planning Policy No. 37 – Community Consultation on Planning Proposals.
3. The consultation period occurred between 18 March 2026 and 5 May 2026 for a total of 49 days. A total of 10 submissions were received during the advertising period.

Discussion

4. The proposed Amendment seeks to remove restrictive covenants that currently apply to land within Bentley Technology Park, which are considered outdated and inconsistent with contemporary planning frameworks. Of the 10 submissions received, 6 supported the Amendment, 2 objected, and 2 neither supported nor objected. Submissions in support indicated that the restrictive covenants are no longer relevant, are overly restrictive, and are limiting development opportunities within the precinct.
5. Neutral submissions, including that from Western Power, raised no objection to the Amendment but highlighted the need to consider infrastructure capacity and ensure appropriate coordination at the development stage.
6. Objections primarily raised concerns relating to building height, interface impacts with adjoining residential areas, and potential loss of privacy and amenity. One submission expressed concern regarding potential traffic impacts, parking pressures, and the absence of defined buffer treatments between residential and commercial land uses. Concerns were also raised regarding the potential introduction of residential uses within the precinct and a perceived reduction in development control following removal of the covenants.
7. It is noted that the Amendment does not introduce or amend land use permissibility, built form controls, or building height provisions, which are managed through the Local Planning Scheme and future planning processes such as the Precinct Structure Plan (note, draft Precinct Structure Plan is currently being advertised for public comments) and development applications.
8. Matters relating to traffic, building height, privacy, and interface treatments are not determined through this Amendment and will be addressed at later planning stages where detailed assessments and technical reports are required. The removal of restrictive covenants will eliminate duplication between outdated private controls and contemporary statutory planning mechanisms, thereby improving clarity and efficiency in planning decision-making.

9. No objections were received from servicing authorities, and Western Power confirmed no objection to the Amendment subject to standard development considerations. The Amendment is consistent with the Town's strategic planning framework and supports the development of Bentley Technology Park as a specialised activity centre of regional significance. It is considered that the concerns raised in submissions do not warrant modification to the Amendment, as they relate to matters outside the scope of the proposed Scheme Amendment.
10. Should Council support the Amendment, it will be forwarded to the Western Australian Planning Commission and Minister for Planning for final determination, and submitters will be notified of Council's decision.

Legal and policy compliance

- [Planning and Development Act 2005](#) – Part 5 (Local Planning Schemes)
- [Planning and Development Regulation 2015](#) – Part 5 (Amending Local Planning Scheme)

Financial implications

| | |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Current budget impact | Nil |
| Future budget impact | It is anticipated that the proposed modifications to the planning framework will result in a modest increase in applications for Development Approval submitted to the Town. This in turn, will likely result in a slight increase in revenue from application fees. |

Risk management consideration

| Risk impact category | Risk event description | Risk rating | Risk appetite | Risk Mitigation |
|----------------------------------------|-----------------------------------------|-------------|---------------|------------------------------------------------------------------|
| Financial | N/A | | | |
| Environmental | N/A | | | |
| Health and safety | N/A | | | |
| Data, Information Technology and Cyber | N/A | | | |
| Assets | N/A | | | |
| Compliance Breach | N/A | | | |
| Reputation | Not supporting the Scheme Amendment for | Low | Low | TREAT risk by supporting the Scheme Amendment for final approval |

| | |
|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| | final approval may result in negative community sentiment particularly when the majority of public submissions were supportive. |
| Service delivery interruption | N/A |

Engagement

| Internal engagement | |
|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Stakeholder | Comments |
| Place Planning | <p>Support.</p> <p>The restrictive covenants are obstructive to achieving the vision and objectives set out for the Bentley Technology Park precinct, as outlined in the Town's Local Planning Strategy (2022) and the State's Bentley-Curtin Specialised Activity Centre Plan (2018).</p> <p>Concerns are regularly received from landowners (and prospective landowners) that the covenants are inhibiting development investment in Technology Park. This suggests the covenants are inhibiting the achievement of objectives set out in the Town's Economic Development Strategy.</p> |

| External engagement | |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Stakeholders | Landowners, residents, agencies, general public |
| Period of engagement | 18 March 2026 – 5 May 2026 |
| Level of engagement | 2. Consult |
| Methods of engagement | Written submissions, online platform (Your Thoughts), public notices |
| Advertising | Newspaper notice, Town website, letters to landowners, library display |
| Submission summary | 10 submissions received: 6 support, 2 objection, 2 neutral |
| Key findings | Submissions received during the advertising period indicate a general level of support for the proposed removal of restrictive covenants, with many submitters acknowledging that the covenants are outdated and no longer aligned with |

contemporary planning objectives. Supportive submissions emphasised that the Amendment would reduce unnecessary regulatory duplication and facilitate improved development outcomes within Bentley Technology Park.

Submissions that did not object to the Amendment, including agency feedback, primarily identified matters for consideration at later stages, such as infrastructure capacity, servicing, and coordination with development proposals. These submissions did not raise concerns with the intent or merit of the Amendment itself.

Objections and concerns raised by submitters largely related to potential future development impacts, including building height, bulk and scale, traffic generation, parking pressures, and the interface between the Technology Park and adjoining residential areas. Additional concerns included privacy, overshadowing, and the absence of clearly defined buffer treatments.

It is noted that these concerns relate to matters that are not determined through the proposed Scheme Amendment, but rather through subsequent planning processes such as the Precinct Structure Plan and development application stage, where detailed design, land use, and technical considerations are assessed.

Submissions are summarised and responded to in Attachment 3 – Town of Victoria Park Local Planning Scheme No.2 Amendment No. 3 Schedule of Submissions. The applicant of the Scheme Amendment, TBB Planning, has also provided their own response to the provided submissions found in Attachment 4 - Submission Summary Response from Applicant.

Strategic alignment

| Environment | |
|------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Community Priority | Intended public value outcome or impact |
| EN5 - Enhancing and enabling liveability through planning, urban design and development. | The proposed Amendment will remove 'red tape' around development regulations in Technology Park, enabling better planning provisions, much more catered to the present and future design and development in the area, prompting enhanced planning outcomes for the local area. |

13 Chief Operations Officer reports

13.1 Basinghall Street Parking changes - Adjacent Southbank Montessori Childcare Centre

| | |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| Location | East Victoria Park |
| Reporting officer | Acting Manager Technical Services |
| Responsible officer | Chief Operations Officer |
| Voting requirement | Simple majority |
| Attachments | 1. Attachment 1 - Drawing No 10829 Parking Restrictions Layout 1 - Moorgate Street & Basinghall Street [13.1.1 - 1 page] |

Summary

Parking restriction changes are proposed at the intersection of Moorgate Street and Basinghall Street to enact road works changes that occurred in 2025. As result of safety issues identified for pedestrians and the need to allocate 2 X 15 minute, short stay, high turnover bays onsite, Council approval is required in accordance with the Town's Vehicle Management Local Law 2021

Recommendation

That Council:

1. Approves the changes to existing parking restrictions on Basinghall Street and Moorgate Street, East Victoria Park, as indicated in Attachment 1.

Background

1. In August 2025 the Town undertook civil works at the intersection of Basinghall Street and Moorgate Street to install a raised plateau treatment as part of State Blackspot Funding. These works triggered a need to modify parking restriction signage onsite.
2. Council is required to approve changes to existing parking restrictions under the Towns *Vehicle Management Local Law 2021*.
3. Clause 54 in the Town's Vehicle Management Local Law 2021 - Determination of parking zones , section 2(b) requires the the local government, by resolution, may constitute any land, structure, section or part of a thoroughfare or public reserve as a parking zone. In this case, the parking zone refers to existing on-street parking spaces in front of 20 & 18 Basinghall Street being changed from unrestricted parking to formal 15 minute allocated bays.
4. Town staff met with the operators of Southbank Montessori school at 18 Basinghall Street and Nurture & Nature Private Preschool at 17 Basinghall Street on the 11 September 2025, who were informed of on-street parking restrictions changes necessary to provide appropriate clearances at the intersection where pedestrians were required to cross.
5. Upon completion of a MRWA Blackspot project at the intersection of Moorgate Street with Basinghall Street, a post installation Road Safety Audit was conducted in November 2025.
6. The Road Safety Audit findings deemed parking restrictions along Basinghall Street as "inappropriate" given they conflicted with a newly installed pedestrian crossing on the north-east bound approach to the intersection. Several drivers were also observed not complying with Part 12, Division 3 of the Road Traffic Code, parking across the pram ramp located in front of 18 Basinghall Street.

7. As a result of vehicles blocking the pedestrian crossing two existing 1/4P 8.00am to 8.00pm on-street parking bays between 14a Basinghall Street and 20 Basinghall Street will be removed to provide suitable sightline visibility at the pram ramp crossing

Discussion

8. Prior to the works to install a raised intersection plateau the nearest crossing for pedestrians was approximately 125m to the east, from the intersection of Moorgate Street along Basinghall Street. The new crossing for pedestrians in front of 18 Basinghall Street, provides improved connectivity and a more direct route to on-street parking on Moorgate Street.
9. The plan proposes the following key changes;
 - a. No stopping restrictions currently between 12 and 14 Basinghall Street will extend to 18 Basinghall Street to provide coverage up to the pedestrian crossing point
 - b. 1/4P Mon – Fri (7am – 9am, 4pm – 6pm) will be implemented for 2 on-street parking bays in front of properties 18 and 20 Basinghall Street.
10. The purpose of time restriction changes on weekdays, during peak periods allows for higher parking turnover for parents dropping off/picking up children, whilst also allowing parking for residents outside high demand periods.

Relevant documents

'Not applicable'.

Legal and policy compliance

[Vehicle Management Local Law 2021](#)

Financial implications

| | |
|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Current budget impact | Sufficient funds exist within the annual budget to address this recommendation. Costs to install new signage and modify existing is anticipated to be less than \$1000. An Operating account managed by the Parking and Rangers will be used to expedite the works. |
| Future budget impact | NIL <i>applicable</i> . |

Risk management consideration

| Risk impact category | Risk event description | Risk rating | Risk appetite | Risk Mitigation |
|----------------------|------------------------------------------------------------------------------------------|-------------|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Financial | NIL | | Low | NIL |
| Environmental | NIL | | Medium | NIL |
| Health and safety | Parking in front of pedestrian crossings blocks the pathway for Pedestrians who are then | Medium | Low | Treat risk – Whilst the intersection has been improved with a raised plateau treatment its important to implement the parking changes as proposed. This is predominantly |

| | | | | |
|----------------------------------------|-------------------------------------------------------------------------|--------|--------|-------------------------------------------------------------------------------------------------------------------------------------------|
| | forced to use other locations where there are no designated facilities. | | | to restrict parking in front of the pedestrian pram ramp crossing. |
| Data, Information Technology and Cyber | | Medium | | |
| Assets | | Medium | | |
| Compliance Breach | Signs contrary to legal requirement and difficult to enforce onsite | Medium | Low | Treat risk – Install signage to ensure motorists are aware of their legal obligations. Any infringements imposed will easily be justified |
| Reputation | | | Low | |
| Service delivery interruption | Delay in modifying signs as result of Local law requirements | Medium | Medium | Accept risk – Changes are pending this report. No high risk matters were identified in the road safety report. |

Engagement

| Internal engagement | |
|---------------------|---------------------------------------------------------------------------------------------------------------------------|
| Parking and Rangers | The Town's Parking and Rangers business unit has been engaged and is supportive of the recommendation within this report. |

| External engagement | |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Stakeholders | Representatives and business owners of the Southbank Montessori |
| Period of engagement | Meeting held on the 11 September 2025 |
| Level of engagement | 1. Inform |
| Methods of engagement | Face to face site meeting to discuss concerns and proposed changes |
| Advertising | Letter drop will occur, post Council resolution |
| Submission summary | NIL |
| Key findings | Independent road safety audit sought to rectify item 2, noted as a "moderate risk" in the report which suggests the following; Modify the parking restrictions to ensure that Crossing Sight Distance in accordance with (Austroads Guide) AGRD Part 4A (2017) is achieved. |

Strategic alignment

| Civic Leadership | |
|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Community Priority | Intended public value outcome or impact |
| CL3 - Accountability and good governance. | Signage proposed will allow for higher turnover parking opportunities for those patrons picking up/dropping off children near the childcare facilities on Basinghall Street and restrict parking to improve sight lines at the existing pedestrian crossing. |

13.2 Oats Street / Shepperton Road - Western Power Easement

| | |
|----------------------------|------------------------------------------------------------------------------------|
| Location | East Victoria Park |
| Reporting officer | Property Development and Leasing Manager |
| Responsible officer | Chief Operations Officer |
| Voting requirement | Simple majority |
| Attachments | 1. Survey plan for Lot 22 Plan 56869 & 121 Deposited Plan 45784 [13.2.1 - 2 pages] |

Summary

In December 2021, Council approved the Town entering into negotiations with Western Power for an agreement to construct underground infrastructure on Town land to support delivery of elements of the METRONET Level Crossing Removal (LXR) Project. This paper seeks Council approval to accept a revised compensation payment from the Perth Transport Authority (PTA) for Western Power infrastructure installed on Town owned land. Negotiations around an easement agreement has reached an impasse, despite Office of Major Transport and Infrastructure Delivery assisting with negotiations.

Recommendation

That Council:

1. Accepts the revised compensation offer of an additional \$261,500 (plus GST) from the Perth Transport Authority (PTA) for Western Power infrastructure located on Lot 22 and Lot 121 Shepperton Road, East Victoria Park, associated with the METRONET Level Crossing Removal Project.
2. Accepts that the funds are in addition to the previously agreed amount of \$347,500 (plus GST), bringing the total compensation to \$609,000 (plus GST).
3. Notes that, the Town has been unable to reach agreement with Western Power on the terms of an easement deed, and as such no easement will be executed and that Western Power has confirmed that an easement is not required for the 132kV infrastructure and that it will rely on its statutory powers to access and maintain the infrastructure.
4. Allocates the total compensation amount to the Future Projects Reserve.
5. Notes that the proceeds, and reserve allocation, will be recognised in the 2026/27 budget.

Background

1. On 14 December 2021 Council passed a resolution (312/2021) to enter into an agreement with the State Government to allow Western Power underground works (associated with the METRONET LXR project) to proceed in various locations across the Town.

That Council:

1. Approves the grant of the following easements to Western Power, subject to a written agreement being entered into between the Town and the Public Transport Authority providing for the payment to the Town of \$347,500 (plus GST) with 50% paid upfront and 50% paid upon registration of the easement:

(a) A Western Power easement of approximately 72sqm of Lot 121 Shepperton Road, East Victoria Park and 217sqm of Lot 22 Shepperton Road as per attachment 1

(b) A Western Power easement of approximately 1045sqm of Lot 311 Somerset Street, East Victoria Park as per attachment 2

2. *Authorises the Mayor and Chief Executive Officer to execute the documentation required to give effect to point 1 above.*
 3. *Allocates the \$347,500 (plus GST) compensation payment referred to in 1 above to the Future Projects Reserve for the purpose of undertaking the future Oat Street Precinct Structure Planning project.*
2. The agreement facilitated the construction of Western Power infrastructure on Town-owned land, on the understanding that easements would be created over the affected areas in the future and that compensation would be paid to the Town.
 3. An upfront payment has been received of \$173,450 (plus GST).

Discussion

4. During underground construction works undertaken in 2023, Western Power altered the alignment of underground power infrastructure without obtaining the Town's approval for changes to the agreed easement alignment. This resulted in changes to the location of above ground infrastructure on Town owned land at Shepperton Reserve, impacting Lot 22 and Lot 121 Shepperton Road, East Victoria Park.
5. As a result, the required easement area increased to encompass the installed infrastructure. In May 2024, the Public Transport Authority (PTA) provided updated easement plans identifying revised land requirements. Compared with the original 2021 calculations, the revised easement areas increased by 96 sqm on Lot 22 and 156 sqm on Lot 121, as summarised below.

| | 2021 Easement Area | 2024 Easement Area |
|----------------|--------------------|--------------------|
| Lot 22 | 217 sqm | 313 sqm |
| Lot 121 | 72 sqm | 228 sqm |
| Lot 311 | 1045 sqm | 1045 sqm |
| TOTAL | 1334 sqm | 1586 sqm |

6. Following negotiations, the State Government approved additional compensation to reflect the increased infrastructure footprint (252sqm) on Town land impacted by infrastructure installed outside of the originally agreed easement footprint during construction works.
7. In July 2024, the Town received a revised compensation offer increasing the total compensation from \$347,500 (plus GST) to \$609,000 (plus GST), representing an additional \$261,500 (plus GST). The Town has already received \$173,450 (plus GST) under the original arrangement.
8. The State Government valuation was prepared by a licensed valuer using comparable sales evidence, consistent with the methodology adopted for the original 2021 valuation accepted by Council. The Town also obtained two independent valuations assessing compensation at \$400,000 and \$655,000 (plus GST) respectively. While valuation methodologies differed, the revised offer is considered to fall within an acceptable range and represents fair compensation to the Town.
9. The land is reserved for Parks and Recreation under both the former Town Planning Scheme No. 1 and Local Planning Scheme No. 2 and is intended to remain public open space. In this context, compensation benchmarked against residential land values is considered favourable.
10. Revised valuation and compensation information was received in 2024, however negotiations relating to the proposed easement documentation and associated terms have been protracted. Following completion of the underground infrastructure works in 2023, the infrastructure became operational, reducing the urgency from Western Power's perspective to formalise easement arrangements. The value of the affected land was assessed as at the date the infrastructure was established. Accordingly, despite the extended negotiation period, the valuation remains fixed to that point in time.
11. Officers undertook extensive negotiations with Western Power to resolve a range of concerns relating to the proposed easement deed, including access rights and redevelopment impacts. Despite repeated

attempts by the Town to progress discussions, responses from Western Power were often delayed or limited, with the matter ultimately being referred to the Office of Major Transport Infrastructure Delivery (OMTID) to assist in facilitating discussions between the parties.

12. Despite this, the Town has been unable to reach agreement with Western Power on terms of a formal easement deed considered acceptable by officers for Lot 121 and Lot 22 Shepperton Road and Lot 311 Somerset Street, East Victoria Park.
13. While it is the Town's preference to formalise the arrangements through easements, Western Power has advised that easements are not required for the 132kV infrastructure and that it will instead rely on its statutory powers to access, operate and maintain the infrastructure. As a result, no formal easements will be registered over the affected Town land.
14. While this limits the Town's ability to secure the additional protections ordinarily provided through a formal easement agreement, the Town has facilitated the delivery of significant public infrastructure on its land and continues to be impacted by the ongoing presence of that infrastructure. On this basis, officers consider acceptance of the revised compensation offer to be a practical and financially responsible outcome for the Town.

Relevant documents

Not applicable.

Legal and policy compliance

[Local Government \(Functions and General\) Regulations 1996 - Regulation 30](#)

[Policy 221 - Strategic management of land and building assets](#)

Financial implications

| | |
|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Current budget impact | <p>Sufficient funds exist within the annual budget to address this recommendation.</p> <p>Given the proceeds and compensation is not likely to be received in this financial year, this will now be recognised in the 2026/27 budget.</p> |
| Future budget impact | <p>The final proceeds and reserve allocation will be recognised in the 2026/27 budget.</p> |

Risk management consideration

| Risk impact category | Risk event description | Risk rating | Risk appetite | Risk Mitigation |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------|-------------|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Financial | Risk that failure to secure compensation results in financial disadvantage to the Town for infrastructure located on Town owned land. | High | Low | TREAT – Accept the increased compensation offer of \$261,500 (plus GST), ensuring the Town receives fair value for the occupation and impact on its land despite no easement being executed. |
| Environmental | Not applicable | | | |

| | | | | |
|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Health and safety | Not applicable | | | |
| Data, Information Technology and Cyber | Not applicable | | | |
| Assets | Risk that the absence of a formal easement reduces the Town's ability to control, manage, or influence future use of land impacted by Western Power infrastructure. | Medium | Medium | TREAT – Maintain accurate records of infrastructure location and constraints; ensure land remains classified as Public Open Space; manage future planning and works with consideration of Western Power statutory access rights. |
| Compliance Breach | Risk that the absence of a formal easement limits the Town's ability to rely on contractual protections and increases reliance on statutory frameworks. | Low | Low | TREAT – Monitor and manage through ongoing engagement with Western Power and ensure all statutory requirements associated with the easement registration process are satisfied. |
| Reputation | Risk of reputational impact if the Town is perceived to have limited influence over infrastructure outcomes or to have accepted an outcome without formal agreement | Medium | Low | TREAT – Clearly communicate that the Town sought to negotiate an easement in good faith, and that acceptance of compensation represents the most practical and financially responsible outcome. |
| Service delivery interruption | Risk that reliance on statutory access rights may create constraints or disruption to future works, maintenance, or community use of affected land. | Low | Medium | TREAT – Coordinate with Western Power for future works planning; ensure internal teams are aware of infrastructure constraints; integrate into asset and project planning processes |

Engagement

| Internal engagement | |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Infrastructure Operations | Comments on maintenance implications of the additional area |
| Place Planning | <p>Town planning for Oats Street Station precinct</p> <ul style="list-style-type: none"> • Following receipt of the first compensation payment planning for the Oats Street Station precinct commenced in 2023. • Planning for the Oats Street Station precinct is significantly advanced with considerable time and resources committed to the preparation of the Oats Street Station Precinct Structure Plan (OSSPSP) and Amendment 1 to Local Planning Scheme No.2. • Both the draft OSSPSP and Amendment 1 were endorsed by Council in March 2025 (CR41/2025) for consent to advertise and subsequently submitted to the Western Australian Planning Commission for assessment and approval to commence advertising. <p>State Government – Station Improvement Schemes Announcement</p> <ul style="list-style-type: none"> • On 16 November 2025, the WA State Government announced that it will take the lead on planning for 10 metropolitan station precincts, through the introduction of Station Precinct Improvement Plans and Improvement Schemes, inclusive of the Carlisle/Oats Street station precincts within the Town. • The Station Precincts Improvement Plans and Schemes will supersede the OSSPSP, however, the Town understands that OSSPSP will be strongly considered in the State Government's planning moving forward • At the time of writing, Town officers are awaiting confirmation from the Department of Planning, Lands and Heritage on the program and timing for the Station Precincts Improvement Plans and Scheme project for Oats Street Station. <p>Project costs</p> <ul style="list-style-type: none"> • A total of \$181,019 has been spent on the OSSPSP project to date. • The remaining project budget is proposed to be returned as a saving to the Future Projects Reserve. |

Strategic alignment

| Civic Leadership | |
|-------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Community Priority | Intended public value outcome or impact |
| CL3 - Accountability and good governance. | The initial recommendation to formalise the revised compensation arrangements associated with the updated easement areas reflects the Town's commitment to transparent decision making, strong financial stewardship, and securing fair value for the use of Town assets. While agreement has not been reached on the terms of the proposed easement deeds with Western Power, the revised compensation offer ensures the Town's position and valuation |

| | |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | considerations are formally acknowledged. This approach supports good governance principles and strengthens the Town's ability to plan for future projects through the allocation of compensation funds received. |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

13.3 18 Kent Street (Victoria Park Bowling Club) - Lease Renewal

| | |
|----------------------------|------------------------------------------------------------------------------|
| Location | East Victoria Park |
| Reporting officer | Property Development and Leasing Manager |
| Responsible officer | Chief Operations Officer |
| Voting requirement | Simple majority |
| Attachments | 1. Key Terms - 18 Kent Street, East Victoria Park [13.3.1 - 4 pages] |

Summary

The lease at 18 Kent St is currently due for renewal, to this end the Town has been working with the Victoria Park Carlisle Bowling Club to negotiate terms and conditions. This paper provides an overview of negotiation points and seeks Council to consider a lease renewal with Victoria Park Carlisle Bowling Club for the premises.

Recommendations

That Council:

1. Authorises the Chief Executive Officer to execute a lease agreement with Victoria Park Carlisle Bowling Club for the premises at 18 Kent Street, East Victoria Park, consistent with keys terms outlined in Attachment 1 and in accordance with Policy 310 Leasing and Licensing.
2. Authorises the Chief Executive Officer to execute as a deed all documents necessary to give effect to the lease referred to in 1 above, together with any reasonable and necessary amendments. Terms to be set by the Towns lawyers and to incorporate any variations or amendments to key terms as may be considered reasonable and necessary by the Chief Executive Officer.

Background

1. The Town has leased 18 Kent Street, East Victoria Park to the Victoria Park Carlisle Bowling Club (hereafter "VPCBC" or "the Club") since September 1992. Originally operating as the Victoria Park Bowling Club, the organisation merged with the Carlisle Lathlain Bowling Club Inc. in 2011 to form the Victoria Park Carlisle Bowling Club Inc.
2. The Club has increased its registered bowling membership from 78 members in 2024/25 to 100 members in 2025/26 and is regarded as having a strong standing within the Western Australian bowling community, including Bowls WA.
3. In addition, the Club maintains approximately 200 social members, and the facility is utilised by a range of community groups, including craft, sporting, educational, and general community organisations. It is estimated that these activities collectively attract in excess of 1,000 patrons to the facility throughout the year.
4. The Club's previous lease expired on 31 October 2025 and has been on holding over (month by month).
5. At the time the previous lease was negotiated, an independent valuation (2014) assessed the market rental value of the premises at \$60,000 per annum (excluding GST and outgoings).
6. In determining the lease terms, Council considered a range of factors including the Club's financial position, the condition of the facilities, the length of tenure, the Club's historical rent, its community value, and alignment with the Sport and Recreation Facilities Strategy.
7. Balancing these considerations, Council set a significantly reduced rent of \$1,500 per quarter (excluding GST), with annual increases of 3%. The Club currently pay \$1,957.16 per quarter (\$7,828.64 per annum).

8. This position was acknowledged in the Council report of 13 October 2015, which noted that while the above factors were valid considerations, the Club had been paying rent well below market value for several years, and that the proposed rent-setting mechanism represented a reasonable approach on balance.
9. Clause 4.1 of the lease formalises this, stating that the Town is foregoing approximately \$54,000 per annum in rental income, effectively providing an in-kind community contribution of the same value each year.
10. Lease negotiations in 2014 resulted in the club being offered a lease from 1 November 2015 in accordance with the Council resolution from the Ordinary Council meeting held 13 October 2015.
11. To assist in determining an appropriate rental value for the new lease, the Town commissioned an updated market valuation in May 2026. The valuation assessed the market rental value of the grounds and buildings at \$65,000 per annum, excluding GST and outgoings.
12. The Club currently maintains sublease arrangements with The Vic. Park Collective Inc. and Perth Street Hockey League Inc., generating a combined annual income of approximately \$7,800. The Club has indicated its intention to continue these arrangements upon securing a new head lease.

Discussion

13. The Town has been engaged in ongoing negotiations with the VPCBC since June 2025, with the aim of establishing mutually acceptable lease terms.
14. As part of these discussions, the Club requested a number of amendments to the proposed lease arrangements. In considering these requests, the Town has had regard to matters including equity across community leasing arrangements, long-term financial sustainability, and potential precedent implications.

Rent

15. The Club has requested a peppercorn lease (\$1.00 per annum), citing arrangements of other bowling clubs in local government areas and other sporting clubs within the Town. While this context is noted, the proposed rent is considered appropriate in this instance and is consistent with Policy 310, having regard to the nature of the asset, comparable arrangements, and the level of existing in-kind support provided by the Town.
16. The proposed rent represents an 88% reduction from the market rental value and constitutes an ongoing subsidy by the Town. Moving to a peppercorn rent would materially increase this subsidy and create a precedent that would be difficult to apply consistently across other community and sporting leases, particularly under Policy 310.
17. There are comparable discounted or subsidised rent arrangements with other sporting clubs across the Town
18. The table below compares the total value of the lease over the 10-year term and the associated in-kind contribution provided by the Town over the same period.

| Year | Proposed Rent (+3%p/a) | Market Rent (+3%p/a) | Forgone Rent / In-kind Contribution |
|--------|---------------------------|-------------------------|-------------------------------------|
| Year 1 | \$ 8,073.00 | \$ 65,000 | \$ 56,927.00 |
| Year 2 | \$ 8,315.19 | \$ 66,950 | \$ 58,634.81 |
| Year 3 | \$ 8,564.65 | \$ 68,958.5 | \$ 60,393.85 |
| Year 4 | \$ 8,821.59 | \$ 71,027.26 | \$ 62,205.67 |

| | | | |
|--------------|---------------------|----------------------|----------------------|
| Year 5 | \$ 9,086.23 | \$ 73,158.07 | \$ 64,071.84 |
| Year 6 | \$ 9,358.82 | \$ 75,352.81 | \$ 65,994.00 |
| Year 7 | \$ 9,639.58 | \$ 77,613.4 | \$ 67,973.82 |
| Year 8 | \$ 9,928.77 | \$ 79,941.8 | \$ 70,013.03 |
| Year 9 | \$ 10,226.63 | \$ 82,340.06 | \$ 72,113.42 |
| Year 10 | \$ 10,533.43 | \$ 84,810.26 | \$ 74,276.82 |
| Total | \$ 92,547.90 | \$ 745,152.20 | \$ 652,604.26 |

19. It is also noted that the Club has demonstrated financial capacity through the establishment of a sinking fund, with contributions totaling approximately \$13,600 per annum since 2024, in addition to its current rent obligations. This indicates the Club's capacity to meet both sinking fund contributions and rent at the current level.
20. The proposed rent reflects a balanced position, recognising the Town's significant capital investment in the facility while ensuring the Club contributes appropriately towards its use of the premises. It is recommended that rent be maintained at the current level, with annual increases of 3% applied in accordance with the previous agreement and consistent with Policy 310. As demonstrated in the table above, the proposed rent represents a significant in-kind contribution by the Town over the course of the lease term, which further supports the appropriateness of the proposed rent.

Outgoings

21. The Club has raised concerns in relation to the recovery of outgoings. While these concerns are acknowledged, the proposed approach is consistent with Policy 310 and provides a more transparent and consistent application of cost recovery across lease arrangements.
22. Historically, not all outgoing costs were fully recovered. The revised approach more accurately reflects the true cost of facility occupation and operation, ensuring consistency in the Town's cost recovery framework.
23. The Club currently meets the majority of outgoing expenses, with the exception of the Emergency Services Levy, which is required to be reimbursed. While this results in an increased cost position for the Club, it is offset by the Town's ongoing support through discounted rent, capital investment, and other in-kind contributions.

Maintenance

24. The Town has identified approximately \$3,500 per annum in preventative maintenance and compliance costs. Under a standard lease arrangement, these responsibilities would typically rest with the tenant.
25. The Town has continued to undertake maintenance works to support the Club's operations and to ensure the facility remains safe and presentable. This has included approximately \$4,355 in general maintenance in the previous financial year, as well as ongoing servicing such as weekly car park cleaning where access permits.
26. While this level of support has been provided in good faith, it is not considered appropriate or sustainable to continue under a formal lease arrangement. It is therefore necessary to clearly define and allocate maintenance responsibilities within the lease moving forward.
27. The Club has been contributing to a sinking fund since 2024. Although formal drawdowns are not yet required, this provides the Club with capacity to progressively allocate funds towards future maintenance and renewal obligations as they arise.

Redevelopment Clause

28. The Club has requested a 24-month notice period and relocation provisions in the event of redevelopment.
29. Officers consider that extending the notice period to 12 months strikes an appropriate balance, providing the Club with sufficient time to plan and transition, while preserving the Town's ability to respond flexibly to future opportunities and requirements. The Town will endeavour, where practicable, to ensure that the expiry of the notice period does not fall within the peak bowling season.
30. The inclusion of relocation provisions or compensation is generally not provided for within the terms of a standard lease agreement. Such provisions would introduce significant financial and legal risk and may limit the Town's flexibility to respond to strategic priorities and evolving community needs.
31. Notwithstanding this, discussions undertaken during the Macmillan Precinct Master Plan process included consideration of the Club's future accommodation requirements should redevelopment occur and an alternative location within the precinct not be available.
32. The inclusion of a redevelopment clause providing a 12 month notice period is considered appropriate and exceeds the standard provisions outlined in Policy 310. Any future consideration of accommodation or relocation requirements for the Club would be subject to further assessment as greater certainty is achieved through progression of the Macmillan Precinct Master Plan.

Synthetic Green and Sinking Fund

33. The sinking fund, established and administered by the Club in 2024 as a condition of the external grant funding application process, is intended to solely support the renewal of the synthetic green at the end of its approximate 10-year lifetime. The initial installation, valued at approximately \$369,000, will predominantly be funded by the Town, supplemented by external grant funding.
34. Funding for the project included \$156,707 through the Community Sporting and Recreation Facilities Fund (CSRFF) and an original municipal contribution of \$156,706. Following the tender award process, additional costs were identified above the originally allocated budget, resulting in Council approving a further \$55,944 municipal contribution to cover contract related expenses during the mid-year budget review on 17 March 2026. This brought the Town's total municipal contribution to \$206,706.
35. Given the Club's exclusive use of the facility, it is considered reasonable that the Club contributes towards future renewal costs. The sinking fund has been structured on the basis that approximately one-third of the original capital cost will be required for resurfacing.
36. The sinking fund is intended solely to accumulate contributions toward future asset renewal of the synthetic green and is not intended to generate revenue for the Town.
37. No reimbursement will apply where termination occurs due to default or where the Club elects to vacate the premises.
38. The establishment of the sinking fund is considered appropriate and reflects prudent financial management, enabling the Club to meet future renewal obligations and reducing reliance on the Town's resources.

| Summary of Victoria Park Carlisle Bowling Club Requests | | | |
|---------------------------------------------------------|-----------------------------------------------------------|-----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Issue | Club Position | Officer Position | Rationale |
| Rent | Peppercorn lease based on other LGAs and community groups | Maintain current rent with 3% increases | Already significantly discounted below market value. Further reduction would increase subsidy and create an unsustainable precedent. The Club has demonstrated capacity to contribute via sinking fund and pay the current rate of rent. |

| | | | |
|-----------------------------|----------------------------------|------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Outgoings | Concern regarding scope and cost | ESL to be reimbursed | The Club currently contributes to most outgoings, with the Emergency Services Levy being the only notable ongoing difference, this is to be formalised moving forward. The approach to outgoings reflects a more transparent, consistent framework in line with Policy 310 and ensures a clearer reflection of the true cost of occupying and operating the facility. |
| Maintenance | Town to continue assisting | Club responsible for maintenance and Town may provide assistance | The club is responsible for proactive, preventative, and compliance maintenance and must ensure the property is well maintained as with their previous leases. The Town may offer some support in accordance with Asset Management Plans, budgetary constraints and other factors as may be considered by the Town to be reasonable and or necessary. |
| Redevelopment Clause | 24 months' notice + relocation | 12 months notice, no relocation obligation | <p>The Club's existing lease has historically contained a 6 month redevelopment termination clause without any relocation guarantee or costs. During lease negotiations, officers considered the Club's operational requirements, noting that bowling competitions occur across approximately 6 months of the year. On this basis, officers supported extending the notice period to 12 months to provide the Club with a more reasonable transition period and greater operational certainty should the clause ever need to be exercised.</p> <p>The proposed approach provides a reasonable balance between supporting the Club's operations and maintaining the Town's flexibility in relation to future strategic redevelopment opportunities. Officers do not support the inclusion of relocation assistance or compensation provisions, as these would create significant financial and legal risk exposure for the Town and may establish an undesirable precedent for future leasing arrangements.</p> |
| Sinking Fund | (Implicit concern) | Maintain sinking fund contributions | <p>Represents a fair contribution toward the future lifecycle replacement of an asset that is being largely funded by the Town. The proposed contribution model is intended to accumulate approximately one third of the original capital cost to assist with future resurfacing and renewal works at the end of the asset's useful life.</p> <p>The Club has already demonstrated its capacity to make ongoing contributions toward this purpose, with current contributions exceeding the amount now proposed by the Town. This provides confidence that the arrangement is both reasonable and achievable over the term of the lease.</p> |

Relevant documents

[Policy 310 - Leasing and Licencing](#)

Legal and policy compliance

[Policy 310 - Leasing and Licencing](#)

Financial implications

| | |
|------------------------------|---------------------------------------------------------------------------------|
| Current budget impact | Sufficient funds exist within the annual budget to address this recommendation. |
| Future budget impact | Not applicable. |

Risk management consideration

| Risk impact category | Risk event description | Risk rating | Risk appetite | Risk Mitigation |
|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|---------------|--------------------------------------------------------------------------------|
| Financial | If the lease is not renewed with the Bowling Club the Town will suffer a loss of future income and will also assume responsibility for all other operational costs that are currently offset through the lease arrangement. | High | Low | TREAT risk by renewing the lease with the Victoria Park Carlisle Bowling Club. |
| Environmental | Not Applicable. | | Medium | |
| Health and safety | Not Applicable. | | Low | |
| Data, Information Technology and Cyber | Not Applicable. | | Medium | |
| Assets | If the lease is not renewed with the Bowling Club, the Town will assume full responsibility for the asset, including ongoing maintenance and operational costs that are currently offset through the lease arrangement. | High | Medium | TREAT risk by renewing the lease with the Bowling Club. |
| Compliance Breach | Not Applicable. | | Low | |
| Reputation | Not renewing the lease with the Bowling Club could damage the reputation for the Town as there are no alternative bowling clubs within the Town. | High | Low | TREAT risk by renewing the lease with the Bowling Club. |

| | | | | |
|-------------------------------|-------------------------------------------------------------------------------------------------------------------------|------|--------|---------------------------------------------------------|
| Service delivery interruption | Not renewing the lease with the Bowling Club will remove access for residents to the only bowling club within the Town. | High | Medium | TREAT risk by renewing the lease with the Bowling Club. |
|-------------------------------|-------------------------------------------------------------------------------------------------------------------------|------|--------|---------------------------------------------------------|

Engagement

| Internal engagement | |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Stakeholder | Comments |
| Development Services | Support the proposed lease renewal. |
| Community | Community support the proposal. Consideration for the future functioning and sustainability of the club is an important element to balance in terms of income generated by the Town from lease fees, and the club's ability to generate revenue to maintain as well as build the club into the future. This includes its ability to invest in the sinking fund, as well as fund outgoings, repairs, maintenance, and general operational functioning. |
| Projects | Support the proposed lease renewal. The proposal will not compromise the delivery of the current site project. |
| Place Planning | Place Planning are supportive of the proposed lease renewal as it looks to ensure the presence of the only bowling club in the Town, while also balancing appropriate lease support. The condition of the development of a sinking fund is essential to the long term sustainability of the turf. Additionally, an increase of the redevelopment clause from 6 to 12 months reflects the support of the clubs operations while ensuring the Town is able to proceed with strategic opportunities when suitable. |
| Assets and Environment | The proposed lease renewal is appropriate and supports the Town's long-term interests. The report appropriately balances community benefit with responsible management of a Town owned ageing asset, and the lease term support sustainable asset management, improved cost recovery consistency, and reduction of future unfunded maintenance and renewal liabilities for the Town. |
| Rates | The proposed lease renewal is considered appropriate and is consistent with the Town's long-term interests. As a community organisation, the Bowling Club may submit an application for a rates concession of up to 100 per cent, subject to Council approval. |

Strategic alignment

| Civic Leadership | |
|--------------------|-----------------------------------------|
| Community Priority | Intended public value outcome or impact |
| | |

| | |
|--------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CL2 - Communication and engagement with the community. | A lease with the bowling club supports communication and engagement with the community by encouraging regular community participation, social interaction and increased visitation to surrounding local businesses. |
|--------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Economic

| Community Priority | Intended public value outcome or impact |
|-------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| EC2 - Connecting businesses and people to our local activity centres through place planning and activation. | By securing a lease with the bowling club, the Town can create a stable, community-focused destination that strengthens connections between local businesses, residents and visitors within the Town. |

Social

| Community Priority | Intended public value outcome or impact |
|-----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| S2 - Collaborating to ensure everyone has a place to call home. | The Club is the only bowling club within the Town and provides a valuable sporting and social function for the community to participate in. |

13.4 Lathlain Park - West Coast Eagles Deed of Agreement

| | |
|----------------------------|-----------------------------------------------------------|
| Location | Lathlain |
| Reporting officer | Property Development & Leasing Manager |
| Responsible officer | Chief Operations Officer |
| Voting requirement | Simple majority |
| Attachments | 1. Draft Key Terms - Deed of Agreement [13.4.1 - 3 pages] |

Summary

This report seeks Council's authorisation for the Chief Executive Officer to negotiate, finalise and execute a new Deed of Agreement with Indian Pacific Limited, trading as West Coast Eagles (WCE), to provide landlord approval for the continued playing of WAFL, AFLW and AFL Men's Pre-Season games on Oval 1 at Lathlain Park/Mineral Resources Park.

The previous deed extension expired on 22 December 2025. Since then, the Chief Executive Officer has provided interim written approvals for certain 2026 games while the new deed is negotiated. Those interim approvals have provided a practical binding arrangement only and do not replace the need for a new deed.

The Lathlain Park Management Plan 2024 (2024 LPMP) is now approved and in effect. The 2024 LPMP provides the relevant planning and management framework for football matches at Lathlain Park; however, it does not vary the existing WCE lease or provide landlord approval under that lease. Separate landlord approval from the Town remains required through a deed.

Recommendation

That Council:

1. Authorises the Chief Executive Officer to negotiate and finalise the terms of a new Deed of Agreement with Indian Pacific Limited, trading as the West Coast Eagles, to provide landlord approval for the continued use of Oval 1 at Lathlain Park for WAFL, AFLW and AFL Men's Pre-Season games, generally in accordance with the key terms outlined in Attachment 1.
2. Authorises the Chief Executive Officer to execute the Deed of Agreement referred to in 1 above, together with any minor, administrative or necessary amendments, subject to the Deed being prepared or reviewed by the Town's lawyers to the satisfaction of the Chief Executive Officer.
3. Notes that the Deed of Agreement is a landlord approval under the existing lease arrangements and does not constitute planning approval, development approval, or approval to operate outside the approved Lathlain Park Management Plan 2024 or any other applicable statutory approval.

Background

1. Indian Pacific Limited, trading as the West Coast Eagles (WCE), leases approximately 6.6 hectares of land from the Town within Lathlain Park. The premises are known by WCE as Mineral Resources Park and include administration, training and community facilities, car parking, two AFL-standard ovals and associated landscaped areas.
2. The WCE lease is dated 13 July 2016. The permitted purpose includes administration, training, rehabilitation, medical, community and public access uses, together with other purposes agreed by the parties from time to time. It does not expressly include the playing of competitive games.

3. On 16 November 2021, Council previously authorised a deed under Council Resolution 268/2021 to provide landlord approval for WCE to play specified games on Oval 1. On 21 November 2023, Council resolved under Council Resolution 235/2023 to authorise the Chief Executive Officer to negotiate, finalise and execute an agreement by deed to extend the then-current Deed of Agreement for the use of Lathlain Park – Additional Permitted Purpose. The resulting extension commenced on 22 December 2023 and expired on 22 December 2025.
4. Following expiry of the deed extension on 22 December 2025, the Chief Executive Officer provided written approvals for specified games in March, April, May, June, July, and August 2026 while negotiations for the new deed continued. Those approvals were provided as interim arrangements pending finalisation of the new deed.
5. The Lathlain Park Management Plan 2024 (2024 LPMP) was approved by the Western Australian Planning Commission on 11 September 2024 and is now in effect. The 2024 LPMP provides the planning and management framework for competitive football matches at Lathlain Park, including the current game-day parameters.
6. Although the 2024 LPMP provides the relevant planning and management framework, it does not vary the WCE lease or provide landlord approval under the lease. Separate landlord approval from the Town remains required because the permitted purpose under the 2016 lease does not expressly include the playing of games by WCE.
7. Town officers and WCE have now substantially settled the key terms for a new deed. The proposed deed is intended to replace the interim arrangements and provide a longer-term contractual framework for the playing of WAFL, AFLW and AFL Men's Pre-Season games on Oval 1.

Discussion

8. The purpose of the proposed new deed is to provide a clear, current and legally binding landlord approval for WCE's continued use of Oval 1 for WAFL, AFLW and AFL Men's Pre-Season games.
9. The proposed deed will supplement the 2016 WCE lease. It does not replace the lease, vary the planning framework, or provide any separate statutory approval. WCE will continue to be bound by the requirements of the lease, the 2024 LPMP, and all applicable statutory approvals.
10. The proposed deed will operate as a supplement to the WCE lease. It will allow WCE to use Oval 1 for WAFL, AFLW and AFL Men's Pre-Season games during the term of the deed, subject to WCE complying with the deed, the lease, the 2024 LPMP and all applicable statutory approvals.
11. At the Ordinary Council Meeting in November 2023, Council authorised a 2 year extension of the then-current deed. The expiry date being 22 December 2025. The current proposal is for a new deed aligned with the approved 2024 LPMP, rather than a further extension of the prior interim deed.
12. The proposed deed would permit up to 45 game days per calendar year, including no more than three AFL Men's Pre-Season games and no more than 20 night games, with a maximum crowd capacity of 6,500 persons. AFL Men's Premiership Season games would remain prohibited. These parameters align with the 2024 LPMP and the proposed final position in Attachment 1.
13. Game days would remain limited to Friday, Saturday, Sunday and public holidays, except where WCE requests and obtains the Town's prior written approval for a Monday or Thursday emergency game. A new emergency game clause is proposed to provide flexibility for genuine emergency circumstances, with notice, compliance, community impact and direct cost recovery requirements applying.
14. The proposed deed term is up to 10 years, commencing on 22 December 2025 and expiring on 22 December 2035, unless it ends earlier in accordance with its terms. The 10-year term reflects the negotiated position between the Town and WCE and is consistent with the preferred option identified through the November 2023 Concept Forum polling, subject to final legal drafting.
15. The proposed deed largely carries forward the operational arrangements that have supported the effective management of WCE match days at Lathlain Park, with agreed terms between the Town and WCE largely driven to align with the updated 2024 LPMP.
16. The previous deed contained a Special Events Management Plan clause requiring separate owner approval for certain non-game events. That clause is not proposed to be retained in its previous form.

WCE will nevertheless remain subject to the lease, the 2024 LPMP, any event management requirements arising under the 2024 LPMP, and all applicable statutory approvals.

17. It is recommended that Council authorise the Chief Executive Officer to negotiate, finalise and execute the deed generally in accordance with Attachment 1, subject to final legal drafting. This will replace reliance on interim written approvals with a current deed-based landlord approval and provide a clear framework for WCE’s ongoing match use of Oval 1.

Relevant documents

Not applicable.

Legal and policy compliance

The proposed deed will be prepared or reviewed by the Town’s lawyers before execution. The deed will supplement the existing 2016 WCE lease and will provide landlord approval for a specific additional use of Oval 1, subject to the terms and controls set out in the deed.

The recommendation does not seek Council approval for a new planning approval or development approval. WCE remains responsible for compliance with the 2024 LPMP, the lease, the deed, and any applicable statutory approvals.

Financial implications

| | |
|------------------------------|---------------------------------------------------------------------------------|
| Current budget impact | Sufficient funds exist within the annual budget to address this recommendation. |
| Future budget impact | Not applicable. |

Risk management consideration

| Risk impact category | Risk event description | Risk rating | Risk appetite | Risk Mitigation |
|----------------------------------------|------------------------------------------------------------------------------|-------------|---------------|----------------------------------------------------------------------------------------------------|
| Financial | Not applicable. | | Low | |
| Environmental | Not applicable. | | Medium | |
| Health and safety | Not applicable. | | Low | |
| Data, Information Technology and Cyber | Not applicable. | | Medium | |
| Assets | Not applicable. | | Medium | |
| Compliance Breach | WCE continue to play games after the expiry of the interim landlord approval | Low | Low | TREAT risk by entering into a new deed before the current interim approval expires 23 August 2026. |

| | | | | |
|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Reputation | Community or stakeholder concern regarding the ongoing use of Lathlain Park for WCE games, including night games, traffic, parking, noise or crowd impacts. | Medium | Low | TREAT through transparent Council approval, key terms attached to the report, LPMP-aligned controls, neighbour notification, traffic management, and nuisance obligations. |
| Service delivery interruption | An element of risk that AFLW, WAFL and AFL Pre-season games cannot be played if there is no subsequent approval in place. | Low | Medium | TREAT risk by entering into a new deed before the current interim approval expires on 23 August 2026. |

Engagement

| Internal engagement | |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Development Services | The proposal will enable the playing of matches consistent with the Lathlain Park Management Plan approved by the Western Australian Planning Commission. |
| Community | Support for the proposal. |
| Place Planning | No comments or concerns |
| Business Services | Business Services have been engaged during the process and are supportive of the recommendation. |

Strategic alignment

| Civic Leadership | |
|-------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Community Priority | Intended public value outcome or impact |
| CL1 – Effectively managing resources and performance. | Ensures the Town’s land assets are managed in a structured, transparent, and commercially responsible manner, with clear governance over their use. The proposed agreement supports informed decision making, appropriate cost recovery, and long-term asset sustainability while balancing community and stakeholder needs. |

| Environment | |
|---------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Community Priority | Intended public value outcome or impact |
| EN4 - Providing facilities that are well-built and well-maintained. | Supports the ongoing maintenance, use, and activation of Lathlain Park in a manner consistent with the approved planning framework. The agreement establishes clear responsibilities for asset upkeep, event impacts and reinstatement, ensuring the long-term condition and functionality of the facilities are protected. |

Social

| Community Priority | Intended public value outcome or impact |
|---------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| S3 - Facilitating an inclusive community that celebrates diversity. | Enables access to sporting and community events that foster participation, connection and local pride. The continued use of Lathlain Park for a range of football activities supports inclusive community engagement and contributes to the vibrancy and identity of the Town. |

13.5 TVP/25/12 Waste Collection and Management Services

| | |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Location | Town-wide |
| Reporting officer | Coordinator Contracts and Procurement |
| Responsible officer | Chief Operations Officer |
| Voting requirement | Absolute majority |
| Attachments | <p>Reason for Confidentiality</p> <p>This attachment is confidential in accordance with Section 5.23(4) of the <i>Local Government Act 1995</i>, as the business to be considered relates to the following:</p> <p style="padding-left: 40px;">(c) Information contained in a tender relating to tendered prices or a methodology for calculating a price.</p> <ol style="list-style-type: none"> 1. CONFIDENTIAL REDACTED - TVP-25-12 - Evaluation Report [13.5.1 - 28 pages] |

Summary

This report seeks Council approval to award the contract for the Town’s Waste Collection and Management Services.

Recommendation

That Council awards the contract associated with TVP/25/12 Waste Collection and Management Services, to Respondent A in attachment 13.5.1 for the provision of waste collection and management services, with the terms and conditions as outlined in the contract, as their offer has been evaluated as the most advantageous to the Town.

Background

1. Efficient and effective kerbside waste collection and management is essential in local government for maintaining public health, ensuring environmental cleanliness, and supporting sustainable waste management within the community.
2. While kerbside collection may appear simple, it is in fact a highly coordinated and multifaceted service, involving significant operational, logistical, environmental, and community considerations.
3. Kerbside collection and management is inherently complex, requiring the management of diverse waste streams, large-scale logistics, regulatory compliance, and community participation, all of which must be carefully integrated to deliver a reliable service.
4. Due to the specialised and capital-intensive nature of the service, as well as the critical importance of service certainty for the community, contracts are typically long-term (often around 10 years). This enables both local governments and contractors to achieve greater financial and operational certainty, while allowing sufficient time to recover investment in assets and optimise service delivery.
5. Procurement activities for kerbside waste collection and management services tend to be lengthy because they are high-value, high-risk, and highly complex procurements that must be carefully planned and executed. This reduces risk, improves outcomes, and ensures continuity of a critical public service.

6. The Town's current contract is due for expiry is due in September of this year.
7. To establish a new contract, the request for tender (RFT) and its specifications for TVP-25-12 Waste Collection and Management Services was published publicly via the West Australian newspaper, the Town's website, noticeboards and the Town's online procurement platform, VendorPanel.
8. Suppliers were requested to provide detailed submissions demonstrating their experience, capacity, methodology and deployable plant and equipment to provide the Town with kerbside bin collection and recyclables processing services (Services).
9. The RFT specified two separable portions: Separable Portion A and Separable Portion B.
10. Separable Portion A is for general waste, recycling and FOGO bin collection and associated support and waste education services.
11. Separable Portion B is for recycling processing services only.
12. Respondents had the option to tender for:
 - Separable Portion A and Separable Portion B; or
 - Separable Portion A only; or
 - Separable Portion B only.
13. In addition, Respondents could also submit a contingent offer on the basis that their offer can only be accepted on the condition that they are awarded both Separable Portions A and B.
14. Suppliers were required to complete a schedule of rates detailing the estimated cost to provide the Services on various bases, including collection of kerbside bins on a dollar per lift basis and processing of recyclable material on a dollar per tonne basis.
15. As this is a long-term operational contract, budget allocations are approved through the yearly budget approval process. An estimation on the contract cost has been made within the waste services operational budget.
16. An evaluation of the tender submissions against the prescribed criteria has been completed, and it is recommended that Council accepts the submission made by Respondent A and enters a contract to procure the Services, subject to any contract variations of a minor nature.

Discussion

17. The assessment of the submissions was formally undertaken by a panel that included:
 - Chief Financial Officer
 - Manager Infrastructure Operations
 - Depot Technical Officer
 - Customer Engagement Coordinator
 - Management Accountant
 - Coordinator Contracts and Procurement
 - Probity Advisor from Stantons
18. Advertising closed on 10 April 2026 at 2.00pm (WST). The Town received five (5) electronic submissions on VendorPanel.
19. Respondent A provided a submission for Separable Portions A and B that was not contingent on the Town awarding both Portions.
20. Respondent B provided a submission for Separable Portion A only.
21. Respondent C did not provide a compliant submission for either Separable Portion as it didn't provide all the required documents and didn't attempt to address the selection criteria. Therefore, it was deemed non-compliant and was not put to the evaluation panel for consideration.

22. Respondent D provided a submission for Separable Portion B only.
23. Respondent E provided a submission for Separable Portions A and B that was contingent on the Town awarding both Portions.
24. The evaluation of the submissions against the quantitative and qualitative criteria resulted in the rankings as shown below, with the first ranking scoring the highest.

| Separable Portion A | |
|---------------------|-----------------|
| Respondent A | 1 st |
| Respondent B | 3 rd |
| Respondent D | Did not bid |
| Respondent E | 2 nd |

| Separable Portion B | |
|---------------------|-----------------|
| Respondent A | 1 st |
| Respondent B | Did not bid |
| Respondent D | 3 rd |
| Respondent E | 2 nd |

25. Respondent A was ranked the highest for both Separable Portions as they demonstrated the clear ability and capacity to deliver the Services to a very high standard and for the lowest price offered by a significant margin.
26. Full details and commentary of the tender evaluation is contained in confidential Evaluation Report attached.

Compliance criteria

27. The submissions needed to comply with the Town’s mandated requirements, including (but not limited to):
- a fully completed price schedule;
 - nominated referees;
 - details or previous experience;
 - disclosure of any proposed contract departures; and
 - evidence of appropriate licenses, insurance and ability to safely perform the Services.

Evaluation process

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| <p>Demonstrated Experience</p> <p>i. The Respondent must provide details of contracts for similar Goods and any related services provided for other clients. The Respondent must provide:</p> <p>a) A detailed description of the Goods and / or Services provided;</p> <p>b) Similarities between the previous contracts and this Request;</p> <p>c) When the previous contracts were performed; and</p> | <p>Weighting 20%</p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|

| | |
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| <ul style="list-style-type: none"> d) The outcome of the previous contracts. ii. The Respondent must also provide a minimum of [3] referees in respect of the contracts detailed above. Referee details must include: <ul style="list-style-type: none"> a) The referee’s name and position; b) Company name; c) The contact telephone number; and d) The contract or project title. | |
| <p>Organisational Capacity</p> <ul style="list-style-type: none"> iii. The Respondent must demonstrate that it has the organisational capacity to perform the Customer Contract. iv. The Respondent must provide a comprehensive timeframe for the delivery of the proposed Goods and / or Services, identifying key dates and milestones and outlining how any timing requirements specified in the Specifications will be met. | <p>Weighting 20%</p> |

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| <p>Suitability of Proposed Collection Vehicles and Services</p> <p>Respondents must, as a minimum, address the following information:</p> <ul style="list-style-type: none"> i. Fit-for-Purpose Collection Vehicle: <p>Respondents must demonstrate that their proposed Collection Vehicle is suitable for the intended purpose by providing detailed responses to all the requirements in the specification.</p> ii. Customer Support Capability: <p>Respondents must provide information about their customer support capability, including the location of their support team, support structure, escalation processes, methods of logging calls (e.g., telephone, email, web form), ticketing systems used, hours of operation, and the number of customers they currently support.</p> iii. Waste Education Capability: <p>Respondents should outline how they will meet the Town’s requirements for providing waste education support during the life of the Contract.</p> iv. Efficient and Reliable Recycling Processing: <p>Respondents should detail how their proposed recycling processing facility will meet the Town’s requirements for processing of Recyclable Materials.</p> | <p>Weighting 15%</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|

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| <p>Methodology</p> <p>Respondents must provide:</p> <ul style="list-style-type: none"> i. Daily travel route plan demonstrating the ability to service each zone of the Town within each specified collection day. ii. Where relevant, detailed information on how recyclables will be processed. | <p>Weighting 10%</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|

| | |
|---------------------|--------------------------|
| <p>Price</p> | <p>Weighting 30%</p> |
|---------------------|--------------------------|

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| <p>i. Price must be offered in the schedule of rates of form provided in this RFT. Respondents must include all:</p> <ol style="list-style-type: none"> a) items, tasks and requirements detailed in the Specifications; b) any other costs; c) costs associated with any additional services suggested by the Respondent; and d) disbursements to provide the required service and appropriate level of the Goods and Services Tax. | |
| <p>Environmental Sustainability</p> <p>Respondents should provide evidence of sustainability in the delivery of the project / goods or services, and in the general day-to-day operation of their organisation:</p> <ol style="list-style-type: none"> i. Does your organisation have an Environmental Management System (EMS) or adopt any environmental/sustainability practices? If yes, please provide details. ii. Does your organisation practice waste minimisation e.g., reduce packaging, or packaging with recycled materials or using compostable packaging? Please provide details including % of reused/recycled materials used. iii. Has your organisation ever received a warning or convicted of an environmental breach in Australia or overseas? If so, please provide details and outcome of the matter. iv. Please provide examples relating to the key environmental impacts considered over the life cycle of the goods/service. <p>Some examples for consideration are:</p> <ul style="list-style-type: none"> • Design for energy efficiency for energy using products. • Reduced use of water (e.g. water saving/ efficiency) • Design for recyclability • Carbon Neutrality • Substitution of environmentally harmful or scarce materials. • Noise levels of plant and equipment when in use. • Improved soil quality by reducing or eliminating releases to land (e.g. chemical fertilisers). | <p>Weighting 5%</p> |

Legal and policy compliance

[Section 3.57 of the Local Government Act 1995](#)

[Part 4 Division 2 of the Local Government \(Functions and General\) Regulations 1996](#)

[Policy 301 - Procurement](#)

[Waste Avoidance and Resource Recovery Act 2007](#)

[Waste Avoidance and Resource Recovery Regulations 2008](#)

Financial implications

| | |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Current budget impact | Sufficient funds exist within current budget to address current waste collection services contract. |
| Future budget impact | As this is a long-term operational contract, budget allocations are approved through the yearly annual budget approval process. An estimation on the contract cost has been made within the waste services operational budget for 2026-27 financial year. |

Risk management consideration

| Risk impact category | Risk event description | Risk rating | Risk appetite | Risk Mitigation |
|----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Financial | Service costs exceeding the budget. | Low | Low | TREAT risk by Requiring all Respondents to disclose their costs per lift or per tonne which can then be calculated by reference to past data. |
| Environmental | Spillage of waste material from collection vehicles > Improper disposal of waste by contractor. Improper disposal of waste by residents. Fires in collection vehicles or disposal sites caused by incorrectly disposed batteries. | Medium | Medium | TREAT risk by educating residents on correct waste disposal. TRANSFER and SHARE risk with contractor by requiring them to assist with community education and supply appropriate collection vehicles with the best available contamination detection technology. |
| Health and safety | Fires in collection vehicles. Bins not being collected. Spillage of waste material from collection vehicles. | Low | Low | TREAT risk by requiring contractor to use the best collection vehicles with the best available technology. TRANSFER and SHARE risk by making the contractor responsible for clean up of any spills and missed bin collection. |
| Data, Information Technology and Cyber | Cyber attack on the contractor's online systems that may interface with the Town's online portal. | Low | Medium | TREAT risk by ensuring the Town's online systems have adequate cyber protection. |
| Assets | Damage to the Town's bins during the collection process. | Medium | Medium | TREAT risk by requiring the contractor to replace any damaged or destroyed bins caused by their negligence. |
| Compliance Breach | Waste improperly disposed or managed at the destination facility. Spillage of waste material. | Low | Low | TREAT risk by requiring the contractor to be responsible for the waste at the destination facility and to clean any spills. |

| | | | | |
|-------------------------------|---------------------------------------------------------------------------------------------------------------|-----|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Reputation | Bins not being collected. Recyclable or FOGO waste being diverted to landfill. | Low | Low | TREAT risk by making contractor responsible for missed bins. Putting in place a customer facing portal to allow for quick detection and collection of missed bins. Ensuring the contractor has job management technology that tracks all bins on the route. TREAT risk by ensuring contractors have sufficient capacity at their recyclables processing facility to handle the Town's waste. TREAT risk by allowing the Town to periodically audit the contractor's service level and facilities. |
| Service delivery interruption | Contractor having insufficient trucks to service the Town due to scheduling conflicts, maintenance or damage. | Low | Medium | TREAT risk by ensuring the contractor has excess fleet capacity in the event that 1 or more trucks are out of service for any reason. |

Engagement

| Internal engagement | |
|---------------------|---------------------------------------------------------------------------------------------------------|
| Stakeholder | Comments |
| Procurement | Provided advice and acted as a probity advisor throughout the process. |
| Communications | Assisted with the evaluations and provided advice about the customer portal and handling of complaints. |
| Waste Operations | Provided advice with drafting the specifications. |
| Finance | Provided advice and financial modelling to determine anticipated costs. |

Strategic alignment

| Civic Leadership | |
|---------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Community Priority | Intended public value outcome or impact |
| CL1 – Effectively managing resources and performance. | Obtain the best value for money for the Town's essential waste collection and processing services. |
| Environment | |
| Community Priority | Intended public value outcome or impact |
| EN1 - Protecting and enhancing the natural environment. | Ensuring that, to the greatest extent possible, the Town's waste is efficiently collected and properly disposed of. The collection vehicles used by the contractor emit the lowest possible greenhouse gases. |

| | |
|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| EN2 - Facilitating the reduction of waste. | The greatest possible proportion of the Town's waste is diverted from landfill. The Town's waste is efficiently collected and disposed of at facilities with adequate current and future capacity. |
|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

13.6 Mindarie Regional Council - Waste to Energy Agreements

| | |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Location | Town-wide |
| Reporting officer | Chief Operations Officer |
| Responsible officer | Chief Operations Officer |
| Voting requirement | Simple majority |
| Attachments | <p>Reason for Confidentiality</p> <p>This attachment is confidential in accordance Section 5.23(4) of the <i>Local Government Act 1995</i>, as the business to be considered relates to the following:</p> <p style="padding-left: 40px;">(a) Legal advice, or other information, over which the local government holds legal professional privilege.</p> <p>1. CONFIDENTIAL REDACTED - Summary Legal Advice [13.6.1 - 24 pages]</p> |

Summary

Mindarie Regional Council has been working with its member councils to negotiate agreements to transition the disposal of residual municipal waste at the Kwinana waste to energy plant ahead of the Tamala Park Landfill facility reaching the end of life. This paper seeks to ensure that appropriate authorisations are in place to allow expedient and timely consideration and execution of the agreements that support this transition.

Recommendation

That Council:

1. Notes the decision for Mindarie Regional Council to enter into the Waste Supply Agreement with Kwinana WTE Project Co Pty Ltd (as trustee of the Kwinana WTE Project Trust);
2. Notes the decision for Mindarie Regional Council to enter into the Financier Side Deed with Kwinana WTE Project Co Pty Ltd (as trustee of the Kwinana WTE Project Trust) and BTA Institutional Services Australia Limited;
3. Agrees to enter into a Participant's Agreement with Mindarie Regional Council for the provision of Waste to Energy services;
4. Agrees to enter into a Side Letter with Kwinana WTE Project Co Pty Ltd (as trustee of the Kwinana WTE Project Trust) and each other member council of the Mindarie Regional Council;
5. Agrees to the CEO providing Mindarie Regional Council with a Member Council Waste to Energy Approval Letter; and
6. Authorise the Chief Executive Officer to do all things necessary to enable the execution of a final Participant's Agreement and accompanying Side Letter Agreement on behalf of the Town, including applying the common seal as necessary with the Mayor

Background

1. The Town of Victoria Park is one of seven member councils that make up the Mindarie Regional Council (MRC).

2. MRC is responsible for managing the disposal of residual municipal waste on behalf of its member councils (City of Stirling, City of Wanneroo, City of Joondalup, City of Vincent, City of Perth, Town of Cambridge and Town of Victoria Park)
3. The current disposal method is to landfill at the Tamala Park Landfill Facility.
4. It is anticipated that this landfill site will reach capacity in 2028/29 and the site will cease to operate as a landfill.
5. In late 2021, the CEO of MRC began to investigate opportunities to dispose of residual municipal waste through waste to energy plants as means to find a suitable alternative to the Tamala Park Landfill once it reached the end of its useful life and assist member councils to achieve the State's waste target which saw 99% of residual waste being diverted away from landfill and recovered for reuse.
6. To this end MRC convened working groups with member council officers that ultimately resulted in a tender process.
7. At the November 15, 2022, Ordinary Council Meeting, the Town of Victoria Park received the outcome of the tender evaluation report and draft documents to facilitate MRC and the Town entering into a series of agreements that would eventually see the diversion of the Town's residual waste to Waste to Energy:
 - i. Tamala Park Regional Council Establishment Agreement
 - ii. Waste to Energy tender evaluation (including probity certificates)
 - iii. Draft Waste Supply Agreement – between MRC and the successful tenderer
 - iv. Draft Participants Agreement – between MRC and member councils
8. In considering this issue, Council passed Resolution 244/2022 including endorsing a series of confidential recommendations.
9. Part E of the resolution reads:

Authorises the Mayor and the Chief Executive pursuant to clause 9.42A(2) of the Local Government Act 1995 to apply the common seal and formally enter the PA [participants agreement] with MRC on terms acceptable to the Town

10. Under MRC's constitution unanimous endorsement from all member councils is required for execution of the Waste Supply Agreement with the waste to energy provider.

Discussion

11. Negotiations with the waste to energy provider and member councils have been ongoing.
12. In April of this year, member councils were presented with a near final draft of a suite of documents that make up the agreements that underpin the transition to waste to energy:
 - i. Waste Supply Agreement – between MRC and the waste to energy provider
 - ii. Participants Agreement – between MRC and member councils
 - iii. Side Letter – between the waste to energy provider and member councils
 - iv. Tripartite Consent Deed – between MRC, the waste to energy provider and their financier
 - v. Member Council Waste to Energy Approval Letter – from member council to MRC
13. These agreements have progressively been negotiated and refined with input from member councils, MRC and the waste to energy providers.
14. The Town has engaged external lawyers to assist in the due diligence process with respect to these documents.
15. Since the item was first brought to Council in November 2022, the suite of documents required to enact the Waste Supply Agreement have changed. Further, the basis of engagement has changed to the affect that once Tamala Park Landfill is no longer a disposal mechanism, these agreements contemplate that MRC will no longer be the contracting entity, but rather the Town will be required (as will other member councils), to enter into agreements with the waste to energy provider on substantially the same basis and the obligations and rights contained in the additional documents that require execution (e.g. the Side Letter) reinforce existing obligations and are not necessarily wholesale changes.

16. While containing long term rights and obligations, these are not inherently unacceptable or adverse changes but rather promote certainty into the future regarding this process. That said, Officers have assessed that the previous authorisations to the Mayor and the CEO from Council Resolution 244/2022 are no longer adequate. This being so, it is recommended that the appropriate authorisations detailed in the above recommendation are put in place to allow expedient and timely decision making and final execution.
17. Careful but timely endorsement by member councils is required, as any delay in decision-making may impact MRC's ability to proceed and impede the Town's cost certainty around residual municipal waste disposal options.

Relevant documents

Not applicable

Legal and policy compliance

Mindarie Regional Council Constitution Agreement.

Jackson McDonald has been engaged to review the waste to energy suite of documents, assessing risks, working with officers to establish a Town of Victoria Park position – prioritising issues that are necessary to enable the Town to approve and (where applicable) execute the agreements and identifying risk mitigation measures to ensure that the terms are acceptable to the Town. The outcome of this review has been discussed at a confidential Elected Member briefing, and a summary of the relevant documents (including their key terms and material risks) is provided as a confidential attachment to this report.

Financial implications

| | |
|------------------------------|--------------------------------------------------------------------------------------------------------------|
| Current budget impact | Sufficient funds exist within the annual budget to address this recommendation. |
| Future budget impact | Delivery of waste disposal services as a year-on-year expense and are subject to normal budgeting processes. |

Risk management consideration

| Risk impact category | Risk event description | Risk rating | Risk appetite | Risk Mitigation |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|---------------|-----------------------------------------------------------------------------------------------|
| Financial | <i>Should MRC not be positioned to progress the waste to energy contract in a timely manner, alternative arrangements are likely to be more costly than what is currently on offer</i> | High | Low | <i>Work with MRC to explore other options to put in place cost effective disposal options</i> |
| Environmental | n/a | | Medium | |
| Health and safety | n/a | | Low | |

| | | | | |
|----------------------------------------|-----------------------------------------------------------------------------------|--------|-----|----------------------------------------------------|
| Data, Information Technology and Cyber | n/a | Medium | | |
| Assets | n/a | Medium | | |
| Compliance Breach | n/a | Low | | |
| Reputation | <i>The Town has been a participant in the waste to energy negotiation process</i> | Medium | Low | <i>Put in place alternative approval processes</i> |
| Service delivery interruption | n/a | Medium | | |

Engagement

| Internal engagement | |
|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Stakeholder | Comments |
| C-Suite | Meetings have been held to discuss the past authorisations and the changes to the current documentation |
| Governance | Discussions held with Governance as to the previous authorisations were adequate to cover the amended suite of documents and it is considered that they were not. |

Strategic alignment

| Civic Leadership | |
|-------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| Community Priority | Intended public value outcome or impact |
| CL1 – Effectively managing resources and performance. | Securing a responsible, reliable and cost-effective waste disposal option for residual municipal waste |

| Environment | |
|---------------------------------------------------------|------------------------------------------------------------|
| Community Priority | Intended public value outcome or impact |
| EN1 - Protecting and enhancing the natural environment. | Diversion of waste from landfill |
| EN2 - Facilitating the reduction of waste. | Increased reuse options for our community's residual waste |

14 Chief Financial Officer reports

14.1 Statement of Accounts - April 2026

| | |
|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Location | Town-wide |
| Reporting officer | Coordinator Finance |
| Responsible officer | Chief Financial Officer |
| Voting requirement | Simple majority |
| Attachments | <ol style="list-style-type: none">1. Payment Summary - April 2026 [14.1.1 - 8 pages]2. Fuel and Store Card Transactions April 2025-2026 [14.1.2 - 1 page]3. Credit Card Transactions - April 2026 [14.1.3 - 2 pages] |

Summary

Council is required to receive payments made from the municipal fund, payments by employees via purchasing cards each month and fuel and store card transactions under Section 13 and 13A of the Local Government (Financial Management) Regulations 1996.

1. To present the list of accounts paid by the Chief Executive Officer (CEO) under delegated authority for the period 1 to 30 April 2026.
2. To present the list of payments made by authorised employees using purchasing cards for the period 1 to 30 April 2026.

The information required for Council to receive the payments made is included in the attachment for the period 1 to 30 April 2026.

Recommendation

That Council for the period 1 to 30 April 2026, as included in the attachment:

1. Receives the list of accounts paid (cheques and EFT payments).
2. Receives the direct lodgement of payroll payments to the personal bank accounts of employees.
3. Receives the list of payments made using credit cards.
4. Receives the list of payments made using fuel and store cards.

Background

1. Council has delegated the Chief Executive Officer the authority to make payments from the municipal and trust funds in accordance with the Local Government (Financial Management) Regulations 1996.
2. Under Regulation 13(1) and 13A of the Local Government (Financial Management) Regulations 1996, where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal fund or authorised an employee to use a credit, debit or other purchasing card, each payment is to be noted on a list compiled for each month showing:
 - a) The payee's name
 - b) The amount of the payment
 - c) The date of the payment

- d) Sufficient information to identify the transaction
3. That payment list should then be presented at the next ordinary meeting of the Council, following the preparation of the list, and recorded in the minutes of the meeting at which it is presented.
 4. The payment list and the associated report was previously presented to the Audit and Risk Committee. Given this Committee's scope has changed to focus more on the audit function, the payment listings will be forwarded to the Elected Members ahead of time. Any questions received prior to the finalisation of the report will be included along with the responses within the Schedule of Accounts report for that month.
 5. The list of accounts paid in accordance with Regulation 13 and 13A of the Local Government (Financial Management) Regulations 1996 is contained within the attachment and is summarised below.

| Fund | Reference | Amounts |
|-------------------------------------------------------|------------------|------------------------|
| Municipal Account | | |
| Creditors – EFT Payments (incl. Fuel and Store Cards) | | \$8,285,321.68 |
| - Fuel and Store Cards (\$17,346.49) | April 2026 | |
| Payroll | | \$ 1,520,669.72 |
| Bank Fees | | \$ 32,426.27 |
| Corporate MasterCard | April 2026 | \$ 11,034.89 |
| Total | | \$ 9,849,452.56 |

Discussion

6. All accounts paid have been duly incurred and authorised for payment as per approved purchasing and payment procedures.

It is therefore requested that Council receive the payments, as included in the attachments, for the period 1 to 30 April 2026.

Relevant documents

Not applicable.

Legal and policy compliance

[Section 6.10\(d\) of the Local Government Act 1995](#)

[Regulation 13 of the Local Government \(Financial Management\) Regulation 1996](#)

[Procurement Policy](#)

Financial implications

| | |
|------------------------------|--------------------------------------------------------------------------------|
| Current budget impact | Sufficient funds exist within the annual budget to address this recommendation |
| Future budget impact | Not applicable. |

Risk management consideration

| Risk impact category | Risk event description | Risk rating | Risk appetite | Risk mitigation |
|----------------------------------------|-----------------------------------------------------------------|-------------|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Financial | Misstatement or significant error in Schedule of accounts. | Medium | Low | Treat risk by ensuring daily and monthly reconciliations are completed. Internal and external audits. |
| Financial | Fraud or illegal transactions | High | Low | Treat risk by ensuring stringent internal controls, and segregation of duties to maintain control and conduct internal and external audits. |
| Environmental | Not applicable. | | Medium | |
| Health and safety | Not applicable. | | Low | |
| Data, information technology and cyber | Not applicable. | | Medium | |
| Assets | Not applicable. | | Medium | |
| Compliance breach | Not accepting schedule of accounts will lead to non-compliance. | Medium | Low | Treat risk by providing reasoning and detailed explanations to Council to enable informed decision making. Also provide the Payment summary listing prior to preparation of this report for comments. |
| Reputation | Not applicable. | | Low | |
| Service delivery interruption | Not applicable. | | Medium | |

Strategic alignment

| Civic Leadership | |
|-------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Community Priority | Intended public value outcome or impact |
| CL2 – Communication and engagement with the community | The monthly payment summary listing of all payments made by the Town during the reporting month from its municipal fund and trust fund provides transparency into the financial operations of the Town. |
| CL3 – Accountability and good governance. | The presentation of the payment listing to Council is a requirement of Regulation 13 & 13A of Local Government (Financial Management) Regulation 1996. |

14.2 Financial Statements - April 2026

| | |
|----------------------------|----------------------------------------------------------------|
| Location | Town-wide |
| Reporting officer | Coordinator Finance |
| Responsible officer | Chief Financial Officer |
| Voting requirement | Simple majority |
| Attachments | 1. Financial Statements April 2026 [14.2.1 - 25 pages] |

Summary

To present to Council the Statement of Financial Activity for the period ending **30 April 2026**, detailing revenue and expenditure performance as outlined in the attached report and noting the presence of material variances for the period.

The variances identified in the Monthly Financial Report for the period **predominantly** relate to the **timing and phasing of budgets**, as well as the **timing differences in revenue recognition and expenditure** across the financial year.

Recommendation

That Council receives the financial statements for 30 April 2026, as included in the attachment, pursuant to Regulation 34 of the Local Government (Financial Management) Regulations 1996.

Background

1. Regulation 34 of the Local Government (Financial Management) Regulations 1996 states that each month, officers are required to prepare monthly financial reports covering prescribed information, and present these to Council for acceptance. Number all paragraphs from here on, not including tables.
2. As part of the monthly financial reports, material variances are reported. Thresholds are set by Council and are as follows:

Revenue

Operating revenue and non-operating revenue – material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$50,000 or 10% and, in these instances, an explanatory comment has been provided.

Expense

Operating expense, capital expense and non-operating expense – material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$50,000 or 10% and in these instances, an explanatory comment has been provided.

3. For the purposes of explaining each material variance, a three-part approach has been applied. The parts are:

Period variation

Relates specifically to the value of the variance between the budget and actual figures for the period of the report.

Primary reason(s)

Explains the primary reason(s) for the period variance. Minor contributing factors are not reported.

End-of-year budget impact

Forecasts the likely financial impact on the end-of-year financial position. It is important to note that figures in this part are ‘indicative only’ at the time of reporting and may subsequently change prior to the end of the financial year.

Discussion

- The Financial Statement – 30 April 2026 complies with the requirements of Regulation 34 (Financial activity statement report) of the Local Government (Financial Management) Regulations 1996. It is therefore recommended that the Financial Statement – 30 April 2026 be accepted.

Relevant documents

Not applicable.

Legal and policy compliance

[Regulation 34 of the Local Government \(Financial Management\) Regulations 1996](#)

Risk management consideration

| Risk impact category | Risk event description | Risk rating | Risk appetite | Risk Mitigation |
|----------------------------------------|------------------------------------------------------------------------|-------------|---------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| Financial | Misstatement or significant error in financial statements | Medium | Low | Mitigate by performing daily and monthly reconciliations, supported by periodic internal and external audits. |
| Financial | Fraud or illegal transaction | High | Low | Mitigate by maintaining strong internal controls, ensuring segregation of duties, and undertaking regular internal and external audits. |
| Environmental | Not applicable. | | Medium | |
| Health and safety | Not applicable. | | Low | |
| Data, Information Technology and Cyber | Not applicable. | | Medium | |
| Assets | Not applicable. | | Medium | |
| Compliance Breach | Council not accepting financial statements will lead to non-compliance | Medium | Low | Mitigate by providing clear reasoning and detailed explanations to support Council’s decision making. |

| | | | | |
|-------------------------------|-----------------|--|--------|--|
| Reputation | Not applicable. | | Low | |
| Service delivery interruption | Not applicable. | | Medium | |

Financial implications

| | |
|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Current budget impact | Commentary around the current budget impact is outlined in the Statement of Financial Activity, forming part of the attached financial activity statement report. |
| Future budget impact | Commentary around the future budget impact is outlined in the Statement of Financial Activity, forming part of the attached financial activity statement report. |

Engagement

| Internal engagement | |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Service Area Leaders | All Service Area Leaders have reviewed the monthly management reports and provided commentary on any identified material variance relevant to their service area. |

Strategic alignment

| Civic Leadership | |
|-----------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Strategic outcome | Intended public value outcome or impact |
| CL6 - Finances are managed appropriately, sustainably and transparently for the benefit of the community. | To make available timely and relevant information on the financial position and performance of the Town so that Council and public can make informed decisions for the future. |
| CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably. | Ensure the Town meets its legislative responsibility in accordance with Regulation 34 of the <i>Local Government (Financial Management) Regulations 1996</i> . |

| Civic Leadership | |
|--------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Community Priority | Intended public value outcome or impact |
| CL2 - Communication and engagement with the community. | To make available timely and relevant information on the financial position and performance of the Town so that Council and public can make informed decisions for the future. |
| CL3 - Accountability and good governance. | Ensure the Town meets its legislative responsibility in accordance with Regulation 34 of the <i>Local Government (Financial Management) Regulations 1996</i> . |

- 15 Committee reports**
- 16 Motion of which previous notice has been given**
- 17 Public participation time**
- 18 Questions from members without notice on general matters**
- 19 Confidential matters**
- 20 Closure**