



TOWN OF  
VICTORIA PARK

# Ordinary Council Meeting Agenda – 19 August 2025

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**WE'RE OPEN**  
VIC PARK

Please be advised that an **Ordinary Council Meeting** will be held at **6:30 PM** on **Tuesday 19 August 2025** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

**Mr Carl Askew – Chief Executive Officer**  
14 August 2025

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# 1 Declaration of opening

## Acknowledgement of Country

*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 kaadijtin, 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.

## 2 Announcements from the Presiding Member

### 2.1 Recording and live streaming of proceedings

In accordance with regulation 14I of the Local Government (Administration) Regulations 1996, this meeting is being audio and video recorded and live streamed on the Town's website.

Under clause 39(1) of the Meeting Procedure Local Law 2019 I do not give permission for any other person to record the proceedings of this meeting. By being present at this meeting, members of the public consent to the possibility that their image and voice may be live streamed to public. Recordings are also made available on the Town's website following the meeting.

### 2.2 Public question time and public statement time

There are guidelines that need to be adhered to in our Council meetings and during question and statement time people speaking are not to personalise any questions, or statements about Elected Members, or staff or use any possible defamatory remarks.

In accordance with clause 40 of the *Town of Victoria Park Meeting Procedures Local Law 2019*, a person addressing the Council shall extend due courtesy and respect to the Council and the processes under which it operates and shall comply with any direction by the presiding member.

A person present at or observing a meeting shall not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

When the presiding member speaks during public question time or public statement time any person then speaking, is to immediately stop and every person present is to preserve strict silence so that the presiding member may be heard without interruption.

### **2.3 No adverse reflection**

In accordance with clause 56 of the *Town of Victoria Park Meeting Procedures Local Law 2019*, both Elected Members and the public when speaking are not to reflect adversely on the character or actions of Elected Members or employees.

### **2.4 Town of Victoria Park Meeting Procedures Local Law 2019**

All meetings of the Council, committees and the electors are to be conducted in accordance with the Act, the Regulations and the *Town of Victoria Park Meeting Procedures Local Law 2019*.

### **3 Attendance**

#### **Mayor**

Ms Karen Vernon

#### **Banksia Ward**

Cr Claire Anderson  
Cr Peter Devereux  
Cr Peter Melrosa  
Cr Lindsay Miles

#### **Jarrah Ward**

Cr Sky Croeser  
Cr Jesse Hamer  
Deputy Mayor Bronwyn Ife  
Cr Daniel Minson

#### **Chief Executive Officer**

Mr Carl Askew

#### **Chief Financial Officer**

Mr Duncan Olde

#### **Chief Community Planner**

Mr David Doy

#### **Acting Chief Operations Officer**

Mr Paul Denholm

#### **Acting Manager Governance and Strategy**

Mr Jordan McDermott

#### **Meeting Secretary**

Ms Natasha Horner

#### **Public liaison**

Ms Tomoko Kidahashi

### **3.1 Apologies**

### **3.2 Approved leave of absence**

## **4 Declarations of interest**

### **4.1 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.

### **4.2 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.

### **4.3 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

## 5 Public question time

### 5.1 Response to previous public questions taken on notice at Ordinary Council Meeting held on 15 July 2025

#### **Briony Whitton, East Victoria Park**

*1. What measures does the Town of Victoria Park have in place to protect to native wildlife and domestic pets from second-generation anticoagulant rodenticides, such as Ratsak?*

Both first and second generation anticoagulants are approved by the Australian Pesticides and Veterinary Medicines Authority for use in and around domestic, commercial, industrial and agricultural buildings.

The Town's Parks team do not use rodenticides.

For the Town's facilities, second-generation or 'single-dose anticoagulants') rodent baits have been used. These baits will be transitioned to first generation (or 'multi-dose anticoagulants') baits (which are weaker) as part of the scheduled facility servicing in October 2025. Second generation anticoagulant rodenticides may still be used on an exception basis, if deemed necessary.

#### **Vince Maxwell, Victoria Park**

*1. Could you advise how many purchase orders have been issued for the newly approved capital works projects?*

None.

*2. How many vehicles are there currently in the Town's entire fleet?*

61 Total - Heavy plant, light passenger and light commercial vehicles .

*3. The Chief Executive Officer took the question on notice regarding the response to the email that Mr Maxwell is referring to.*

The email referenced by Mr Maxwell has now been addressed. The delay in responding occurred as the message was not directed to the admin@vicpark.wa.gov.au mailbox.

*4. In relation to Policy 39, how many trees that would have met the new policy's criteria have been removed from the Edward Millen site by either the Town or Blackoak?*

Policy 39 only applies to private land and since the Ed Millen Precinct is deemed Public Open Space Policy 255 – Tree Management applies in this instance.

That said, Total of 16 trees from Blackoak site and 13 from Elizabeth Baillie Park have been removed. The majority of which were in poor health, and or exotic species, providing little habitat for native fauna.

This tree loss will be offset by the planting of 159 '**native**' trees.



## 5.2 Response to previous public questions taken on notice at Agenda briefing Forum held on 5 August 2025

**Vince Maxwell, Victoria Park**

*3. Regarding item 13.5, the terms of subleases, how much has the Town spent so far on legal fees and will this be reimbursed by Blackoak?*

The legal fees of the Town's lawyer advising on the sublease, deeds of consent and other documentation presented to Council were \$59,995.41 and yes, there will be full recovery by the Town of these legal fees in the event of Council approving the requested consents.

**Luana Lisandro, Lathlain**

*1. Regarding item 13.6, will any trees or vegetation be impacted or removed at the three proposed sites, Koolbardi Park, Parnham Park and Manners Reserve, as outlined in the officer's recommendation?*

Based on indicative proposed Community Battery Locations, no trees/tree roots will be impacted by the installation of the Community Batteries.

*2. What is the total area for each proposed lease site mentioned in point 4 of the office's recommendation, what is the total area allocated for community batteries at each site, and will these details be included in the next agenda?*

The proposed Easement area is 12.5m x 7.5m (~94m<sup>2</sup>). The Easement area will be maintained by Western Power.

The BESS size cannot be confirmed until the design stage has been completed by Western Power and the BESS Contractor. The DCCEEW Community Batteries are 8m L, 2m W, 2.8m H, however indications are the BESS size and footprint will reduce as technology has advanced.

BESS - Battery Energy Storage System

DCCEEW - Department of Climate Change, Energy, the Environment and Water. ( A Commonwealth department)

*3. Would the Council consider revegetation at any of the three sites if trees or significant native vegetation are removed during the project?*

Yes we would. However, locations are generally picked to minimize vegetation removal.

## **Alan Bajada, Victoria Park**

Mayor Vernon directed the question to the Chief Community Planner regarding

*whether there is usually a process to send automated or direct acknowledgements to people who make submissions during open public consultations, or if acknowledgements are only sent after the matter is scheduled to be discussed by the council?*

For submissions lodged online through the Town's community consultation portal, submitters receive a message to their registered email immediately after lodging their submission; and where the matter is to then be considered at an ABF or OCM, then receive advice from Town staff about the upcoming ABF within the week prior to the meeting.

For submissions lodged via email or hard copy, submitters do not receive an acknowledgement email/letter, but where the matter is to then be considered at an ABF or OCM, receive advice from Town staff about the upcoming ABF within the week prior to the meeting.

Comments and questions were raised by Mr Bajada at the ABF regarding the Town's consultation and notification processes for the application. The Town's records indicate that –

- Mr Bajada lodged a submission via hard copy letter on 28 March 2025. The Town sent a letter to Mr Bajada on 30 July 2025 advising of the upcoming ABF and the opportunity to attend and participate. The Town's Urban Planning Coordinator spoke to Mr Bajada via phone on Friday 1 August 2025 where the upcoming ABF date and time was confirmed as was the Town's notification letter being sent.
- In relation to Mr Bajada's claim that two neighbours next door lodged a submission but did not receive notification of the ABF meeting, it is assumed that this relates to the owners or occupiers of the properties at Nos. 10 and 13 Gresham Street. With respect to No. 10 Gresham Street, the Town's records indicate that the owners did receive notification via email on 30 July 2025, with a second notification email being sent on 1 August given claims that they did not receive the original email. With respect to No. 13 Gresham Street, the Town has no record of receiving a submission on the proposed development from the owners or occupiers of this property.

### **5.3 Public question time**

## **6 Public statement time**

## **7 Confirmation of minutes and receipt of notes from any agenda briefing forum**

### **Recommendation**

That Council:

1. Confirms the minutes of the Ordinary Council Meeting held on 15 July 2025.
2. Receives the notes of the Agenda Briefing Forum held on 5 August 2025.

## **8 Presentation of minutes from external bodies**

### **Recommendation**

That Council Receives the minutes of Mindarie Regional Council held on 19 June 2025

## **9 Presentations**

### **9.1 Petitions**

### **9.2 Presentations**

The Council present to Manager of Infrastructure Operations Gregor Wilson and Urban Ecosystems Supervisor Stephen Szydlowski with the National Award for Local Government in the Environmental Sustainability category for its Cockitrough bird waterers.

### **9.3 Deputations**

## **10 Method of dealing with agenda business**

## 11 Chief Executive Officer reports

### 11.1 Council Resolutions Status Report - July 2025

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Governance Officer
<b>Responsible officer</b>	Manager Governance and Strategy
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Outstanding Council Resolutions Report July 2025 [ <b>11.1.1</b> - 47 pages] 2. Completed Council Resolutions Report July 2025 [ <b>11.1.2</b> - 21 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 11.1.1.
2. Notes the Completed Council Resolutions Report as shown in attachment 11.1.2.

#### 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 10 July 2025 to 31 July 2025. A status update has been included by the relevant officer/s.

#### Legal and policy compliance

Not applicable.

#### Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
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**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.

**Further consideration**

Not applicable.

## 11.2 Policy 011 Elections - amendments

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Manager Governance and Strategy
<b>Responsible officer</b>	Chief Executive Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Policy 011 Elections - tracked changes [ <b>11.2.1</b> - 6 pages] 2. Policy 011 Elections clean version [ <b>11.2.2</b> - 6 pages]

### Summary

The *Local Government Amendment Act 2023* introduced a standard caretaker period for all local governments in Western Australia. As such, policy 011 requires amendment so that it aligns with the legislative changes.

### Recommendation

That Council endorses the amendment to Policy 011 Elections as contained in attachment 11.2.2.

### Background

1. The *Local Government Amendment Act 2023* introduced a standard caretaker period for all local governments in Western Australia. This will apply to the upcoming 2025 ordinary local government elections.
2. This means that during the caretaker period, local governments must not undertake significant acts as defined in section 3.73(1) of the *Local Government Act 1995* including:
  - making a local law
  - entering into a CEO employment contract
  - inviting tenders or entering into a contract valued at more than \$250,000
  - entering into a major land transaction or commencing a major trading undertaking.
3. Policy 011 Elections includes caretaker periods.
4. In accordance with section 1.4A of the *Local Government Act 1995*, the Caretaker Period for the 2025 local government elections will come into effect at 4pm on 4 September 2025.

### Discussion

5. Policy 011 has been updated to reflect the new caretaker period requirements contained within the Act.
6. 'Major Decision' has been renamed to 'significant act' with the definition reflecting the requirements within the Act.
7. A copy of the tracked changes policy, and a clean copy of the policy, is attached for easy reference.

Relevant documents

Not applicable.

Legal and policy compliance

[Local Government Amendment Act 2023](#)

[Division 5 - Caretaker Period, Local Government Act 1995](#)

Financial implications

Current budget impact	Not applicable
Future budget impact	Not applicable.

Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial			Low	
Environmental			Medium	
Health and safety			Low	
Data, Information Technology and Cyber			Medium	
Assets			Medium	
Compliance Breach	Non-compliance with the Act may compromise the integrity of a local government election.	Major	Low	Treat the risk by amending the Policy to align with legislative requirements
Reputation			Low	
Service delivery interruption			Medium	

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	Increases governance and accountability within the organisation.

## Further consideration

Not applicable.



## 11.3 Minor Review of the Corporate Business Plan

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Manager Governance and Strategy
<b>Responsible officer</b>	Chief Executive Officer
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	1. Corporate Business Plan [ <b>11.3.1</b> - 39 pages]

### Summary

To present the amended Corporate Business Plan 2024-2028 for adoption.

### Recommendation

That Council endorses the amended Corporate Business Plan 2024-2028, as per Attachment 11.3.1.

### Background

1. The Town's Corporate Business Plan 2024-2028 is the planning document that outlines the projects and services that will be delivered over a four-year period to help achieve Town objectives and community priorities. It ensures that medium-term commitments are strategically aligned, resourced and affordable.
2. The Corporate Business Plan (CBP) has gone through a minor review which occurs every year as per the Integrated Planning and Reporting Framework.

### Discussion

3. The Town is required to have a Corporate Business Plan (CBP) under legislation.
4. The CBP has been reviewed for the 2025/26 financial year.
5. Sessions were held with Managers and Chiefs to finalise all actions.
6. Updates to the plan include:
  - All actions that were achieved by the end of June 2025 have been removed.
  - Some existing actions have been reworded.
  - Budget figures for individual actions have been revised.
  - The adopted budget for 25/26 has been removed.
  - The following new actions added:
    - Implement a Public Lighting Plan
    - Implement outcomes of Asset management Plans
    - Deliver the Library Services Strategy
    - Deliver review of the Events Strategy

- Deliver review of the Homelessness Action Plan
  - Deliver review of the Access and Inclusion Plan
  - Develop the Community Group and Club Development Plan
  - Deliver and implement the information technology asset renewal program.
  - Requirements for individual business units to review their own policies has been removed as this is now included in the policy review process managed by Governance.
7. Due to timing constraints, the CBP is being presented in an unpublished format. It has not yet undergone final formatting or design.
  8. Importantly, local government reform is replacing the Integrated Planning and Reporting Framework with a Council Plan. This means that the Strategic Community Plan and the Corporate Business Plan will be brought together into one cohesive and coordinated document.
  9. The Town has commenced developing a Council Plan and is anticipating this will be brought to Council for adoption in early 2026, following a robust Elected Member and community consultation process.

## Relevant documents

Not applicable.

## Legal and Policy Compliance

[s5.56 Local Government Act 1995](#)

[r.19DA Local Government \(Administration\) Regulations 1996](#)

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
<b>Future budget impact</b>	Not applicable.

## Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial		High	Low	
Environmental			Medium	
Health and safety			Low	
Data, Information Technology and Cyber			Medium	

Assets	Medium			
Compliance Breach	Failure to adopt a revised CBP will mean that the Town is not compliant with the requirement to make a corporate business plan for the district.	Medium	Low	Treat by adopting the amended CBP.
Reputation	Failure to adopt a CBP could result in negative public perception as the community will not know how the Town is planning on achieving the priorities and objectives in the SCP.	Low	Low	Treat by adopting the amended CBP or providing clear direction to enable a CBP to be adopted.
Service delivery interruption	Failure to adopt a CBP could mean that clear direction through activities and goals is not set to enable the Town to achieve the priorities and objectives in the SCP.	Medium	Medium	Treat by adopting the amended CBP or providing clear direction to enable a CBP to be adopted.

## Engagement

Internal engagement	
Stakeholder	Comments
Business Unit Managers	Provided inputs into the plan for actions related to their areas.
C-Suite	Presented to C-Suite for approval

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Planning actions that will be delivered allows the Town to manage resources and sets the basis for reporting progress.
CL3 - Accountability and good governance.	The CBP allows Council and the community to have oversight of the Town's performance and how resources are managed to deliver outcomes

## Further consideration

Not applicable.

## 11.4 Advocacy Priorities Projects 2025-2026

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Manager Stakeholder Relations
<b>Responsible officer</b>	Manager Stakeholder Relations
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	Nil

### Recommendation

That Council:

1. Endorses the Advocacy Priorities for 2025/26
  - (i) Rough Sleeping and Homelessness in the Town
  - (ii) Burswood Station Redevelopment
  - (iii) Kent Street Sandpit Restoration
  - (iv) Higgins Park and Playfield Reserve Masterplan
  - (v) Rutland Ave Shared Path
  - (vi) Perth Entertainment and Sporting Precinct – Motor Racing Circuit opposition
2. Authorises the CEO to progress advocacy efforts in line with these priorities

### Background

1. Advocacy Policy (Policy 105) outlines a structured approach to identifying and pursuing advocacy projects that address gaps in infrastructure, services, and legislative frameworks.
2. Annually projects are selected based on their alignment with strategic outcomes, community endorsement, and the Town's inability to deliver them independently due to financial, jurisdictional, or operational constraints
3. A Council Workshop was held on 22 April 2025 to review existing advocacy priorities and identify new projects for the upcoming financial year. The workshop considered strategic alignment, community needs, and the current political landscape.
4. An initial report with five proposed advocacy items were brought to Special Meeting of Council 8 July 2025, the Council requested review of the proposed priorities at a subsequent concept forum which was held 22 July.

### Discussion

5. Following the 22 July Concept Forum and administrative review, the following projects are recommended for adoption as Advocacy Priorities for 2025–2026, these priorities are not listed in order of priority or importance.
  - (a) State Government support to reduce the instances of rough sleeping in Town parks and facilities
    - (i) Increase police attendance during peak summer periods
    - (ii) Increased state government intervention on programs to help those who are experiencing homelessness and rough sleepers

- (b) Burswood Train Station Redevelopment
  - (i) Advocate for the redevelopment of Burswood Station
- (c) Kent Street Sandpit Restoration
  - (i) Cultural restoration with three yarning spaces and educational nodes to tell Aboriginal stories; two universal access ramps; bird waterers; formalised car park and other community amenity and site revegetation with Banksia Woodland species.
- (d) Higgins Park and Playfield Reserve Masterplan
  - (i) Funding for the implementation of the Higgins Park and Playfield Reserve masterplan including the redevelopment of clubroom facilities for key user groups, as well as the stages within the project area that are yet to be completed.
- (e) Rutland Ave shared path
  - (i) Continue to advocate to the State Government to gain further funds to retain a bi-directional roadway with a grade separated Cycle Path
- (f) Perth Entertainment and Sporting Precinct – car raceway opposition
  - (i) Advocate for reconsideration of the Motor Racing Circuit portion of the proposed Perth Entertainment and Sporting Precinct.
  - (ii) Publicly support the elements of the project that align with the Burswood Park Master Plan

## Relevant documents

[Policy-024-Event-Attendance.pdf](#)

[Policy-103-Communication-and-Engagement.pdf](#)

[Policy-116-Sponsorship.pdf](#)

## Legal and policy compliance

[Policy-105-Advocacy.pdf](#)

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
<b>Future budget impact</b>	Not applicable.

## Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	Not having a focussed advocacy approach could result in the Town not being successful in accessing alternative funding streams.	Low	Low	<b>TREAT</b> risk by endorsing an annual advocacy program that is aligned to Council Priorities.
Environmental			Medium	
Health and			Low	

safety				
Data, Information Technology and Cyber	Medium			
Assets	Medium			
Compliance Breach	Conflicts of interest relating to advocacy	Med	Low	<b>TREAT</b> with effective systems managed closely
Reputation	Unfocussed approach to advocacy	Low	Low	<b>TREAT</b> with clarification on expectations and focus projects, report accordingly
	Conflicting messages to the State Government that actively push against their project deliverables whilst asking for support on Town issues.	High	Low	<b>TREAT</b> Use briefing packages and MP engagement to proactively manage perceptions and clarify the Town's position on contentious issues.
Service delivery interruption	Project delivery could be at risk without the support of external stakeholders.	Med	Medium	<b>TREAT</b> with management of community expectations and transparent reporting on advocacy reporting activity

## Engagement

Internal engagement	
Stakeholder	Comments
Place Planning	Confirmation of project inclusions
Finance	Inclusion of advocacy considerations into the Long Term Financial Plan and budget.
Community Development	Inclusion of homelessness and support requirements to improve services in the community.
Project Management Office	Confirmation of project inclusions

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	The Town will seek to find opportunities to partner with State and Federal governments to deliver projects. The Town will seek ways to deliver projects in a that meet a high standard while reducing the short and long term financial impacts on residents.
CL2 - Communication and engagement with the community.	Focussed efforts and an agreed approach that strengthen relationships with the State Government, enabling more effective collaboration.
CL3 - Accountability and good governance.	Establishing clear advocacy priorities and strategies, which allow for better tracking and evaluation of performance.

## Further consideration

Not applicable.

## 11.5 South East Corridor Councils Alliance - Memorandum of Understanding

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Manager Governance and Strategy
<b>Responsible officer</b>	Chief Executive Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. South East Corridor Councils Alliance SECCA MOU 2025 [ <b>11.5.1</b> - 9 pages]

### Summary

For Council to renew to Memorandum of Understanding with the South East Corridor Councils Alliance (SECCA) for a further four (4) year term.

### Recommendation

That Council:

1. Endorses the memorandum of understanding with the South East Corridor Councils Alliance in attachment 11.5.1.
2. Authorises the Mayor and the Chief Executive Officer to sign the Memorandum of Understanding on behalf of the Town.

### Background

1. At its meeting held on 27 May 2020, the South East Corridor group considered a proposal to create a strategic partnership between the local governments of the south east corridor. As a result, an MOU was prepared to formally establish the South East Corridor Councils Alliance (SECCA).
2. The Cities of Armadale, Canning, Gosnells and the Town of Victoria Park are members of the SECCA.
3. On 15 December 2020, Council formally endorsed the SECCA Memorandum of Understanding (MOU). The Mayor and the CEO formally signed the MOU on 21 April 2021.
4. The MoU creates a framework for the establishment of a co-operative partnership between the participating parties to explore possible collaboration on strategic issues impacting on local governments.

### Discussion

5. A new SECCA MOU has been drafted with the following responsibilities:
  - a. The Parties will meet regularly, represented by their Mayors and Chief Executive Officers and any other relevant person as required from time to time.
  - b. The Parties will establish SECCA working groups and/or forums as needed and agreed by the Parties.
  - c. For each financial year during the term of the MoU, the Parties will nominate a Mayor from one of the Parties as the Chairperson of SECCA (Mayoral Chair) for that financial year.



6. The City of Canning has been nominated as the administrative host for SECCA.
7. Under the MOU, all membership Councils will be responsible for a financial contribution to SECCA of \$50,000 exclusive of GST, payable on 31 August each year.
8. The Term of the MOU is for a four (4) year term.

## Relevant documents

Not applicable.

## Legal and policy compliance

Not applicable.

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
<b>Future budget impact</b>	Allowance for SECCA membership will be considered in future budgets.

## Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial		High	Low	
Environmental			Medium	
Health and safety			Low	
Data, Information Technology and Cyber			Medium	
Assets			Medium	
Compliance Breach			Low	
Reputation	Not continuing the alliance with other Councils in the South East Corridor will impact on the Towns reputation	Minor	Low	Treat the risk by endorsing the MOU so that SECCA can continue to operate.
Service delivery			Medium	

## Engagement

### Internal engagement

Stakeholder	Comments
Chief Executive Officer	The CEO supports the MOU.

## Strategic alignment

### Economic

Community Priority	Intended public value outcome or impact
EC1 - Facilitating a strong local economy.	The alliance is focused on expanding economic opportunity delivering against this strategic outcome.

### Environment

Community Priority	Intended public value outcome or impact
EN3 - Enhancing and enabling liveability through planning, urban design and development.	The alliance seeks to address and work collaboratively on issues such as density around train stations.
EN6 – Improving how people get around the Town.	The alliance seeks to advocate for improvements to the transport network throughout the corridor.

## Further consideration

9. The MOU attached to this report has been replaced with an updated version from SECCA.

## 11.6 Nomination of WALGA 2025 Annual General Meeting Delegates

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Manager Governance and Strategy
<b>Responsible officer</b>	Chief Executive Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	Nil

### Summary

For Council to nominate two voting delegates and two proxy delegates for the 2025 Annual General Meeting of the WA Local Government Association (WALGA).

### Recommendation

That Council:

1. Nominates \_\_\_\_\_ and \_\_\_\_\_ as voting delegates for the 2025 Annual General Meeting of the WA Local Government Association to be held on Tuesday 23 September 2025 at Perth Convention and Exhibition Centre.
2. Nominates \_\_\_\_\_ and \_\_\_\_\_ as proxy voting delegates for the 2025 Annual General Meeting of the WA Local Government Association to be held on Tuesday 23 September 2025 at Perth Convention and Exhibition Centre, in the event that Council's appointed representatives are unable to attend.
3. Requests the Chief Executive Officer advise the WA Local Government Association of Council's nominees.

### Background

1. WALGA is the peak industry body for local government in Western Australia and advocates on behalf of 139 local governments.
2. All member Councils are entitled to be represented by two voting delegates and two proxy voting delegates at the Annual General Meeting of WALGA.
3. At the Annual General Meeting, members consider WALGA's annual financial statements, the Presidents annual report and any executive or member motions that are raised
4. The 2025 WALGA Annual General Meeting is being held on Tuesday 23 September 2025 at Perth Convention and Exhibition Centre.
5. The Town must register two voting delegates by Monday, 8 September 2025 to be able to participate in matters to be voted on.
6. Two proxy delegates should be nominated in the event that the appointed representatives are unable to attend on the day.

Discussion

- 7. At its Special Council Meeting held on 30 October 2023, Council appointed Cr Lindsay Miles and Cr Peter Devereux as members to represent the Town on the WALGA South-East Metropolitan Zone for the period 30 October 2023 to 18 October 2025.
- 8. Mayor Karen Vernon and Deputy Mayor Bronwyn Ife were appointed as deputies for the period 30 October 2023 to 18 October 2025.
- 9. The Chief Executive Officer has received communication from WALGA requesting the Town register its voting delegates by Monday, 8 September 2025.

Relevant documents

[WALGA AGM Standing Orders](#)

Legal and policy compliance

WALGA’s constitution requires that voting delegates are registered.

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			Low	
Environmental			Medium	
Health and safety			Low	
Data, Information Technology and Cyber			Medium	
Assets			Medium	
Compliance Breach	If the Town doesn’t submit its voting members, it will not be able to vote on matters being considered	Low	Low	Treat risk by nominating voting members

Reputation	Low
Service delivery interruption	Medium

**Engagement**

Not applicable.

**Strategic alignment**

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	WALGA’s constitution requires that voting delegates are registered. Representation at WALGA’s Annual General Meeting will enable the Council to be involved in any decision-making affecting the Town.

**Further consideration**

Not applicable.

## 12 Chief Community Planner reports

### 12.1 Revocation of Local Planning Policies: No.15, No.16 and No.17 – various design guidelines for the Albany Highway precinct

<b>Location</b>	East Victoria Park St James Victoria Park
<b>Reporting officer</b>	Coordinator Strategic Planning and Economic Development
<b>Responsible officer</b>	Manager Place Planning
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Local- Planning- Policy-15- East- Victoria- Park- Gateway- Shopping- Area- Design- Guidelines [ <b>12.1.1</b> - 9 pages] 2. Local- Planning- Policy-16- Albany- Highway- Residential Commercial- Design- Guidelines [ <b>12.1.2</b> - 4 pages] 3. Local- Planning- Policy-17- Street- Frontage- Design- Guidelines-for- District- Centres-and- Commerc [ <b>12.1.3</b> - 9 pages]

#### Summary

This report is to consider the review of Local Planning Policies: No.15 – East Victoria Park Gateway Shopping Centre Design Guidelines (LPP15), No.16 – Albany Highway Residential/Commercial Design Guidelines (LPP16), and No.17 – Street Frontages Design Guidelines for District Centres and Commercial Areas along Albany Highway (LPP17).

The review of these LPPs has found that their content has been superseded by provisions contained in higher order planning instruments namely the Albany Highway Precinct Structure Plan. The Town's Administration recommends that the policies be revoked by the Council.

#### Recommendation

That Council revokes the following policies in accordance with Schedule 2, Part 2, Clause 6 of the Planning and Development (Local Planning Schemes) Regulations 2015:

1. Local Planning Policy No.15 – East Victoria Park Gateway Shopping Centre Design Guidelines
2. Local Planning Policy No.16 – Albany Highway Residential/Commercial Design Guidelines
3. Local Planning Policy No.17 – Street Frontages Design Guidelines for District Centres and Commercial Areas along Albany Highway

#### Background

1. It is important that regular reviews of LPPs are undertaken to ensure that they remain current and consistent with contemporary legislation and relevant to achieving the Town's strategic objectives.

2. The Local Planning Policy Review Sub-Program is an important component of the Vic Park Planning Program and provides strategic oversight and processes for the making, evaluation and management of the Town's LPPs.
3. The Local Planning Policy Review Sub-Program has identified the following three policies relating to design guidelines for development on Albany Highway have not been reviewed for over 10 years:
  - Local Planning Policy No.15 – East Victoria Park Gateway Shopping Centre Design Guidelines (LPP15).
  - Local Planning Policy No.16 – Albany Highway Residential/Commercial Design Guidelines (LPP16).
  - Local Planning Policy No.17 – Street Frontages Design Guidelines for District Centres and Commercial Areas along Albany Highway (LPP17).
4. At its Ordinary Meeting held 17 June 2025, following a period of public advertising, Council resolved to endorse the Albany Highway Precinct Structure Plan (AHPSP), subject to modifications, for submission to the Western Australian Planning Commission (WAPC) for final approval.
5. The AHPSP provides a new planning framework consisting of contemporary objectives, development controls and design guidance for development within the Albany Highway precinct.
6. The revocation of LPP15, LPP16 and LPP17, the subject of this report, has remained outstanding as their revocation was contingent on the progress of preparing the Albany Highway Precinct Structure Plan (AHPSP) to ensure that sufficient design guidance remained in the interim.

## Discussion

### Regard for the Albany Highway Precinct Structure Plan

7. Within planning, there is a concept that weight can be given in decision making to a draft planning instrument, such as the AHPSP, once it becomes a seriously entertained planning proposal but before final formal approval from the WAPC.
8. The AHPSP can be considered a seriously entertained planning proposal as it has reached a stage where it meets the following considerations:
  - It is based on sound town planning principles.
  - It has gone through the public consultation process, allowing for community feedback and input.
  - It has been endorsed by the Council, signifying a commitment to its implementation.
9. The level of weight given to the AHPSP as a seriously entertained planning proposal will strengthen as its certainty and imminence increases as it progresses through assessment and towards eventual approval by the WAPC.

### Review of Local Planning Policy 15 – East Victoria Park Gateway Shopping Centre Design Guidelines (LPP15)

10. LPP15 was first adopted in September 1998 with the purpose to *"provide guidance to developers. It is envisaged that the document will help integrate the activities in this area with its immediate surrounds and in particular with the Albany Highway area"*.
11. LPP15 applies to land within the St James town centre bound by Oats Street, Shepperton Road, Alday Street and ROW 102 and contains design guidance for development on matters relating to:
  - Movement and Parking
  - Streetscape and Built Form
  - Landscaping

12. LPP15 was last reviewed in January 2006.
13. The objectives of LPP15 remain relevant, however, the outcomes the policy aims to achieve are now more comprehensively covered by higher order and/or more contemporary planning guidance including:
- Albany Highway Precinct Structure Plan
  - Local Planning Scheme No.2
  - The Residential Design Codes
  - Local Planning Policy 23 – Bicycle Parking, Car Parking and Access for Non-Residential Development.
14. LPP15 is not considered to contain any provisions of greater value than those already contained within the higher order and more contemporary planning instruments identified above and therefore detracts from the overall legibility of the Town's planning framework. For these reasons the Administration recommends that LPP15 be revoked

#### Review of Local Planning Policy 16 – Albany Highway Residential/Commercial Design Guidelines (LPP16)

15. LPP16 was first adopted in September 1998 with the purpose of supporting *"an increase in the residential population of the part of Albany Highway between Dane and Oats Street"* and inclusive of the following objectives:
- a) *Encourage mixed residential and non-residential development.*
  - b) *Protect the amenity of existing and future residential uses.*
  - c) *Encourage development consistent with the style and character of adjacent commercial areas along Albany Highway, and complementary to adjacent residential development.*
16. LPP16 contains design guidance for development on matters relating to:
- Setbacks
  - Design and Layout
  - Landscaping
  - Vehicular Access
  - Car Parking
17. LPP16 was last reviewed in July 2007.
18. The objectives of LPP15 remain relevant, however, the outcomes the policy aims to achieve are now more comprehensively covered by higher order and/or more contemporary planning guidance including:
- Albany Highway Precinct Structure Plan
  - Local Planning Scheme No.2
  - The Residential Design Codes
  - Local Planning Policy 23 – Bicycle Parking, Car Parking and Access for Non-Residential Development.
19. LPP16 is not considered to contain any provisions of greater value than those already contained within the higher order planning instruments identified above and therefore detracts from the overall legibility of the Town's planning framework. For these reasons the Administration recommends that LPP16 be revoked



## Review of Local Planning Policy 17 – Street Frontages Design Guidelines for District Centres and Commercial Areas along Albany Highway (LPP17)

20. LPP17 was first adopted in September 1998 and aims to “assist owners, occupiers and designer to carry out renovations or new developments for all uses in predominantly shopping areas, in order to provide appropriate building frontages of high quality design” for commercial areas along Albany Highway.
21. LPP17 contains design guidance for development on matters relating to location of frontage, facade design including - windows and glazing, entrances, security, colours, signage, awnings and verandas, alfresco dining areas and public footpaths.
22. The policy has not been reviewed since its initial adoption in 1998.
23. The objectives of LPP17 remain relevant, however, the outcomes the policy aims to achieve are now more comprehensively covered by higher order and/or more contemporary planning guidance including:
  - Albany Highway Precinct Structure Plan
  - Local Planning Scheme No.2
  - The Residential Design Codes
24. The provisions of LPP17 are also inconsistent with Council policy 210 – Free Trade Area relating to outdoor eating areas, as well as the display of goods and signs.
25. LPP17 is not considered to contain any provisions of greater value than those already contained within the higher order planning instruments identified above and therefore detracts from the overall legibility of the Town’s planning framework. For these reasons the Administration recommends that LPP17 be revoked.

### Conclusion

26. In view of the above, LPPs No.15, No.16 and No.17 are considered outdated and not of any significant value to the Town’s Local Planning Framework. It is recommended that these LPPs be revoked by Council.

### **Relevant documents**

- [Albany Highway Precinct Structure Plan](#)
- [Town of Victoria Park Local Planning Scheme No.2](#)

### **Legal and policy compliance**

27. The Planning and Development (Local Planning Schemes) Regulations 2015 at Schedule 2, Part 2, clause 6 does not require the revocation of a local planning policy to be advertised for public comment.
28. Should Council decide to revoke LPP No.15, No.16 and No.17 a notice of revocation published on the Town’s website is required to give effect to the revocation.

### **Financial implications**

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
<b>Future budget impact</b>	Not applicable.

## Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial			Low	
Environmental			Medium	
Health and safety			Low	
Data, Information Technology and Cyber			Medium	
Assets			Medium	
Compliance Breach			Low	
Reputation	The Council refuse to endorse recommendation to revoke local planning policies reducing the legibility of the Town's local planning framework.	Low	Low	Treat - Provide clear information to Council on the purpose of proposed revocation of the LPPs. Accept the risk and act on any further instructions from the Council.
Service delivery interruption			Medium	

## Engagement

Internal engagement	
Stakeholder	Comments
Urban Planning	Support the proposed revocation of LPP15, 16 and 17, now that the Albany Precinct Structure Plan is a seriously entertained document and can be considered when determining planning applications.

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	The regular review of local planning policies, and revocation of redundant policies, improves the overall legibility of the planning framework.

Environment	
Community Priority	Intended public value outcome or impact
EN3 - Enhancing and enabling liveability through planning, urban design and development.	The regular review of local planning policies, and revocation of redundant policies, ensures that the local planning framework remains contemporary and aligned with the Town's strategic planning, urban design and development objectives.

## Further considerations

At the Agenda Briefing Forum meeting held on 5 August 2025, the following information was requested

29. Provide further information regarding the exact submission date of the Albany Highway Precinct Structure Plan and the current progress within the 120-day assessment period.

The AHPSP, and associated scheme amendment, were submitted to the Department of Planning, Lands and Heritage on the 24 June 2025 and are currently under assessment.

30. Provide confirmation whether a breach of the Albany Highway Precinct Structure Plan is treated the same as a breach of a local planning policy under the Planning and Development Act.

Both approved structure plans and local planning policies are considered 'due regard' documents in the Western Australian planning framework. This means that while they are not legally binding like a local planning scheme, decision-makers are required to consider them when assessing development proposals and in any particular case the decision-maker may exercise discretion and permit a departure from the requirements of the policy or structure plan.

In the case of structure plans that have not been granted final approval but are 'seriously entertained' they will be given lesser weight than approved local planning policies in the assessment of development applications, as the local planning policy is approved whereas approval of the structure plan is not certain and final and may be subject to change.

31. Provide response to the question *If Council revokes a local planning policy, when does the revocation become effective?*

The revocation comes into effect when a public notice of the revocation is published on the Town's website or in the local newspaper. This typically occurs within one to two weeks of the Council's resolution.

32. Provide confirmation whether the precinct structure plan remains seriously entertained if the WAPC recommends amendments and returns it to the Council.

The AHPSP would remain seriously entertained even if the WAPC recommends amendments or returns it to Council on the basis that it:

- is based on sound town planning principles.
- has gone through the public consultation process, allowing for community feedback and input.
- has been endorsed by the Council, signifying a commitment to its implementation.

However the weight that is given to a seriously entertained planning proposal is dependent upon the extent to which its approval is certain and imminent. At this current time the WAPC's position on the draft Structure Plan and the likelihood of modifications is unknown and therefore reduced weight would be given to the draft AHPSP. Once the WAPC have considered the draft AHPSP and advised the Town of its position (modifications or not), the weight to be given to the draft AHPSP would increase as the outcome is more certain.

## 12.2 Application for Development Approval - No. 12B Gresham St, Victoria Park - Retrospective Change of Use from Single House to Unhosted Short Term Rental Accommodation

<b>Location</b>	Victoria Park
<b>Reporting officer</b>	Coordinator Urban Planning
<b>Responsible officer</b>	Manager Development Services
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Applicant's Covering Letter, Management Plan, Property Plans and Code of Conduct [<b>12.2.1</b> - 18 pages]</li> <li>2. Schedule of Submissions - 12B Gresham Street, Victoria Park [<b>12.2.2</b> - 7 pages]</li> <li>3. Applicant's Response to Submissions Received [<b>12.2.3</b> - 5 pages]</li> </ol>

<b>Landowner</b>	<b>Bradley Ward</b>
<b>Applicant</b>	Fire Stayz Pty Ltd
<b>Application date</b>	26/01/2025 (received); 10/02/2025 (accepted)
<b>DA/BA or WAPC reference</b>	DA 5.2025.32.1
<b>MRS zoning</b>	Urban
<b>TPS zoning</b>	Residential
<b>R-Code density</b>	R40
<b>Use class</b>	Unhosted Short-Term Rental Accommodation
<b>Use permissibility</b>	A – discretionary subject to advertising
<b>Lot area</b>	385m <sup>2</sup>
<b>Right-of-way (ROW)</b>	No
<b>Municipal heritage inventory</b>	No
<b>Residential character study area/weatherboard precinct</b>	Residential Character Study Area – not applicable.
<b>Surrounding development</b>	Medium density residential properties

## Summary

The purpose of this report is to consider an application for development approval ('Development Application') for a Change of Use from a Single House to Unhosted Short-Term Rental Accommodation ('Unhosted STRA') at 12B Gresham Street, Victoria Park (Lot 3 on Survey-Strata Plan 34765).

This item is referred to Council for determination due to the nature of community submissions received on the proposal.

For the reasons outlined in the report, it is recommended that the application be approved on a 12-month trial basis, subject to conditions.

### Recommendation

- A. That Council approves the application for development approval for a Change of Use from a Single House to Unhosted Short-Term Rental Accommodation at 12B Gresham Street, Victoria Park (Lot 3 on Survey-Strata Plan 34765), in accordance with the provisions of the Town of Victoria Park Local Planning Scheme No. 2 and the Metropolitan Region Scheme, subject to the following conditions:
1. The development, once commenced, is to be carried out in accordance with the approved plans unless otherwise authorised by the Town.
  2. This approval is valid for a period of twelve (12) months only until **19 August 2026**, after which time the permitted use of the premises shall revert to a 'Single House' use unless further development approval is obtained. Prior to or upon the expiry of this temporary approval, the owner/applicant must cease the development or submit a fresh application for development approval to continue the use (refer to related Advice Note).
  3. The Unhosted Short Term Rental Accommodation shall be occupied by no more than six (6) guests at any one time.
  4. Within one (1) month of the date of this approval and prior to the use recommencing, the operator is to submit for approval by the Town, a modified Management Plan which addresses the following:
    - i. Add to pre-arrival and welcome communication with guests, information regarding that only registered guests are permitted on-site, car parking and waste.
    - ii. Add heading 'Maximum guest numbers, with the listed management strategies to be in accordance with those listed at Attachment 3 and the addition of:
      - All advertisements for the premises to indicate a total of 2 car parking spaces,
    - iii. Add the heading 'Waste Mangement' with the listed management strategies to be in accordance with those listed at Attachment 3.
    - iv. Update heading 'Car Parking' with the listed management strategies to be in accordance with those listed at Attachment 3 and the addition of:
      - All advertisements for the premises to indicate a total of 2 car parking spaces, a
      - Communicating prior to arrival the requirement that guests must park vehicles on-site, and no consideration will be given to the parking of vehicles on-street or on Council verge areas.
  5. The use shall operate in accordance with the approved Management Plan which is to be

kept at the premises at all times and displayed in a prominent position within the premises. Any changes to the approved operations of the Unhosted Short Term Rental Accommodation, including a change of manager, will require further approval to first be granted by the Town.

6. Prior to the development recommencing, the applicant/owner shall provide the property owner(s) and tenant(s) of adjoining properties a copy of the Complaints Management Form is to be provided to the owners and occupants of the following properties:
  - 10 Gresham Street
  - 10A Gresham Street
  - 12A Gresham Street
  - 14 Gresham Street
  - 14A Gresham Street
  - 14B Gresham Street
  - 2 Merton Street
7. The property, including the building surrounds and all garden areas, are to be kept in a clean, tidy and well-maintained state of repair at all times to the satisfaction of the Town.
8. At all times provision must be made onsite for the storage and collection of garbage and other solid waste. A waste storage area must be screened from public view, and the garbage collected regularly, to the satisfaction of the Town (refer to related Advice Note).

**Advice to Applicant:**

- i. In relation to Condition 2, the 12 month time-limited approval is intended to serve as a trial period during which the efficacy of management measures can be established/evaluated by neighbours and the Town. An amendment to Development Approval should be lodged with the Town after 9 months if seeking a permanent approval.
- ii. In relation to Condition 8, additional waste bins can be requested from the Town. The current cost is \$572 per year for a general bin and \$66 for additional recycling bins.
- iii. Any amendments or modifications to the approved drawings forming part of this development approval may require the submission of an application for amendment to development approval and reassessment of the proposal.
- iv. This approval does not include the approval of any signage. For short stay accommodation, in accordance with Council's Local Planning Policy 38 – Signs, a maximum of one (1) sign on the site not exceeding 0.2m<sup>2</sup> in area, and incorporated into a front fence, wall, structure or building that identifies the name and address of the Short Term Rental Accommodation is permitted.
- v. The owner of the dwelling is to ensure that compliant smoke alarms have been installed in accordance with the *Building Regulations 2012* (Regulations) and prior to the dwelling being made available for rent or hire. To comply with the Regulations, owners must ensure that

the smoke alarm(s):

- a. are in accordance with the Building Code of Australia (BCA) that is applicable at the time of installation of the alarms. (Note: dwellings that were approved for construction prior to 1 May 2015 do not have to comply with the BCA requirement for interconnection of smoke alarms where there is more than one); and
  - b. are not more than 10 years old at the time of transfer of ownership or making the dwelling available for rent or hire; and
  - c. are in working order; and
  - d. are permanently connected to consumer mains power.
- vi. Sound levels created are not to exceed the provisions of the *Environmental Protection (Noise) Regulations 1997*.
- vii. Where food is provided as part of the accommodation, the applicant must apply for registration under the *Food Act 2008*. For more information, please speak to an Environmental Health Officer on 9311 8111
- viii. The development approval is granted on the merits of the application under the provisions of the Town of Victoria Park Local Planning Scheme No. 2 and does not constitute approval for the purposes of the *Strata Titles Act 1985* or its subsidiary regulations nor affect any requirement under the by-laws of the body corporate in relation to a proposed development pursuant to such legislation.

B. Requests the CEO to advise submitters of Council's decision on the application.

## Background

### Existing Unhosted Short-Term Rental Accommodation Use of the Property

1. A complaint was received on 22 November 2016 relating to the alleged leasing of the property as short term accommodation, with concerns relating to permanent resident's safety from different guests and parties as well as noise from events that were occurring at the property.
2. On 30 November 2016, the Town sent a letter to the owner after a complaint was received regarding the subject premises being used and advertised for unhosted short-term rental accommodation.
3. According to Town records, in January 2017 the subject property was removed from short term accommodation booking platforms and advertised via a real estate agent for long term rental lease.
4. In mid-April 2024 a Short-Term Rental Accommodation (STRA) Register was introduced by the State Government requiring all STRA in WA to be registered by 1 January 2025, in accordance with the *Short-Term Rental Accommodation Act 2024*. In addition, property owners have until 1 January 2026 to provide evidence of compliance with local planning requirements to remain registered. The STRA Register enables information to be gathered on the STRA sector in WA to provide the State Government with a clear, information-based, picture of the sector enabling data-driven decision-making.
5. The applicant registered the subject property as an Unhosted STRA with the State Government on 5 January 2025.

6. The applicant lodged this Development Application on 26 January 2025 seeking approval for the unhosted STRA to operate for more than 90 nights in a relevant 12-month period.
7. A further complaint was received on 4 February 2025, concerning short-term accommodation operating without Council approval and without any prior community consultation. Concerns related to safety noting transient nature of guests, with negative amenity impacts felt with parties running into the early hours of the night, and excessive noise and disturbances from the courtyard acknowledging the location to the complainant's bedroom.
8. On 11 February 2025, the Town sent a letter to the owner regarding the Unhosted STRA operating for more than the permitted 90-day period without development approval. This letter requested that the unauthorised use be suspended until approval is received from Council, with a 28-day time period provided to remove the property for online short stay accommodation listings.
9. A further letter was sent to the owner on 11 March 2025 regarding the Unhosted STRA acknowledging no response was provided. This letter requested that the unauthorised use be suspended until approval is received from Council and removing the property from online short stay accommodation listings with a 14-day time period provided.
10. From review of the STRA Register, the property has not had a registered short-term rental booking since March 2025, and the manager cancelled all bookings after March 2025.
11. In April 2025, a representative of the owner provided a copy of a lease agreement from April to July 2025 for the property. As this period exceeds 3 months, it is not classed as a short-term rental arrangement.

#### Changes to the State and Local Planning Framework

12. In response to a 2019 Parliamentary inquiry, the State Government committed to various initiatives to deliver better regulation of the short-term rental accommodation (STRA) sector, including the:
  - (a) release of a planning position statement for tourism and short-term rental accommodation; and
  - (b) launch of a registration scheme for short-term rental accommodation providers.
13. A Position Statement was released by the Department of Planning, Lands and Heritage in November 2024 to guide the appropriate location and management of tourism and short-term rental accommodation land uses through the planning framework.
14. To support implementation of the Position Statement, the *Planning and Development (Local Planning Scheme) Regulations 2015* were amended on 19 September 2024 to introduce:
  - (a) new and revised definitions to ensure short-term rental accommodation (STRA) is considered a dedicated land use in planning schemes;
  - (b) a state-wide planning exemption for 'hosted' short-term rental accommodation; and
  - (c) a planning exemption for 'unhosted' short-term rental accommodation within the Perth metropolitan area where not exceeding a period of 90-nights (cumulative) within a 12 month period.
15. The Town's Local Planning Scheme No. 2 (LPS2) was gazetted on 18 December 2024 and now includes the land uses of hosted and unhosted short term rental accommodation. The latter use is listed in the LPS2 Zoning Table as an 'A' (discretionary) use in all Zones except for the Light Industry Zone. Both



hosted and unhosted short-term rental accommodation are an 'X' (prohibited) use in the Light Industry Zone.

16. The Town's Local Planning Policy 31 'Serviced Apartments and Residential Buildings including Short Term Accommodation' (LPP31) was last reviewed by Council in April 2019.
17. In response to the abovementioned planning framework changes, a draft revised LPP31 'Short-Term Rental Accommodation and Residential Buildings' was approved for public advertising by Council at its meeting on 15 April 2025. Consultation has been completed and the Town's officers are currently reviewing the draft revised policy in relation to the submissions received during the recent public advertising period. The draft revised policy will be presented to a future Council meeting for final adoption.
18. The draft revised policy seeks to revise the 'status quo' and require the location for unhosted short-term rental accommodation to be within proximity of an entertainment or tourism attraction. These attractions are identified as:
  - o Perth Stadium;
  - o Burswood Casino/ Entertainment Complex;
  - o Derbal Yerrigan (Swan River) / McCallum Park);
  - o Albany Highway Cafe/retail strip;
  - o Edward Millen Heritage Precinct; and
  - o Curtin University.
19. The draft revised policy includes maps showing the location of where unhosted STRAs seeking to operate for more than 90 nights in a relevant 12-month period can be supported (being within proximity of the abovementioned entertainment or tourist attractions).
20. It should be noted that the draft revised policy is not yet considered to be a 'seriously entertained planning instrument' under Clause 67 (2) (b) of Schedule 2 ('Deemed Provisions') of the *Planning and Development (Local Planning Scheme) Regulations 2015* as Council is yet to consider the public submissions on the draft revised policy.
21. Notwithstanding this, it is considered that the Council should be made aware of the abovementioned draft revised LPP31.

## **Applicant's submission**

22. The submitted development plans (Attachment 1) depict an existing double-storey dwelling with four-bedrooms (including one (1) in the loft) and two (2) bathrooms, and two car bays on the site accessed from an internal driveway from Gresham Street.
23. The submitted amended management plan (Attachment 2) advise that the Unhosted STRA will be occupied by up to six (6) persons or one immediate family at any one time. The STRA is proposed to be operated and managed by a professional accommodation management company, Fire Stayz Group.
24. The management plan provides information in relation to the following:
  - (a) Contact details of the owner and manager;
  - (b) Check-in / check-out times;
  - (c) Mitigation and complaints procedure;
  - (d) Use and maintenance of the property;
  - (e) Safety, hygiene and security; and

(f) Car parking.

25. As outlined in the applicant's cover letter (Attachment 1), the Applicant contends that the property is strategically located within proximity to key public transport routes and local amenities.
26. The applicant has responded to the community submissions received during the consultation period at Attachment 3, including outlining additional management strategies to be undertaken.

## Relevant planning framework

Legislation	<a href="#"><u>Town of Victoria Park Local Planning Scheme No. 2 (LPS2)</u></a> <a href="#"><u>Planning and Development (Local Planning Schemes) Regulations 2015</u></a>
State Government policies, bulletins or guidelines	<a href="#"><u>Western Australian Planning Commission (WAPC) Position Statement: Planning for Tourism and Short-Term Accommodation (Statement)</u></a> <a href="#"><u>WAPC Planning for Tourism and Short-Term Rental Accommodation Guidelines (November 2024)</u></a> <a href="#"><u>WAPC Planning Bulletin 115 Short-Term Rental Accommodation (STRA) Guide for Local Government</u></a> <a href="#"><u>WALGA Local Planning Policy Guideline: Unhosted STRA</u></a>
Local planning policies	<a href="#"><u>Local Planning Policy 31 – Serviced Apartments and Residential Buildings including Short Term Accommodation</u></a> (LPP 31) <a href="#"><u>Draft Revised Local Planning Policy 31 – Unhosted Short-Term Rental Accommodation and Residential Buildings</u></a> (Draft Revised LPP 31)

## General matters to be considered

LPS2 Residential Zone Objectives	<p>The following objectives of the Residential zone contained within LPS2 are relevant to the consideration of the application:</p> <ul style="list-style-type: none"><li>• <i>To provide for a range of housing and a choice of residential densities to meet the needs of the community.</i></li><li>• <i>To facilitate and encourage high quality design, built form and streetscapes through residential areas,</i></li><li>• <i>To provide for a range of non-residential uses, which are compatible with and complementary to residential development.</i></li></ul>
Local planning policy objectives	<p>The following objectives of Local Planning Policy No. 31 are relevant in determining the application.</p> <ol style="list-style-type: none"><li>a. To facilitate the development of appropriately located and high quality accommodation other than permanent residential dwellings within the Town of Victoria Park.</li><li>b. To define and control the use, management and level of service provided for Residential Buildings and Serviced Apartments, including specialised forms of accommodation such as Lodging Houses, Bed and Breakfast Accommodation and Short Term Accommodation.</li><li>c. To provide guidelines for the design of Serviced Apartments, particularly</li></ol>

	<p>where they are proposed as part of a residential or mixed-use development occupied by permanent residents;</p> <ul style="list-style-type: none"> <li>d. To protect the residential amenity of permanent and long term residents and minimise perceived negative impacts that may be caused by the transient nature of alternative forms of accommodation;</li> <li>e. To ensure various forms of accommodation, particularly where they are to be located within existing residential areas, are of a compatible scale and design with surrounding development;</li> <li>f. To locate Residential Buildings and Serviced Apartments in a coordinated manner that provides accessibility and convenience for guests/occupants while minimising potential adverse amenity impacts, particularly within low density residential areas and local neighbourhood streets;</li> <li>g. To recognise the positive contribution that Serviced Apartments and Residential Buildings including Short Term Accommodation may have on the local economy.</li> </ul>
<b>Deemed clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015</b>	<p>The following are relevant matters to be considered in determining the application.</p> <ul style="list-style-type: none"> <li>(a) the aims and provisions of this Scheme (including any planning codes that are read, with or without modifications, into this Scheme) and any other local planning scheme operating within the Scheme area;</li> <li>(g) any local planning policy for the Scheme area;</li> <li>(m) the compatibility of the development with its setting, including — <ul style="list-style-type: none"> <li>(i) the compatibility of the development with the desired future character of its setting; and</li> <li>(ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;</li> </ul> </li> <li>(n) the amenity of the locality including the following — <ul style="list-style-type: none"> <li>(i) environmental impacts of the development;</li> <li>(ii) the character of the locality;</li> <li>(iii) social impacts of the development;</li> <li>(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;</li> <li>(y) any submissions received on the application;</li> <li>(zb) any other planning consideration the local government considers appropriate.</li> </ul> </li> </ul>

## Compliance assessment

27. The table below summarises the planning assessment of the proposal against the provisions of the Town of Victoria Park Town Planning Scheme No. 2, the Towns local planning policies, and other relevant documents, as applicable.

Change of use application		
Planning element	Permissibility/deemed-to-comply	Requires the discretion of the Council
LPS2 - Land use permissibility	Unhosted Short-Term Rental Accommodation (STRA) is an 'A' (discretionary) land use in the Residential Zone	Yes
Deemed clause 67(2) – Matters for consideration	Relevant matters for consideration	Yes

28. The Deemed Provisions contains the following general terms for short-term rental accommodation and short-term rental arrangement, along with the definition of an Unhosted STRA land use:
- "short-term rental accommodation – a) means a dwelling provided, on a commercial basis, for occupation under a short-term rental arrangement;"***
- "short-term rental arrangement means an arrangement under which – a) a dwelling, or part of a dwelling, is provided for occupation by a person; and b) the person occupies the dwelling, or part of the dwelling, for a period or periods not exceeding a total of 3 months in any 12-month period;"***
- "unhosted short-term rental accommodation means short-term rental accommodation that —***  
*a) is not hosted short-term rental accommodation; and*  
*b) accommodates a maximum of 12 people per night;"*
29. In accordance with the Deemed Provisions, development approval is not required for the following:
- (a) the use of a dwelling as hosted STRA. However, it is important to note that hosted STRA will require registration under the State Government's registration scheme.
  - (b) The use of a dwelling as unhosted STRA if the dwelling is –
    - a. Wholly or partly in the metropolitan region; and
    - b. Registered under the *Short-Term Rental Accommodation Act 2024* Part 3; and
    - c. Used as unhosted STRA for no more than 90 nights in a relevant 12-month period; and
    - d. Not located in a zone in which the use of a dwelling as unhosted STRA is a class 'X' use or a use that is not consistent with the objectives of that zone.
30. As the application has been utilised as an Unhosted STRA that has operated for more than 90 nights in a relevant 12-month period, development approval is required to be obtained from the Town.
31. Under Clause 17, Table 3 – Zoning Table of the Town's LPS2, an Unhosted STRA is classed as an 'A' land use in the Residential Zone. Clause 18 (2) provides the following interpretation of an 'A' land use:
- "A - means that the use is not permitted unless the local government has exercised its discretion by granting development approval after advertising the application in accordance with clause 64 of the Deemed Provisions."***

## Engagement

External engagement	
<b>Stakeholders</b>	Owners and occupiers of adjoining properties.
<b>Period of engagement</b>	19 March - 1 April 2025 (14 calendar days)
<b>Level of engagement</b>	2. Consult
<b>Methods of engagement</b>	Letters provided to owners and occupiers of adjoining properties outlining the proposed change of use, the comment period and the availability of the application documents on the Town's website.
<b>Advertising</b>	Notification letter posted to owners and occupiers of adjoining properties, publication of the application documents and information on the Town website
<b>Submission summary</b>	Nine (9) submissions were received with one (1) submission which supported the proposal and eight (8) submissions which objected to the proposal.
<b>Key findings</b>	<p>The following concerns were highlighted within the consultation period:</p> <ul style="list-style-type: none"> <li>• Unapproved Use</li> <li>• Amenity Issues</li> <li>• Land Use Conflict</li> <li>• Waste Management</li> <li>• Safety Concerns</li> <li>• Psychological Issues</li> <li>• Anti-social/unruly Behaviour</li> <li>• Parking Issues</li> <li>• Development Control</li> <li>• Management Concerns</li> </ul> <p>Refer to the schedule of submissions at Attachment 2 and the applicant's response to the submissions received at Attachment 3.</p>

## Planning Assessment

32. LPS2 requires the exercise of discretion when considering the suitability of the proposed Unhosted STRA use in a Residential Zone, taking into consideration the provisions of Council policies in relation to the impact on the amenity of surrounding properties.
33. The subject site meets at least two of the locational criteria under LPP31, as it is within 400m of a high frequency bus route stop and the Albany Highway commercial area.
34. The property is also located within the preferred location for short-term rental accommodation under draft revised LPP31.
35. Whilst the property is located to the rear of another dwelling, it is not classed as a Grouped Dwelling. This is because there is no common property, with the driveway in private ownership (however may be subject to an easement). As such, it is noted that policy provision 2.1e of LPP31 is not applicable,

which outlines that for Grouped Dwellings applications for STRAs will be considered on their merit but must demonstrate that the amenity of the occupants of the other Grouped Dwellings within the development/complex will not be adversely affected by the proposal by way of noise, interruption, access or other impacts.

36. From initial assessment of this application, the Town officer requested further information in the management plan regarding the number of guests. The amended management plan (Attachment 1) states, "a maximum of more than 6 unrelated persons".
37. At the time of preparing this report, the property's STRA Registration indicates they accept a maximum number of 8 guests, however, acknowledge that no new bookings have been taken since March 2025.
38. Town officers are concerned about the management of the property as an Unhosted STRA. During the consultation period, a total of nine submissions were received, in which seven submissions detailed their experiences and concerns regarding use of the property as a 'party house' (refer to Attachment 2).
39. In response, the applicant at Attachment 3, have responded to the submissions received and outlines additional management strategies to be undertaken to address waste disposal, anti-social behaviour, car parking management and neighbour amenity.
40. As the property is currently being leased (rather than short-term rental accommodation), the management strategies are yet to be undertaken to consider their effectiveness.
41. It is recommended that this application is approved on a trial 12-month basis to assess the effectiveness of the revised management strategies for the Unhosted STRA land use.

## Financial implications

<b>Current budget impact</b>	No impact.
<b>Future budget impact</b>	Should the applicant be aggrieved by the Council's decision they have a right of review to the State Administrative Tribunal. If the applicant were to exercise this right, then there may be financial implications for the Town in terms of representation to defend Council's decision.

## 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			
Data, Information Technology and Cyber	Not applicable			

Assets	Not applicable			
Compliance Breach	The applicant has a right of review to the State Administrative Tribunal (SAT) in relation to a refusal or any conditions of approval.	Low	Low	Accept - Ensure that Council is provided with information to make a sound recommendation based upon the relevant planning considerations including the Local Planning Scheme and applicable Local Planning Policies
Reputation	Negative public perception towards the Town may result if the use is approved, taking into account the objections received during community consultation.	Low	Low	Accept - Provide sound reasons for decision of application and advise submitter/s of decision in a timely manner
Service delivery interruption	Not applicable			

## Strategic alignment

Environment	
Community Priority	Intended public value outcome or impact
EN3 - Enhancing and enabling liveability through planning, urban design and development.	To enable the provision of short-term rental accommodation in a coordinated manner that provides accessibility and convenience for guests/occupants while minimising potential adverse amenity impacts, particularly within low - medium density residential areas and local neighbourhood streets

Social	
Community Priority	Intended public value outcome or impact
S2 - Collaborating to ensure everyone has a place to call home.	Unhosted short-term rental accommodation can have a cumulative impact on the Town's housing goals by removing opportunities for housing to own or rent.

## Further consideration

In response to matters raised at the Agenda Briefing Forum held on 5 August 2025, the following additional information is provided -

42. The Town's Officers assessment of the proposal against the relevant matters under clause 67 of the deemed provisions is as follows:

Relevant matters	Officer comment
(a) the aims and provisions of this Scheme (including any planning codes that are read, with or without modifications, into this Scheme) and any	The application generally aligns with the aims of the Scheme, however it is noted that the proposal limits additional dwelling growth in the Town but



other local planning scheme operating within the Scheme area;	<p>supports business diversity and growth.</p> <p>The land use of Unhosted Short term Rental Accommodation is listed as discretionary. In terms of the Scheme, there are no provisions which prohibit the land use.</p>
(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving;	<p>Draft revised LPP31 'Short-Term Rental Accommodation and Residential Buildings' was approved for public advertising by Council at its meeting on 15 April 2025. Consultation has been completed and the Town's officers are currently reviewing the draft revised policy in relation to the submissions received during the recent public advertising period. The draft revised policy will be presented to a future Council meeting for final adoption.</p> <p>It should be noted that the draft revised policy is not yet considered to be a 'seriously entertained planning instrument' under Clause 67 (2) (b) of Schedule 2 ('Deemed Provisions') of the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> as Council is yet to consider the public submissions on the draft revised policy.</p>
(e) any policy of the Commission	<p>The application, in terms of its location, generally aligns with the Commission's <a href="#">Position Statement Planning for Tourism and Short-term Rental Accommodation</a> however it is noted that a policy objective of the Position Statement is to,</p> <p><i>"Ensure land use impacts between tourism and short- term rental accommodation activities and other land uses (including residential areas) are <b>appropriately managed</b>". [bold emphasis added]</i></p> <p>As outlined in the background section of this report, the use has not been appropriately managed previously, impacting the amenity of nearby residents.</p> <p>Notwithstanding the above, this application outlines revised and additional management strategies to manage the land use.</p>
(fa) any local planning strategy for this Scheme endorsed by the Commission;	<p>The Local Planning Strategy in regard to short stay accommodation states:</p>



	<p><i>"There is likely to be increasing demand for short-stay accommodation, particularly informal accommodation, in the Town given proximity to the CBD and facilities on the Burswood. While the Town welcomes tourism accommodation, un-hosted informal accommodation within existing residential areas may cause issues regarding residential amenity and affordability".</i></p> <p>The Local Planning Policy relating to short stay accommodation provides guidance on ensuring that residential amenity is maintained, whilst balancing where they are located within the local government area to, in part, ensure residential properties are available for the long-term rental market.</p>
(g) any local planning policy for the Scheme area	<p>The application has been assessed against <a href="#">Local Planning Policy 31 - Service Apartments and Residential Buildings including Short Term Accommodation</a> and with the amended management plan found to be generally compliant with the policy provisions, including the location requirements.</p>
<p>(m) the compatibility of the development with its setting, including —</p> <ul style="list-style-type: none"> <li>(i) the compatibility of the development with the desired future character of its setting; and</li> <li>(ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;</li> </ul>	<p>Unhosted Short Term Rental Accommodation land uses where suitably located and appropriately managed can operate from residential areas.</p> <p>The proposed use, if appropriately managed, is considered acceptable for the desired future character of its setting. It is in a preferred location for short term rental accommodation under draft revised LPP31 (in Area 4: Albany Highway – Victoria Park) and is within close proximity to the draft Albany Highway Precinct Structure Plan area boundary, where higher density, mixed use development is envisaged.</p>
<p>(n) the amenity of the locality including the following —</p> <ul style="list-style-type: none"> <li>(i) environmental impacts of the development;</li> <li>(ii) the character of the locality;</li> <li>(iii) social impacts of the development;</li> </ul>	<p>Unhosted Short Term Rental Accommodation land uses where suitably located and appropriately managed can operate from residential areas. As outlined in the Background section of this report, the use has not been appropriately managed previously, impacting the amenity of nearby residents.</p> <p>Notwithstanding the above, this application</p>

	<p>outlines revised and additional management strategies to manage the land use. The officer recommendation of temporary 12 month development approval is to enable the owner and nominated manager to demonstrate the effectiveness of these changes.</p>
<p>(s) the adequacy of —</p> <ul style="list-style-type: none"> <li>(i) the proposed means of access to and egress from the site; and</li> <li>(ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;</li> </ul>	<p>The application seeks to continue use of the existing, approved vehicle access point and two car bays. No changes to the existing approved configuration proposed.</p> <p>It is noted that the current <a href="#">Residential Design Codes Volume 1</a> would not support the location of the northern uncovered car bay, as there is not a vehicle reversing space to allow vehicles to exit the site in a forward gear. However this requirement cannot be applied retrospectively.</p>
<p>(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety</p>	<p>The property is recommended to have a maximum number of 6 guests at a given time. This occupancy aligns with the Residential Design Codes definition of dwelling which states:</p> <p><i>a building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or <b>no more than six persons</b> who do not comprise a single family [bold emphasis added]</i></p> <p>Therefore, no increase in traffic generation than from a typical residential property.</p>
<p>(u) the availability and adequacy for the development of the following —</p> <ul style="list-style-type: none"> <li>(i) public transport services;</li> <li>(ii) public utility services;</li> <li>(iii) storage, management and collection of waste;</li> <li>(iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);</li> <li>(v) access by older people and people with disability;</li> </ul>	<p>The property is located within proximity of high frequency bus services along both Albany Highway and Shepperton Road and appropriately serviced by public utilities.</p> <p>The waste disposal at the property for the use is to be improved by was of the additional measures outlined in writing by the applicant.</p> <p>The property has suitable access for pedestrians and cyclists, and is in a walkable catchment to local amenities including retail/cafe and Read Park. Whilst it is not a current local policy provision, the application could be improved by the property providing bicycles made available to guests.</p>

(w) the history of the site where the development is to be located;	As outlined in the Background section of this report, the use has not been appropriately managed previously, with complaints being received from neighbours along with the feedback received during the consultation period of this application.
(y) any submissions received on the application;	<p>During the consultation period, the Town received nine (9) submissions on the application with 1 submission of support and 8 submissions objecting to the proposal. Refer to the schedule of submissions at Attachment 2 and the applicant's response to the submissions received at Attachment 3.</p> <p>From review of the submissions received, along with consideration of the quantity of submissions and the submitters' residential addresses, it indicates that the premises has not been appropriately managed in the past and has impacted the amenity of neighbouring residents.</p>

43. Should Elected Members be of a mind to not approve the development, then it will necessary for an alternative motion to be moved to either defer the item with reasons given for the deferral, or to refuse the application with suitable reasons for refusal.

## 12.3 Application for Development Approval - 18 Blair Athol Street, East Victoria Park - Change of Use from Single House to Unhosted Short-Term Rental Accommodation

<b>Location</b>	East Victoria Park
<b>Reporting officer</b>	Senior Planning Officer
<b>Responsible officer</b>	Manager Development Services
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Development Site and Floor Plan [ <b>12.3.1</b> - 2 pages] 2. Management Plan [ <b>12.3.2</b> - 11 pages] 3. Applicant's Planning Report [ <b>12.3.3</b> - 10 pages]

<b>Landowner</b>	<b>Mortigou Richmond Oliver Labunda</b>
<b>Applicant</b>	Mortigou Richmond Oliver Labunda
<b>Application date</b>	22/04/2025 (received); 29/04/2025 (accepted)
<b>DA/BA or WAPC reference</b>	DA 5.2025.152.1
<b>MRS zoning</b>	Urban
<b>TPS zoning</b>	Residential
<b>R-Code density</b>	R40
<b>Use class</b>	Unhosted Short-Term Rental Accommodation
<b>Use permissibility</b>	A – discretionary subject to advertising
<b>Lot area</b>	241m <sup>2</sup>
<b>Right-of-way (ROW)</b>	No.
<b>Municipal heritage inventory</b>	No.
<b>Residential character study area/weatherboard precinct</b>	N/A
<b>Surrounding development</b>	Medium density residential properties

## Summary

The purpose of this report is to consider an application for development approval ('Development Application') for a Change of Use from a Single House to Unhosted Short-Term Rental Accommodation ('Unhosted STRA') at 18 Blair Athol Street, East Victoria Park (Lot 6 on Survey-Strata Plan 43959).

This item is referred to Council for determination as the proposed land use does not meet the minimum number of location criteria under the Town's Local Planning Policy 31 'Serviced Apartments and Residential Buildings including Short Term Accommodation' and Officers do not have the delegation to refuse applications for non-residential uses.

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

### Recommendation

That Council :

1. Refuse the application for development approval for a Change of Use from a Single House to Unhosted Short-Term Rental Accommodation at No. 18 Blair Athol Street, East Victoria Park (Lot 6 on Survey-Strata Plan 43959) in accordance with the provisions of the Town of Victoria Park Local Planning Scheme No. 2 and the Metropolitan Region Scheme, for the following reasons:
  - a) The location of the property does not meet sub-clause 1.2 of the Town's Local Planning Policy 31 – 'Serviced Apartments and Residential Buildings including Short Term Accommodation', as the property does not meet the required minimum two locational criteria.
  - b) The location of the property does not satisfy Objectives a), d), e) and f) of the Town's Local Planning Policy 31 – 'Serviced Apartments and Residential Buildings including Short Term Accommodation' as the proposed use is not appropriately located.
  - c) The proposed use is not consistent with matters a), g), m), n), x) and y) of Deemed Clause 67 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Authorise the Chief Executive Officer to submit to the Commissioner for Consumer Protection, a Section 29 Certificate 'Requesting cancellation or suspension of a STRA Registration', pursuant to the *Short-Term Rental Accommodation Act 2024*.
3. Requests the Chief Executive Officer to advise submitters of Council's decision on the application.

## Background

### Existing Unhosted Short-Term Rental Accommodation Use of the Property

1. The Town's records show that the existing Single House was originally built in 2020 and was occupied as a dwelling until December 2024.
2. In mid-April 2024 a Short-Term Rental Accommodation (STRA) Register was introduced by the State Government requiring all STRA in WA to be registered by 1 January 2025, in accordance with the *Short-Term Rental Accommodation Act 2024*. In addition, property owners have until 1 January 2026 to provide evidence of compliance with local planning requirements to remain registered. The STRA Register enables information to be gathered on the STRA sector in WA to provide the State Government with a clear, information-based, picture of the sector enabling data-driven decision-making.
3. The Applicant registered the subject property as an Unhosted STRA with the State Government on 19 December 2024.

4. On 22 March 2025, the Town sent a letter to the owner regarding the Unhosted STRA operating for more than the permitted 90-day period without development approval. The landowner subsequently lodged this Development Application on 22 April 2025 seeking approval for the unhosted STRA to operate for more than 90 nights in a relevant 12-month period. No other compliance issues are noted in relation to the operation of the Unhosted STRA.

#### Changes to the State and Local Planning Framework

5. In response to a 2019 Parliamentary inquiry, the State Government committed to various initiatives to deliver better regulation of the short-term rental accommodation (STRA) sector, including the:  
release of a planning position statement for tourism and short-term rental accommodation; and  
launch of a registration scheme for short-term rental accommodation providers.
6. A Position Statement was released by the Department of Planning, Lands and Heritage in November 2024 to guide the appropriate location and management of tourism and short-term rental accommodation land uses through the planning framework.
7. To support implementation of the Position Statement, the *Planning and Development (Local Planning Scheme) Regulations 2015* were amended on 19 September 2024 to introduce:  
new and revised definitions to ensure short-term rental accommodation (STRA) is considered a dedicated land use in planning schemes;  
a state-wide planning exemption for 'hosted' short-term rental accommodation; and  
a planning exemption for 'unhosted' short-term rental accommodation within the Perth metropolitan area where not exceeding a period of 90-nights (cumulative) within a 12 month period.
8. The Town's Local Planning Scheme No. 2 (LPS2) was gazetted on 18 December 2024 and now includes the land uses of hosted and unhosted short term rental accommodation. The latter use is listed in the LPS2 Zoning Table as an 'A' (discretionary) use in all Zones except for the Light Industry Zone. Both hosted and unhosted short-term rental accommodation are an 'X' (prohibited) use in the Light Industry Zone.
9. The Town's Local Planning Policy 31 'Serviced Apartments and Residential Buildings including Short Term Accommodation' (LPP31) was last reviewed by Council in April 2019.
10. In response to the abovementioned planning framework changes, a draft revised LPP31 'Short-Term Rental Accommodation and Residential Buildings' was approved for public advertising by Council at its meeting on 15 April 2025. Consultation has been completed and the Town's officers are currently reviewing the draft revised policy in relation to the submissions received during the recent public advertising period. The draft revised policy will be presented to a future Council meeting for final adoption.
11. The draft revised policy seeks to revise the 'status quo' and require the location for unhosted short-term rental accommodation to be within proximity of an entertainment or tourism attraction. These attractions are identified as:

Perth Stadium;

Burswood Casino/ Entertainment Complex;

Derbal Yerrigan (Swan River) / McCallum Park);

Albany Highway Cafe/retail strip;

Edward Millen Heritage Precinct; and

Curtin University.

12. The draft revised policy includes maps showing the location of where unhosted STRAs seeking to operate for more than 90 nights in a relevant 12-month period can be supported (being within proximity of the abovementioned entertainment or tourist attractions).
13. It should be noted that the draft revised policy is not yet considered to be a 'seriously entertained planning instrument' under Clause 67 (2) (b) of Schedule 2 ('Deemed Provisions') of the *Planning and Development (Local Planning Scheme) Regulations 2015* as Council is yet to consider the public submissions on the draft revised policy.
14. Notwithstanding this, it is considered that the Council should be made aware of the abovementioned draft revised LPP31.

### Applicant’s submission

15. The submitted development plans (Attachment 1) depict an existing single-storey dwelling with three bedrooms and two bathrooms, and two onsite car parking bays located in a double garage accessed from Blair Athol Street.
16. The submitted amended management plan and supporting planning report (Attachments 2 and 3) advise that the Unhosted STRA will be occupied by up to six (6) persons at any one time. The STRA is proposed to be operated and managed by a professional accommodation management company, Aus Vision Realty Group.
17. The management plan provides information in relation to the following:
  - Contact details of the owner/manager;
  - Check in / check out times;
  - Mitigation and complaints procedure, along with a complaints form;
  - Use and maintenance of the property;
  - Safety, hygiene and security; and
  - Car parking.
18. As outlined in the Background section of the Applicant's supporting planning report, the Applicant contends that the property is strategically located with proximity to key transport routes, local amenities, educational institutions, and vibrant lifestyle destinations, making it highly suitable for short-term rental accommodation.

### Relevant planning framework

Legislation	<a href="#">Town of Victoria Park Local Planning Scheme No. 2 (LPS2)</a> <a href="#">Planning and Development (Local Planning Schemes) Regulations 2015</a>
State Government policies, bulletins or guidelines	<a href="#">Western Australian Planning Commission (WAPC) Position Statement: Planning for Tourism and Short-Term Accommodation (Statement)</a> <a href="#">WAPC Planning for Tourism and Short-Term Rental Accommodation Guidelines (November 2024)</a> <a href="#">WAPC Planning Bulletin 115 Short-Term Rental Accommodation (STRA) Guide for Local Government</a> <a href="#">WALGA Local Planning Policy Guideline: Unhosted STRA</a>



Local planning policies	<a href="#">Local Planning Policy 31 – Serviced Apartments and Residential Buildings including Short Term Accommodation</a> (LPP 31) <a href="#">Draft Revised Local Planning Policy 31 – Unhosted Short-Term Rental Accommodation and Residential Buildings</a> (Draft Revised LPP 31)
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## General matters to be considered

LPS2 Residential Zone Objectives	<p>The following objectives of the Residential zone contained within LPS2 are relevant to consideration of the application.</p> <ol style="list-style-type: none"> <li>1. To provide for a range of housing and a choice of residential densities to meet the needs of the community.</li> <li>2. To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.</li> <li>3. To provide for a range of non-residential uses, which are compatible with and complementary to residential development.</li> </ol>
Local planning policy objectives	<p>The following objectives of Local Planning Policy 31 are relevant in determining the application.</p> <ol style="list-style-type: none"> <li>a) To facilitate the development of appropriately located and high quality accommodation other than permanent residential dwellings within the Town of Victoria Park;</li> <li>d) To protect the residential amenity of permanent and long term residents and minimise the perceived negative impacts that may be caused by the transient nature of alternative forms of accommodation;</li> <li>e) To ensure various forms of accommodation, particularly where they are to be located within existing residential areas, are of a compatible scale and design with surrounding development;</li> <li>f) To locate Residential Buildings and Serviced Apartments in a coordinated manner that provides accessibility and convenience for guests/occupants while minimising potential adverse amenity impacts, particularly within low density residential areas and local neighbourhood streets.</li> </ol>
Deemed clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015	<p>The following are relevant matters to be considered in determining the application.</p> <ol style="list-style-type: none"> <li>(a) the aims and provisions of this Scheme (including any planning codes that are read, with or without modifications, into this Scheme) and any other local planning scheme operating within the Scheme area;</li> <li>(g) any local planning policy for the Scheme area;</li> <li>(m) the compatibility of the development with its setting, including — <ol style="list-style-type: none"> <li>(i) the compatibility of the development with the desired future character of its setting; and</li> <li>(ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;</li> </ol> </li> </ol>



- (n) the amenity of the locality including the following —
  - (i) environmental impacts of the development;
  - (ii) the character of the locality;
  - (iii) social impacts of the development;
  - (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- (y) any submissions received on the application;
- (zb) any other planning consideration the local government considers appropriate.

## Compliance assessment

19. The table below summarises the planning assessment of the proposal against the provisions of the Town of Victoria Park Local Planning Scheme No.2, the Town's local planning policies, and other relevant documents, as applicable.

Change of use application		
Planning element	Permissibility/deemed-to-comply	Requires the discretion of the Council
<b>LPS2 - Land use permissibility</b>	Unhosted Short-Term Rental Accommodation (STRA) is an 'A' (discretionary) land use in the Residential Zone	Yes
<b>LPP31 - Location requirements</b>	Meets only one location criteria in lieu of a required minimum two location criteria.	Yes
<b>Deemed clause 67(2) - Matters for consideration</b>	Relevant matters for consideration	Yes

20. The Deemed Provisions contain the following general terms for a short-term rental accommodation and short-term rental arrangement, along with the definition of an Unhosted STRA land use:

***"short-term rental accommodation*** — (a) means a dwelling provided, on a commercial basis, for occupation under a short-term rental arrangement; ...

***short-term rental arrangement*** means an arrangement under which —

a) a dwelling, or part of a dwelling, is provided for occupation by a person; and

b) the person occupies the dwelling, or part of the dwelling, for a period or periods not exceeding a total of 3 months in any 12-month period;

***unhosted short-term rental accommodation*** means short-term rental accommodation that —

a) is not hosted short-term rental accommodation; and

b) accommodates a maximum of 12 people per night;"

21. In accordance with subclauses 61 (2) (ea) and (eb) of the Deemed Provisions, development approval is not required for the following:
- the use of a dwelling as hosted STRA. However, it is important to note that hosted STRA still requires registration under the State Government's registration scheme.
  - the use of a dwelling as unhosted STRA if the dwelling is —
    - wholly or partly in the metropolitan region; and
    - registered under the *Short-Term Rental Accommodation Act 2024* Part 3; and
    - used as unhosted STRA for no more than 90 nights in a relevant 12-month period; and
    - not located in a zone in relation to which the use of a dwelling as unhosted STRA is a class X use or a use that is not consistent with the objectives of that zone.
22. As the application proposes an Unhosted STRA that will operate for more than 90 nights in a relevant 12-month period, development approval is required to be obtained from the Town.
23. Under clause 17. Table 13 - Zoning Table of the Town's LPS2, an Unhosted STRA is classed as an 'A' land use in the subject Residential Zone. Clause 18 provides the following interpretation of an 'A' land use:
- "A - means that the use is not permitted unless the local government has exercised its discretion by granting development approval after advertising the application in accordance with clause 64 of the Deemed Provisions."*
24. In accordance with deemed clause 67, the local government (being the Council in this instance) in exercising its discretion to determine the application, is required to consider the merits of the case with due regard to the relevant planning matters including:
- "(a) the aims and provisions of the Scheme;*
  - (g) any local planning policy for the Scheme area*
  - (m) the compatibility of the development with its setting, including —*
    - (i) the compatibility of the development with the desired future character of its setting; and*
    - (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
  - (n) the amenity of the locality including the following —*
    - (i) environmental impacts of the development;*
    - (ii) the character of the locality;*
    - (iii) social impacts of the development;*
  - (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
  - (y) any submissions received on the application;*
  - (z) any other planning consideration the local government considers appropriate."*
25. The following provisions of LPP31 are relevant:
- "1. Location*
  - 1.1 Residential Buildings (short term accommodation) and Serviced Apartments should be appropriately located to ensure they are in convenient, easily accessible locations for their*
-

guests, and to minimise potential adverse impacts on the amenity of surrounding residential properties, particularly within low density, suburban environments.

1.2 To achieve 1.1 above, Residential Buildings and Serviced Apartments will only be supported by the Council where they are located on sites which meet at least two or more of the following criteria:

- a) Are on a Primary, District or Local Distributor road;
- b) Are within 400 metres of a train station or high frequency bus route stop;
- c) Are within 400 metres of an area of tourist potential as determined by the Town, such as adjacent to the Swan River foreshore and major sporting/entertainment complexes;
- d) Are within 400 metres of a District Centre zone, Commercial zone or other location providing convenience shopping and access to everyday goods and services; and/or
- e) Are within 800 metres of a higher education provider (TAFE or University campus), where the proposal is for Short Term Accommodation to house students."

26. The application was assessed against the above location criteria and was found to satisfy only item b) in lieu of the required minimum two locational criteria.

27. An assessment of these matters is provided in the Planning Assessment section below.

## Engagement

### Internal engagement

Stakeholder	Comments
Place Planning	Unhosted STRA can have a cumulative impact on the Town's housing goals however the extent of this impact is not known. Until elected members and the community have been re-engaged on defining the suitability of different locations within the Town where unhosted-STRAs may be supported the existing locational criteria set by LPP31 are valid.
Building Services	General advice regarding the requirement to install compliant smoke alarms in accordance with the <i>Building Regulations 2012</i> . Should Council resolve to approve the development then an appropriate advice note will be included on the decision notice.
Planning Compliance	Confirmation regarding the status of compliance action in relation to the DMIRS registration conditions, and that no complaints have previously been received in relation to the existing Unhosted STRA. This compliance action is briefly outlined in the Background section above.

### External engagement

<b>Stakeholders</b>	Owners and occupiers of adjoining properties.
<b>Period of engagement</b>	14 calendar days from 20 June 2025 to 4 July 2025.

<b>Level of engagement</b>	2. Consult
<b>Methods of engagement</b>	Letters provided to owners and occupiers of adjoining properties outlining the proposed change of use, the comment period and the availability of the application documents on the Town's website.
<b>Advertising</b>	Notification letter posted to owners and occupiers of adjoining properties, publication of the application documents and information on the Town website
<b>Submission summary</b>	One (1) submission was received which objected to the proposal.
<b>Key findings</b>	<p>The owner of an adjoining property objected to the proposal based on the following reason/s:</p> <ul style="list-style-type: none"> <li>• Insufficient car parking spaces – There is not enough parking provided for the proposed eight (8) guests.</li> <li>• Traffic safety - Parking along Blair Athol Street is a concern in relation to traffic safety.</li> </ul> <p>Officer comment: Advertisement of the proposal referenced a maximum of eight (8) guests as per the current State Government registration. The amended management plan and supporting planning report received on 6 July 2025 states that there will be a maximum of six (6) guests, with two (2) car parking bays provided on-site in the double garage. Further commentary in response to this objection is provided in the Planning Assessment section below.</p>

## Planning Assessment

28. LPS2 requires the exercise of discretion when considering the suitability of the proposed Unhosted STRA use in a Residential Zone, taking into consideration the provisions of Council policies in relation to the location and potential impact on the amenity of surrounding properties.
29. As outlined in the following table, the proposal does not meet LPP31 clause 1.2 which requires the location of the property to meet a minimum of two specific location criteria, and as a result does not satisfy policy objective a).

<b>LPP31 - 1. Location</b>	
<i>Policy Requirement</i>	Compliance Assessment
1.1 Residential Buildings (short term accommodation) and Serviced Apartments should be appropriately located to ensure they are in convenient, easily accessible locations for their guests, and to minimise potential adverse impacts on the amenity of surrounding residential properties, particularly within low density, suburban environments.	<p>No.</p> <p>Note: location criteria b), c) d) and e) are assessed as a 'straight line' radial distance, measured between the closest points of the property boundary and the subject location criteria.</p>

1.2 To achieve 1.1 above, Residential Buildings and Serviced Apartments will only be supported by the Council where they are located on sites which meet at least two or more of the following criteria:	
a) Are on a primary, district or local distributor road;	<p>No.</p> <p>The property does not meet this requirement as Carnarvon Street and Blair Athol Street are both classified as Access Roads under Main Roads WA's road hierarchy.</p>
<p>b) Are within 400 metres of a train station or high frequency bus route stop;</p> <p>Note: a high frequency bus route includes:  A bus stop on a high frequency transit route that stop every 15 minutes during weekday peak periods (7am-9am and 5pm-7pm); or  A bus stop on multiple transit routes, that when combined stop every 15 minutes during weekday peak periods (7am-9am and 5pm-7pm).</p>	<p>Yes.</p> <p>The property is located approximately:</p> <ul style="list-style-type: none"> <li>• 340 metres from Oats Street Train Station; and</li> <li>• 250 metres from high frequency bus route stop 10150 on Shepperton Road which is serviced by high frequency bus routes 907 and 930, along with several other bus routes.</li> </ul>
c) Are within 400 metres of an area of tourist potential as determined by the Town, such as adjacent to the Swan River foreshore and major sporting/entertainment complexes;	<p>No.</p> <p>The property does not meet this requirement at it is located approximately:</p> <ul style="list-style-type: none"> <li>• 2.2 kilometres to the Perth Hockey Stadium;</li> <li>• 3.1 kilometres to the Swan River Foreshore (Burswood Park) and the Crown Casino; and</li> <li>• 4.3 kilometres to Perth (Optus) Stadium.</li> </ul> <p>It is noted that Section 2.1 of the Applicant's planning report states that the property is within close proximity of key recreational and lifestyle facilities, including Aqualife Leisure Centre.</p> <p>The Town does not classify Aqualife as a major sporting complex.</p>
d) Are within 400 metres of a District Centre zone, Commercial* zone or other location	<p>No.</p> <p>The property does not meet this requirement at</p>

<p>providing convenience shopping and access to everyday goods and services; and/or</p> <p>*Note: This policy refers to land zoned Commercial under the revoked TPS1. This land is now zoned Mixed Use under the operative LPS2.</p>	<p>it is located approximately:</p> <ul style="list-style-type: none"> <li>• 500 metres to the closest Mixed Use zoned land adjoining Albany Highway (being No. 966 Albany Highway).</li> <li>• 500 metres to the closest District Centre zoned land adjoining Albany Highway (being No. 343 Shepperton Road).</li> </ul> <p>It is noted that Section 2.1 of the Applicant's planning report references the convenient proximity to Albany Highway amenity strip.</p>
<p>e) Are within 800 metres of a higher education provider (TAFE or University campus), where the proposal is for Short Term Accommodation to house students.</p>	<p>Not applicable.</p> <p>The proposal does not meet this requirement as the accommodation is not specifically intended to house students. In this respect, it is important to note that the definition of 'short-term rental accommodation' refers to a period or periods not exceeding a total of three (3) months in any 12-month period. TAFE and University students are generally enrolled for a least a semester, being around six (6) months which considered to be a permanent period of time.</p> <p>Section 2.3 of the Applicant's planning report states that the property meets this location criteria, as the property is 430 metres from the South Metropolitan TAFE Carlisle Campus is located only 200 metres away, while Curtin University of Technology and the South Metropolitan TAFE Bentley Campus lie approximately 2.0 kilometres to the northwest.</p>

30. As the property does not meet the minimum number of location criteria it is considered that the use does not meet the policy objectives. In this respect, the Unhosted STRA is not considered to be in a location that provides the expected higher level of accessibility and convenience for guests/occupants.
31. A review of the relevant report presented to the Ordinary Council Meeting on 14 February 2012 when the draft Policy was being considered provides some of the background rationale for the locational criteria in the Policy -

*"The Town is well known for its diversity of food, arts and culture particularly along the Albany Highway commercial strip, as well as its frontage to McCallum Park adjoining the Swan River which boasts impressive views of the Perth CBD. The Policy encourages the location of specialised forms of accommodation within or in close proximity to these locations to capitalise upon this tourism potential. Proximity to commercial areas also provides the benefit of access to public transport and everyday goods and services, such as restaurants, banks and shopping centres, which is particularly important for overseas or interstate visitors who may not have the use of a private vehicle.*

*The draft Policy does not specifically exclude Residential Buildings comprising Bed and Breakfast Accommodation or Short Stay Accommodation from low density residential areas given the definitions for these forms of accommodation restrict the maximum number of guests/occupants to 6 persons, which aside from the temporary nature of the accommodation is consistent with the maximum number of unrelated persons permitted to occupy a building approved as a dwelling. However, the preferred locations outlined in the Policy will encourage their location in medium to higher density locations in any case, given they are encouraged to locate in close proximity (walking distance) to public transportation, main roads, commercial areas and everyday goods and services, which are typically locations where medium to high density residential development is permitted, and where there is an interface with non-residential vehicular and pedestrian movements, and in some cases noise and other activities of a non-residential nature."*

32. In relation to potential amenity impacts, the applicant in their management plan outlines management strategies and a mitigation and complaints procedure that meets the LPP31 requirements. The applicant's intended measures to manage the STRA are noted. As the STRA will be managed by an experienced professional accommodation management company, Aus Vision Realty Group, it is expected that the STRA would be well managed, and any adverse impacts would be addressed promptly.
33. Additionally, an alternative scenario where the dwelling may be rented out for a period of three months or more to the same person or persons, would be classed as permanent accommodation, and would not require further development approval. The need for development approval arises in this instance because the occupancy period is proposed to be for a temporary period (less than 3 months being considered to be short-term) providing the opportunity for turnover of occupants to be occurring up to every couple of days.
34. In respect to the proposed temporary period of occupancy, one objection submission was received as a result of community consultation. A summary of the submission comments along with the Applicant's responses and Town Officer comments is provided in the above Engagement section. The key objection reason related to potential parking issues caused by up to eight (8) guests. However, as noted above the applicant has confirmed that the application seeks approval for a maximum of six (6) guests. The Town's officers considers that the provision of two (2) on-site car parking spaces is sufficient to meet the expected demand for the short-term accommodation.
35. While the use of the premises is likely to be well managed, approval of the application would undermine the intent of the policy to only permit such land uses in areas which meet at least two of the location criteria. Subsequently, it is considered that the Unhosted STRATA land use is not supported as it does not meet objectives and policy requirements of the Town's LPP31 and the relevant matters for consideration under deemed clause 67. In particular, the property does not have adequate proximity to commercial activity nodes or tourism destinations.
36. Approval of the application would represent a shift in Policy position from one that confines short-term accommodation uses to areas in closer proximity to tourism and commercial attractors and without encroaching into lower density residential areas, to effectively allowing for short-term accommodation anywhere in the Town.
37. In addition, the Development Application does not meet the location criteria of the draft revised version of LPP31, which was approved for public advertising by Council at its meeting on 15 April 2025. As explained in the Background section above, it should be noted that the draft revised policy is not considered to be a 'seriously entertained planning instrument'. Therefore, in accordance with Deemed Clause 67 (2) (b), Council is required to only have due regard to the provisions of the current operative LPP31.



38. On the basis of the analysis conducted and giving due regard to the relevant matters for consideration it is concluded that on balance the property is not suitability located for STRA. Therefore, the application is recommended for refusal.

## Financial implications

<b>Current budget impact</b>	<b>No impact</b>
<b>Future budget impact</b>	Should the applicant be aggrieved by the Council's decision they have a right of review to the State Administrative Tribunal. If the applicant were to exercise this right, then there may be financial implications for the Town in terms of representation to defend Council's decision.

## Risk management considerations

<b>Risk impact category</b>	<b>Risk event description</b>	<b>Risk rating</b>	<b>Risk appetite</b>	<b>Risk Mitigation</b>
Financial	Not applicable			
Environmental	Not applicable			
Health and safety	Not applicable			
Data, Information Technology and Cyber	Not applicable			
Assets	Not applicable			
Compliance Breach	The applicant has a right of review to the State Administrative Tribunal (SAT) in relation to a refusal or any conditions of approval.	Low	Low	Accept - Ensure that Council is provided with information to make a sound recommendation based upon the relevant planning considerations including the Local Planning Scheme and applicable Local Planning Policies.
Reputation	Negative public perception towards the Town may result if the use is approved, taking into account the objections received during community consultation.	Low	Low	Accept - Provide sound reasons for decision of application and advise submitter/s of decision in a timely manner
Service delivery interruption	Not applicable			



## Strategic alignment

### Environment

Community Priority	Intended public value outcome or impact
EN3 - Enhancing and enabling liveability through planning, urban design and development.	To enable the provision of short-term rental accommodation in a coordinated manner that provides accessibility and convenience for guests/occupants while minimising potential adverse amenity impacts, particularly within low density residential areas and local neighbourhood streets.

### Social

Community Priority	Intended public value outcome or impact
S2 - Collaborating to ensure everyone has a place to call home.	Unhosted short-term rental accommodation can have a cumulative impact on the Town's housing goals by removing opportunities for housing to own or rent.

## Further considerations

Not applicable.

## 12.4 Application for Development Approval - No. 147 Sussex St, East Victoria Park - Retrospective Change of Use from Single House to Unhosted Short Term Rental Accommodation

<b>Location</b>	East Victoria Park
<b>Reporting officer</b>	Coordinator Urban Planning
<b>Responsible officer</b>	Manager Development Services
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Applicant's Covering Letter, Management Plan, Property Plan and Code of Conduct [<b>12.4.1</b> - 18 pages]</li> <li>2. Schedule of Submissions - 147 Sussex Street [<b>12.4.2</b> - 6 pages]</li> <li>3. Applicant's Response to Submissions Received [<b>12.4.3</b> - 2 pages]</li> </ol>

<b>Landowner</b>	<b>Teong Heng Loo and Kay Wee Goh</b>
<b>Applicant</b>	Fire Stayz Pty Ltd
<b>Application date</b>	25/01/2025 (received); 06/02/2025 (accepted)
<b>DA/BA or WAPC reference</b>	DA 5.2025.31.1
<b>MRS zoning</b>	Urban
<b>LPS2 zoning</b>	Residential
<b>R-Code density</b>	R20
<b>Use class</b>	Unhosted Short Term Rental Accommodation
<b>Use permissibility</b>	A – discretionary subject to advertising
<b>Lot area</b>	450sqm
<b>Heritage</b>	No
<b>Residential character study area/weatherboard precinct</b>	No
<b>Surrounding development</b>	Low to medium density residential properties, with subject site opposite to Town drainage sump

## Summary

The purpose of this report is to consider an application seeking retrospective development approval for a Change of Use from a Single House to Unhosted Short-Term Rental Accommodation at No 147 Sussex Street, East Victoria Park (Lot 331 on Plan 22521).

This item is referred to Council for determination as Town officers do not have delegation to refuse applications for non-residential uses.

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

## Recommendation

That Council:

1. Refuse the application for development approval for a Change of Use from a Single House to Unhosted Short-Term Rental Accommodation at No 147 Sussex Street, East Victoria Park (Lot 331 on Plan 22521), in accordance with the provisions of the Town of Victoria Park Local Planning Scheme No. 2 and the Metropolitan Region Scheme, for the following reasons:
  - a. The location of the property does not meet sub-clause 1.2 of the Town's Local Planning Policy 31 – 'Serviced Apartments and Residential Buildings including Short Term Accommodation', as the property does not meet the required minimum two locational criteria.
  - b. The location of the property does not satisfy Objectives a), b), d), e) and f) of the Town's Local Planning Policy 31 – 'Serviced Apartments and Residential Buildings including Short Term Accommodation' as the proposed use is not appropriately managed or located.
  - c. The proposed use is not consistent with matters a), g), m), n), x) and y) of Deemed Clause 67 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Authorises the Chief Executive Officer to submit to the Commissioner for Consumer Protection, a Section 29 Certificate 'Requesting cancellation or suspension of a STRA Registration', pursuant to the *Short-Term Rental Accommodation Act 2024*.
3. Requests the Chief Executive Officer to advise submitters of Council's decision.

## Background

1. In mid-April 2024, a Short-Term Rental Accommodation (STRA) Register was introduced by the State Government requiring all STRA in WA to be registered by 1 January 2025, in accordance with the *Short-Term Rental Accommodation Act 2024*. In addition, property owners have until 1 January 2026 to provide evidence of compliance with local planning requirements to remain registered. The STRA Register enables information to be gathered on the STRA sector in WA to provide the State Government with a clear, information-based, picture of the sector enabling data-driven decision-making.
2. The applicant registered the subject property as an Unhosted STRA with the State Government on 6 February 2025.
3. The applicant lodged this Development Application in January 2025 seeking approval for the unhosted STRA to operate for more than 90 nights in a relevant 12-month period.
4. In February 2025, the applicant submitted a building permit application to the Town for a proposed above-ground spa jacuzzi. This application is pending further information from the applicant, with a building permit yet to be issued.

5. In February 2025, the Town received a noise complaint regarding excessive, after-hours noise from the subject property.
6. In April 2025, a neighbour (from a different property to the abovementioned complaint) contacted the Town regarding waste generation and disposal at the property, including concern about the use of other properties' rubbish bins.

#### Changes to the State and Local Planning Framework

7. In response to a 2019 Parliamentary inquiry, the State Government committed to various initiatives to deliver better regulation of the short-term rental accommodation (STRA) sector, including the:
  - (a) release of a planning position statement for tourism and short-term rental accommodation; and
  - (b) launch of a registration scheme for short-term rental accommodation providers.
8. A Position Statement was released by the Department of Planning, Lands and Heritage in November 2024 to guide the appropriate location and management of tourism and short-term rental accommodation land uses through the planning framework.
9. To support implementation of the Position Statement, the Planning and Development (*Local Planning Scheme*) Regulations 2015 were amended on 19 September 2024 to introduce:
  - (a) new and revised definitions to ensure short-term rental accommodation (STRA) is considered a dedicated land use in planning schemes;
  - (b) a state-wide planning exemption for 'hosted' short-term rental accommodation; and
  - (c) a planning exemption for 'unhosted' short-term rental accommodation within the Perth metropolitan area where not exceeding a period of 90-nights (cumulative) within a 12 month period.
10. The Town's Local Planning Scheme No. 2 (LPS2) was gazetted on 18 December 2024 and now includes the land uses of hosted and unhosted short term rental accommodation. The latter use is listed in the LPS2 Zoning Table as an 'A' (discretionary) use in all Zones except for the Light Industry Zone. Both hosted and unhosted short-term rental accommodation are an 'X' (prohibited) use in the Light Industry Zone.
11. The Town's Local Planning Policy 31 'Serviced Apartments and Residential Buildings including Short Term Accommodation' (LPP31) was last reviewed by Council in April 2019.
12. In response to the abovementioned planning framework changes, a draft revised LPP31 'Short-Term Rental Accommodation and Residential Buildings' was approved for public advertising by Council at its meeting on 15 April 2025. Consultation has been completed and the Town's officers are currently reviewing the draft revised policy in relation to the submissions received during the recent public advertising period. The draft revised policy will be presented to a future Council meeting for final adoption.
13. The draft revised policy seeks to revise the 'status quo' and require the location for unhosted short-term rental accommodation to be within proximity of an entertainment or tourism attraction. These attractions are identified as:
  - o Perth Stadium;
  - o Burswood Casino/ Entertainment Complex;
  - o Derbal Yerrigan (Swan River) / McCallum Park);
  - o Albany Highway Cafe/retail strip;

- o Edward Millen Heritage Precinct; and
- o Curtin University.

14. The draft revised policy includes maps showing the location of where unhosted STRAs seeking to operate for more than 90 nights in a relevant 12-month period can be supported (being within proximity of the abovementioned entertainment or tourist attractions).
15. It should be noted that the draft revised policy is not yet considered to be a 'seriously entertained planning instrument' under Clause 67 (2) (b) of Schedule 2 ('Deemed Provisions') of the *Planning and Development (Local Planning Scheme) Regulations 2015* as Council is yet to consider the public submissions on the draft revised policy.
16. Notwithstanding this, it is considered that the Council should be made aware of the abovementioned draft revised LPP31.

## Applicant's submission

17. The submitted development plans (Attachment 1) depict an existing single-storey dwelling with four-bedrooms, with a games room, study, living room and two (2) bathrooms, and carport on the site accessed from Sussex Street.
18. The submitted amended management plan (Attachment 1) advise that the Unhosted STRA will be occupied by up to six (6) persons or one immediate family at any one time. The STRA is proposed to be operated and managed by a professional accommodation management company, Fire Stayz Group.
19. The management plan provides information in relation to the following:
  - Contact details of the owner and manager;
  - Check-in / check-out times;
  - Mitigation and complaints procedure;
  - Use and maintenance of the property;
  - Safety, hygiene and security; and
  - Car parking.
20. As outlined in the applicant's cover letter (Attachment 1), the Applicant contends that the property is strategically located within proximity to a bus stop and local amenities.
21. Following consultation of the application, the applicant provided a response to submissions received (Attachment 3), which sets out additional management strategies.

## Relevant planning framework

<b>Legislation</b>	<a href="#">Town of Victoria Park Local Planning Scheme No. 2 (LPS2)</a> <a href="#">Planning and Development (Local Planning Schemes) Regulations 2015</a>
<b>State Government policies, bulletins or guidelines</b>	<a href="#">Western Australian Planning Commission (WAPC) Position Statement: Planning for Tourism and Short-Term Accommodation (Statement)</a> <a href="#">WAPC Planning for Tourism and Short-Term Rental Accommodation Guidelines (November 2024)</a> <a href="#">WAPC Planning Bulletin 115 Short-Term Rental Accommodation (STRA) Guide for Local Government</a>

	<a href="#">WALGA Local Planning Policy Guideline: Unhosted STRA</a>
<b>Local planning policies</b>	<a href="#">Local Planning Policy 31 – Serviced Apartments and Residential Buildings including Short Term Accommodation</a> (LPP 31)  <a href="#">Draft Revised Local Planning Policy 31 – Unhosted Short-Term Rental Accommodation and Residential Buildings</a> (Draft Revised LPP 31)

## General matters to be considered

<b>LPS2 Residential Zone Objectives</b>	<p><b>The following objectives of the Residential zone contained within LPS2 are relevant to consideration of the application.</b></p> <ul style="list-style-type: none"> <li>• <b><i>To provide for a range of housing and a choice of residential densities to meet the needs of the community</i></b></li> <li>• <b><i>To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.</i></b></li> <li>• <b><i>To provide for a range of non-residential uses, which are compatible with and complementary to residential development.</i></b></li> </ul>
<b>Local planning policy objectives</b>	<p>The following objectives of Local Planning Policy No. 31 are relevant in determining the application.</p> <ol style="list-style-type: none"> <li>a. To facilitate the development of appropriately located and high quality accommodation other than permanent residential dwellings within the Town of Victoria Park.</li> <li>b. To define and control the use, management and level of service provided for Residential Buildings and Serviced Apartments, including specialised forms of accommodation such as Lodging Houses, Bed and Breakfast Accommodation and Short Term Accommodation.</li> <li>c. To provide guidelines for the design of Serviced Apartments, particularly where they are proposed as part of a residential or mixed-use development occupied by permanent residents;</li> <li>d. To protect the residential amenity of permanent and long term residents and minimise perceived negative impacts that may be caused by the transient nature of alternative forms of accommodation;</li> <li>e. To ensure various forms of accommodation, particularly where they are to be located within existing residential areas, are of a compatible scale and design with surrounding development;</li> <li>f. To locate Residential Buildings and Serviced Apartments in a coordinated manner that provides accessibility and convenience for guests/occupants while minimising potential adverse amenity impacts, particularly within low density residential areas and local neighbourhood streets;</li> <li>g. To recognise the positive contribution that Serviced Apartments and Residential Buildings including Short Term Accommodation may have on the local economy.</li> </ol>
<b>Deemed clause 67 of the Planning and</b>	<p>The following are relevant matters to be considered in determining the application.</p>

## Development (Local Planning Schemes) Regulations 2015

- (a) the aims and provisions of this Scheme (including any planning codes that are read, with or without modifications, into this Scheme) and any other local planning scheme operating within the Scheme area;
- (g) any local planning policy for the Scheme area;
- (m) the compatibility of the development with its setting, including —
  - (i) the compatibility of the development with the desired future character of its setting; and
  - (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (n) the amenity of the locality including the following —
  - (i) environmental impacts of the development;
  - (ii) the character of the locality;
  - (iii) social impacts of the development;
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- (y) any submissions received on the application;
- (zb) any other planning consideration the local government considers appropriate.

## Compliance assessment

22. The table below summarises the planning assessment of the proposal against the provisions of the Town of Victoria Park Local Planning Scheme No.2, the Town's local planning policies, and other relevant documents, as applicable.

### Change of use application

Planning element	Permissibility/deemed-to-comply	Requires the discretion of the Council
Land use	Unhosted Short-Term Rental Accommodation (STRA) is an 'A' (discretionary) land use in the Residential Zone	Yes
Location requirements	Satisfies only one location criteria in lieu of a required minimum two location criteria.	Yes
Deemed clause 67(2) - Matters for consideration	Relevant matters for consideration	Yes

23. The Deemed Provisions contains the following general terms for short-term rental accommodation and short-term rental arrangement, along with the definition of an Unhosted STRA land use:

***"short-term rental accommodation – a) means a dwelling provided, on a commercial basis, for occupation under a short-term rental arrangement;"***

***"short-term rental arrangement means an arrangement under which – a) a dwelling, or part of a dwelling, is provided for occupation by a person; and b) the person occupies the dwelling, or part of the dwelling, for a period or periods not exceeding a total of 3 months in any 12-month period;"***

***"unhosted short-term rental accommodation means short-term rental accommodation that —***

***a) is not hosted short-term rental accommodation; and***

***b) accommodates a maximum of 12 people per night;"***

24. In accordance with the Deemed Provisions, development approval is not required for the following:

- (a) the use of a dwelling as hosted STRA. However it is important to note that hosted STRA will require registration under the State Government's registration scheme.
- (b) The use of a dwelling as unhosted STRA if the dwelling is –
  - a. Wholly or partly in the metropolitan region; and
  - b. Registered under the *Short-Term Rental Accommodation Act 2024* Part 3; and
  - c. Used as unhosted STRA for no more than 90 nights in a relevant 12-month period; and
  - d. Not located in a zone in which the use of a dwelling as unhosted STRA is a class 'X' use or a use that is not consistent with the objectives of that zone.

25. As the application has been utilised as Unhosted STRA that has operated for more than 90 nights in a relevant 12-month period, development approval is required to be obtained from the Town.

26. Under Clause 17, Table 3 – Zoning Table of the Town's LPS2, an Unhosted STRA is classed as an 'A' land use in the Residential Zone. Clause 18 (2) provides the following interpretation of an 'A' land use:

***"A - means that the use is not permitted unless the local government has exercised its discretion by granting development approval after advertising the application in accordance with clause 64 of the Deemed Provisions."***

27. The planning assessment of Unhosted STRAs which require development approval is guided by LPP31.

28. The following provisions of LPP31 are relevant:

***"1. Location***

***1.1 Residential Buildings (short term accommodation) and Serviced Apartments should be appropriately located to ensure they are in convenient, easily accessible locations for their guests, and to minimise potential adverse impacts on the amenity of surrounding residential properties, particularly within low density, suburban environments.***

***1.2 To achieve 1.1 above, Residential Buildings and Serviced Apartments will only be supported by the Council where they are located on sites which meet at least two or more of the following criteria:***

- a) Are on a Primary, District or Local Distributor road;***
- b) Are within 400 metres of a train station or high frequency bus route stop;***
- c) Are within 400 metres of an area of tourist potential as determined by the Town, such as adjacent to the Swan River foreshore and major sporting/entertainment complexes;***



- d) Are within 400 metres of a District Centre zone, Commercial zone or other location providing convenience shopping and access to everyday goods and services; and/or
- e) Are within 800 metres of a higher education provider (TAFE or University campus), where the proposal is for Short Term Accommodation to house students.”

The application was assessed against the above location criteria and was found to satisfy only item b) in lieu of the required minimum two locational criteria.

29. An assessment of the key matters is provided in the Planning Assessment section below.

## Engagement

Internal engagement	
Stakeholder	Comments
Place Planning	Unhosted STRA can have a cumulative impact on the Town’s housing goals however the extent of this impact is not known. Until elected members and the community have been re-engaged on defining the suitability of different locations within the Town where unhosted-STRA may be supported the existing locational criteria set by LPP31 are valid.
Building Services	General advice regarding the requirement to install compliant smoke alarms in accordance with the <i>Building Regulations 2012</i> . Should Council resolve to approve the development then an appropriate advice note will be included on the decision notice.

External engagement	
Stakeholders	Owners and occupiers of adjoining properties
Period of engagement	19 March - 1 April 2025 (14 calendar days)
Level of engagement	2. Consult
Methods of engagement	Letters provided to owners and occupiers of adjoining properties outlining the proposed change of use, the comment period and the availability of the application documents on the Town’s website
Advertising	Notification letter posted to owners and occupiers of adjoining properties, publication of the application documents and information on the Town website
Submission summary	Five (5) submissions were received with one (1) submission which supported the proposal and four (4) submissions which objected to the proposal.
Key findings	The following concerns were highlighted within the consultation period: <ul style="list-style-type: none"> <li>• Amenity Issues</li> </ul>

- Unsuitable Location
- Inconsistent with Policy Objectives
- Safety Concerns and Unsocial Behaviour
- Parking Issues
- Management Concerns
- Impact to Property Values
- Housing Affordability and Availability

Refer to the schedule of submissions at Attachment 2 and applicant's response to submissions at Attachment 3.

## Planning Assessment

30. LPS2 requires the exercise of discretion when considering the suitability of the proposed Unhosted STRA use in a Residential Zone, taking into consideration the provisions of Council policies in relation to the location and potential impact on the amenity of surrounding properties.
31. As outlined in the following table, the proposal does not meet LPP31 clause 1.2 which requires the location of the property to meet a minimum of two specific location criteria, and as a result does not satisfy policy objective a).

LPP31 - 1. Location	
Policy Requirement	Compliance Assessment
<p>1.1 Residential Buildings (short term accommodation) and Serviced Apartments should be appropriately located to ensure they are in convenient, easily accessible locations for their guests, and to minimise potential adverse impacts on the amenity of surrounding residential properties, particularly within low density, suburban environments.</p> <p>1.2 To achieve 1.1 above, Residential Buildings and Serviced Apartments will only be supported by the Council where they are located on sites which meet at least two or more of the following criteria:</p>	<p>No.</p> <p>Note: location criteria b), c) d) and e) are assessed as a 'straight line' radial distance, measured between the closest points of the property boundary and the subject location criteria.</p>
a) Are on a primary, district or local distributor road;	<p>No.</p> <p>The property does not meet this requirement as Sussex Street is classified as local road.</p>
b) Are within 400 metres of a train station or high frequency bus route stop;	<p>Yes.</p> <p>The property is located approximately:</p> <ul style="list-style-type: none"> <li>• 250 metres from a high frequency bus route</li> </ul>

<p>Note: a high frequency bus route includes:  A bus stop on a high frequency transit route that stop every 15 minutes during weekday peak periods (7am-9am and 5pm-7pm); or  A bus stop on multiple transit routes, that when combined stop every 15 minutes during weekday peak periods (7am-9am and 5pm-7pm).</p>	<p>#960 (stop 27499) on Kent Street, which services Curtin University, Victoria Park, Perth, North Perth and Mirrabooka.</p>
<p>c) Are within 400 metres of an area of tourist potential as determined by the Town, such as adjacent to the Swan River foreshore and major sporting/entertainment complexes;</p>	<p>No.</p> <p>The property does not meet this requirement. Whilst the Applicant's covering letter notes that the property is within a short 3 – 4 minute drive from a shopping centre, the Town does not identify this as a tourist attraction.</p>
<p>d) Are within 400 metres of a District Centre zone, Commercial* zone or other location providing convenience shopping and access to everyday goods and services; and/or</p> <p>*Note: This policy refers to land zoned Commercial under the revoked TPS1. This land is now zoned Mixed Use under the operative LPS2.</p>	<p>No.</p> <p>The property does not meet this requirement at it is located approximately:</p> <ul style="list-style-type: none"> <li>• 620m to the Etwell Street local centre</li> <li>• More than 1km to the commercial facilities at Curtin University.</li> </ul>
<p>e) Are within 800 metres of a higher education provider (TAFE or University campus), where the proposal is for Short Term Accommodation to house students.</p>	<p>Discretionary.</p> <p>The property is located approximately:</p> <ul style="list-style-type: none"> <li>• 645m from Bentley TAFE, and</li> <li>• 750m from Curtin University</li> </ul> <p>From initial assessment of this application, the Town officer requested further information in the management plan regarding compliance with the locational criteria, in which the management plan was amended to state the property is "used for student short-stay accommodation". When Town officers queried how this was to be achieved, the applicant has indicated that,</p> <p><i>"This clause is under review for clarity. If required, we can implement a process requiring student ID verification at the time of booking and check-in. However, we are happy to follow the Town's guidance on this matter".</i></p>

In this respect, it is important to note that the definition of 'short-term rental accommodation' refers to a period or periods not exceeding a total of three (3) months in any 12-month period. TAFE and University students are generally enrolled for a least a semester, being around six (6) months which is considered to be a permanent period. A "Residential Building" land use would be more applicable to a proposal to be specifically used for student accommodation, not "Unhosted Short Term Rental Accommodation".

32. Approval of the application would represent a shift in Policy position from one that confines short-term accommodation uses to areas in closer proximity to tourism and commercial attractors and without encroaching into lower density residential areas, to effectively allowing for short-term accommodation anywhere in the Town.
33. Notwithstanding this, the subject site does meet the location criteria of the draft revised version of LPP31, which was approved for public advertising by Council at its meeting on 15 April 2025. The subject site is located within Area 7: Curtin University. As explained in the Background section above, it should be noted that the draft revised policy is not considered to be a 'seriously entertained planning instrument'. Therefore, in accordance with Deemed Clause 67 (2) (b), Council is required to only have due regard to the provisions of the current operative LPP31.
34. LPP31, defines Short Term Rental Accommodation to mean "a Residential Building occupied on a short term/temporary basis by no more than **6 persons** that do not comprise a single family at any one time; and excludes a Lodging House, Bed and Breakfast accommodation and Serviced Apartments".
35. From initial assessment of this application, the Town officer requested further information in the management plan regarding the number of guests. The amended management plan (Attachment 1) states the property is to be "used for student short-stay accommodation with a maximum of no more than 6 unrelated persons".
36. The applicant during final assessment of the application was questioned by the Town officer regarding the maximum number of guests. This was because on the property's STRA Registration there were upcoming bookings exceeding 6 guests, which would not be compliant with the amended management plan. In response, the applicant, at Attachment 3, indicates that they have, "configured all booking platforms to reflect a maximum of 6 guests" and "automated filters are now active, preventing bookings that exceed this limit, this is further reinforced thorough manual checks by our management team".
37. However, at the time of preparing this report, the property's STRA Registration indicates they accept a maximum number of 8 guests and lists that bookings have occurred in the past three months with up to 10 guests, as well as separate bookings at the same time (i.e. letting on a per room basis, rather than the whole house). A booking has been confirmed in October 2025 for 8 guests. Furthermore, on the applicant's website (Firestayz) the listing is advertised as up to 10 guests.
38. In terms of car parking, the management plan indicates that a "carport is located on the front of the property which can accommodate two Sedans or Mid-Size SUCs" and "Guests can also park on the driveway". However, as raised during the consultation period, a shed has been installed within the carport area. This means it can only be used to park a single vehicle. The below photo is taken from the applicant's website (Firestayz):



39. From the Town's planning assessment, there is sufficient space for three vehicles to park on-site (one vehicle in carport and two on driveway). It is considered that this is adequate parking provision for a group of up to six guests. Notwithstanding this, as outlined above, the number of guests of this short-term rental accommodation is not clear, and could be up to 10 guests. If this is the case, then it is considered that there is inadequate parking for this number of guests.
40. The property has been operating as short term rental accommodation, since at least February 2025. During this time, the Town has received complaints from neighbours regarding excessive noise, waste management and on-street car parking.
41. On the basis of the analysis conducted and giving due regard to the relevant matters for consideration it is concluded that the property is not properly located or suitability managed for ongoing use as Unhosted STRA. Therefore, the application is recommended for refusal.
42. It is noted that on this agenda, there is a separate report regarding a retrospective change of use from Single House to Unhosted Short Term Rental Accommodation at No. 12B Gresham Street, Victoria Park. This application is from the same applicant / accommodation manager. Both properties have been the subject of complaints from neighbours, however the application for 147 Sussex Street that is the subject of this report is recommended for refusal as it does not satisfy the locational criteria pursuant to LPP31. Conversely, the application at No. 12B Gresham Street meets the locational criteria and the owner has responded to the Town's compliance requests to date. As such, the application for No. 12B Gresham Street is recommended for a trial, temporary approval to consider the effectiveness of the applicant implementing additional management strategies.

## Financial implications

<b>Current budget impact</b>	<b>No impact</b>
<b>Future budget impact</b>	Should the applicant be aggrieved by the Council's decision they have a right of review to the State Administrative Tribunal. If the applicant were to exercise this right, then there may be financial implications for the Town in terms of representation to defend Council's decision.

## 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			
Data, Information Technology and Cyber	Not applicable			
Assets	Not applicable			
Compliance Breach	The applicant has a right of review to the State Administrative Tribunal (SAT) in relation to a refusal or any conditions of approval.	Low	Low	Accept - Ensure that Council is provided with information to make a sound recommendation based upon the relevant planning considerations including the Local Planning Scheme and applicable Local Planning Policies
Reputation	Negative public perception towards the Town may result if the use is approved, taking into account the objections received during community consultation.	Low	Low	Accept - Provide sound reasons for decision of application and advise submitter/s of decision in a timely manner
Service delivery interruption	Not applicable			

## Strategic alignment

Environment	
Community Priority	Intended public value outcome or impact
EN3 - Enhancing and enabling liveability through planning, urban design and development.	To enable the provision of short-term rental accommodation in a coordinated manner that provides accessibility and convenience for guests/occupants while minimising potential adverse amenity impacts, particularly within low - medium density residential areas and local neighbourhood streets
Social	
Community Priority	Intended public value outcome or impact
S2 - Collaborating to ensure everyone has a place to call home.	Unhosted short-term rental accommodation can have a cumulative impact on the Town's housing goals by removing opportunities for housing to own or rent.

**Further considerations**

Not applicable.



## 13 Chief Operations Officer reports

### 13.1 Strategic Waste Management Plan 2025-2030

Location	Town-wide
Reporting officer	Manager Assets and Environment
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	1. DRAFT Strategic Waste Management Plan 2025 2030 [13.1.1 - 36 pages] 2. Public Comments received in May 2025 on the Town of Victoria Park Strategic Waste Mangement Plan [13.1.2 - 6 pages]

#### Summary

The Town of Victoria Park is committed to the ongoing delivery of better practice waste management services while maintaining focus on its net zero emissions by 2030 target.

In 2018, the Town responded to the challenge of the State’s commitment to minimise the creation of waste and to efficiently reuse, recycle and recover resources from discarded materials, and dispose of waste responsibly by adopting the Strategic Waste Management Plan 2018-2023.

Aligning the State Government Waste Avoidance and Recovery Strategy 2030 (State Waste Strategy), the resource and waste hierarchy and the Town of Victoria Parks Strategic Community Plan, a new Strategic Waste Management Plan 2025-2030 has been developed.

This will ensure that the Town’s current and future efforts are optimised to achieve the best outcomes for the community since many changes have taken place in the industry and more are anticipated in the future.

The report seeks Council endorsement of the new Strategic Waste Management Plan 2025-2030.

#### Recommendation

That Council adopts the Strategic Waste Management Plan (SWMP) 2025-2030 as per attachment 13.1.1.

#### Background

1. This report was deferred from the Ordinary Council Meeting held on 10 December 2024 as per Procedural Motion 293/2024.
2. At the Ordinary Council Meeting held on 18 February 2025, Council made the following resolution:  
*That Council do not adopt the Strategic Waste Management Plan (SWMP) 2024-2029 that was presented to Council in December 2024.*
3. The Town had recommended to Council that the draft SWMP not be adopted and, instead, a new report be brought back to Council for endorsement following document adjustment and further community consultation.
4. The reason for this was to improve the overall clarity of alignment of the various SWMP actions across the document and with those within the Implementation Plan.



5. The revised SWMP was publicised for community comment in late April 2025, closing on 13 May 2025.
6. Following this, the SWMP has been finalised and is presented to Council for endorsement.
7. Please refer to the 18 February 2025 OCM report for details of the strategic issues and considerations for waste management within the Town, together with the details of previous consultations that had been undertaken.

## Discussion

8. Aligning the State Government Waste Avoidance and Recovery Strategy 2030 (State Waste Strategy), the resource and waste hierarchy, the Town of Victoria Park Strategic Community Plan, and taking into account feedback from the Town's community, Elected Members, stakeholders and Town staff, a new Strategic Waste Management Plan 2025-2030 (SWMP 2025-2030) has been developed.
9. This, combined with due consideration to the degree of success in achieving the previously proposed activities, has informed the objectives, targets and actions that comprise the SWMP 2025-2030.
10. Some of the overarching amendments have been made to the SWMP 2025-2030 include:
  - a. The objectives of the SWMP have been updated to include the aim of the Town to reach zero emissions by 2030.
  - b. The order of the sections explored within the SWMP has been revised, for ease of reading.
  - c. The actions are now simplified for easier referencing.
11. The Town is committed to the ongoing delivery of better practice waste management services while maintaining focus on its net zero emissions by 2030 target. Municipal waste accounted for 85% of the Town's net emissions in 2018 largely as a result of greenhouse gas emissions from waste being trapped in landfill.
12. With this in mind, the Town SWMP 2025-2030 aims to achieve the following by 2030:
  - **AVOID**

The Town generates less waste through established circular economy, avoidance and diversion measures.
  - **RECOVER**

Waste is viewed as a resource that can be repaired, reused, repurposed or recycled through innovative and agile waste management initiatives.
  - **PROTECT**

Waste is managed responsibly to protect community health and the environment. The Town will divert no more than 15% of waste to landfill and achieve its Climate Emergency Plan (CEP) target of net zero carbon emissions by 2030.
13. The SWMP 2025-2030 guides the Town in exploring ways to improve the variety of waste collection services and resource recovery as well as promoting less consumption through reuse, repair, repurpose, borrowing and recycling.
14. As such, the SWMP has a number of targets that the Town aims to meet the above objectives:

OBJECTIVE	AVOID	RECOVER	PROTECT
<b>TARGETS</b>	<p><b>FY 30/31 – The Town has a circular economy that reduces demand on virgin materials and minimises waste by aligning itself to:</b></p> <ul style="list-style-type: none"> <li>achieving the state target of a 10% reduction in municipal waste per capita by 2030.</li> <li>adopting national circular economy metrics to measure avoidance and circularity.</li> <li>developing avoidance measures and targets for specific materials consistent with national targets.</li> </ul>	<p><b>FY 25/26 Food Organics/Garden Organics (FOGO) for all households.</b></p> <p><b>FY 26/27 FOGO + Waste to Energy for all commercial Multi-Unit Developments (MUD) and businesses.</b></p> <p><b>FY 30/31 circular economy is fully operational with 0-15% of waste entering landfill.</b></p>	<p><b>FY 30/31 The Town has reduced carbon emissions from municipal waste to net zero:</b></p> <ul style="list-style-type: none"> <li>No more than 15% of waste will be sent to landfill.</li> <li>Move towards zero illegal dumping.</li> <li>Adopt the 2030 state litter reduction target by adopting their litter prevention strategy.</li> </ul>

15. In turn, the SWMP 2025-2030 has a number of key focus areas, or Headline Strategies – each of which contain a suite of actions – to achieve these targets. The Headline Strategies and Key Themes are outlined below:

1. OPERATIONS	2. CORRECT SEGREGATION OF WASTE	3. CIRCULAR ECONOMY	4. STAKEHOLDERS + PARTNERSHIIPS	5. FUTURE PROOFING
<p>1. Funding</p> <p>2. Services</p> <ul style="list-style-type: none"> <li>-kerbside collection</li> <li>-resource recovery</li> <li>-landfill</li> </ul>	<p>Public Education Campaigns</p> <p>Bin Tagging</p> <p>Public Events</p> <p>Public Places</p>	<p>Public Education and Workshops</p> <p>Tip Shop</p> <p>Share Economy</p>	<p>Service Providers</p> <p>Commercial + Industrial waste</p> <p>Community waste</p> <p>The Town</p>	<p>Municipal waste</p> <p>Commercial and Industrial waste</p> <p>Continuous Improvement</p> <p>Contingency Planning</p>

16. Some example actions that comprise the SWMP 2025-2030 are explored below:

## Funding

Action #	Action	Objective
1.1.1	Develop a long term (5-10 year) waste services budget	<i>Avoid, Recover, Protect</i>
1.1.2	Use the waste services budget to determine the indicative future waste services rates charge to rate payers and businesses and list these in the breakdown of rates expenditure ie create a user pays system.	<i>Recover, Protect</i>
1.1.3	Identify key drivers that are likely to impact on the future cost of waste management and develop strategies to minimise the financial and reputational risk.	<i>Recover, Protect</i>
1.1.4	Monitor and apply for available sources of external funding <ul style="list-style-type: none"> <li>- Where appropriate, adjust the timing and scope of waste management service and activities to suit available external funding sources</li> </ul>	<i>Avoid, Recover</i>
1.1.5	Encourage and assist the community in applying for external funding when available	<i>Avoid, Recover</i>

## Correct Segregation of Waste

Action #	Action	Objective
2.2.1	Implement the bin tagging program following the introduction of FOGO.	<i>Avoid, Recover</i>
2.2.2	Review the effectiveness of the bin tagging program and consider a second program in 6-12 months of the first.	<i>Avoid, Recover</i>
2.3.1	Consider providing extra CDS receptacles in public places	<i>Recover</i>
2.3.2	Provide bins and ushers at public events to assist with the correct segregation of waste and reduce the cost of waste entering landfill.	<i>Avoid, Recover</i>
2.3.3	Once the public is demonstrating the correct use of the three-bin system at home and public events, the Town should consider trialing the system in public places.	<i>Avoid, Recover</i>

## Circular Economy

Action #	Action	Objective
3.1.1	Continue to provide community workshops that promote the circular economy	<i>Avoid, Recover</i>
3.1.2	Continue with rebate programs to promote the uptake of cloth nappies, reusable sanitary products and home composting.	<i>Avoid, Recover</i>
3.3.1	Encourage more community driven resource recovery and waste avoidance programs like the Collective Shed.	<i>Avoid. Protect</i>

## Stakeholders and Partnerships

Action #	Action	Objective
4.2.1	The Town should encourage developers to adopt a valid waste management system and sustainable procurement policy with compliance measures.	<i>Avoid, Protect</i>
4.2.2	The Towns Environmental Health License requirements should be reviewed to encourage recycling and organics recovery on commercial properties	<i>Recover, Protect</i>
4.3.1	Work with developers, service providers and other business areas to determine the best way to service the waste needs of high-rise high-density precincts.	<i>Recover</i>
4.3.2	Develop clear guidelines, including costs, associated with servicing high-density precincts.	<i>Protect</i>
4.3.3	Encourage schools to participate in the Waste Authority WasteSorted (or similar) schools' program.	<i>Avoid, Recover</i>

## Future Proofing

Action #	Action	Objective
5.1.1	Examine ways to increase the range of materials that can be recycled	<i>Recover</i>
5.1.2	Assess market interest and consider combining more different services into a single contract to potentially achieve more competitive pricing or opening the service to a wider range of service providers.	<i>Recover Protect</i>

17. The waste industry will continue to evolve. This SWMP 2025-2030 is recommended to be subject to minor reviews by Town staff annually.
18. As the State Waste Strategy is currently being reviewed, the SWMP has already anticipated the need for a further review in 2026 to adapt to any changes to the State Waste Strategy.
19. Towards the end of the SWMP 2025-2030 validity period, the Town will develop a subsequent SWMP for the next five-year period. This current SWMP would form the baseline against which the successes over the past five years can be gauged and be the basis for the development of the future plan.
20. The SWMP 2025-2030 will ensure that the Town's current and future efforts are optimised to achieve the best outcomes for the community, particularly considering the changes that have taken place in the industry during recent years.
21. In relation to implementation, an internal Implementation Plan has been prepared. This breaks down the various actions within the SWMP into more detail.

## Relevant documents

Council Policy 262 Waste removal and recycling – residential and commercial properties

[Council Policy 260 Single use plastic and polystyrene](#)

Legal and policy compliance

Not applicable.

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation. The extent of cost to the Town will be a function of the level of involvement with implementing actions identified in the SWMP.
Future budget impact	<p>To fully scope and implement the high priority initiatives identified in the SWMP 2025 – 2030, which will include detailed business case analysis of cost-effective actions and strategies over the life of the Plan, it is recommended that the support of experienced consultants be secured.</p> <p>External funding is available sometimes for the Town and local community groups. The Town will monitor the availability of funding sources, and the outcomes sought by the funding agencies. If there is available external funding aligned to the SWMP activities, the Town will pursue it.</p> <p>The Town is aware that in general, funding is seen as “seed funding”, whereby the fund provider hopes to encourage the establishment of an activity and in time, the activity operator, be it the Town and/or the community, takes over the cost of operating the activity, or in the rare circumstance, the activity becomes self-funding or profitable (such as the revenue sharing outcome as part from the Container for Change program using the Town’s recycling bins).</p> <p>The Waste Authority is a primary source of funding and sets out an annual business plan which provides insight into the funding direction.</p>

Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	Not applicable		Low	
Environmental	Inability to achieve the required 70% waste recovery by 2025.	Medium	Medium	TREAT risk by adopting this Strategic Waste Management Plan for 2024-2029 as it supports the awarding of contract for Waste to Energy services through the Mindarie Regional Council and implementation of Food Organics Garden Organics Rollout.

Health and safety	Not applicable	Low		
Data, Information Technology and Cyber	Not applicable	Medium		
Assets	Not applicable	Medium		
Compliance Breach Not applicable	Not applicable	Low		
Reputation	Not applicable	Low		
Service delivery interruption	Lack of funds to deliver waste education programs resulting in delayed reduction in waste generation.	Medium	Medium	TREAT risk by approving the proposed annual operating budget for waste management.

## Engagement

Internal engagement	
Stakeholder	Comments
Street Operations	Beware of narrow verges when considering any initiatives involving the use of the verge or skip bins. Any initiatives to narrow streets and intersections should consider the configuration of the rubbish trucks used by the Town's waste contractor. Trucks turning at tightened approaches to intersections should not be allowed, as far as possible, to traverse over opposing lanes and potentially conflict with other vehicles and pedestrians. On demand services for e-waste and mattresses should be considered.
Environmental Management	Continue to deliver waste education programs.
Finance	Noted the potential fiscal impact due to significant increase in bin collection rates after the current contract has expired (in 2026)
Environmental Health	Planning approval conditions for commercial properties to include bin storage compound
Place Planning	<p>The SWMP would benefit from inclusion of a clear vision and guiding principles to set the Town's strategic direction for waste management.</p> <p>While many actions noted within the SWMP are included in the Implementation</p>

	<p>Plan, not all are included. Each action identified within the SWMP should include commentary on the rationale as to why the action has been included/excluded from the final recommendations. It is appreciated that this report states that the Implementation Plan will be further updated to include more finite actions from the SWMP.</p> <p>The SWMP would benefit from being more ambitious in how we intend to deliver waste services to achieve Town strategic goals.</p> <p>The SWMP would benefit from including commentary on strategic principles for the Town to pursue in entering its next waste collection contract.</p> <p>Place Planning appreciate that the SWMP Implementation Plan now identifies an action to investigate options on how the Town intends to deal with waste management appropriately in increasingly urban settings with increasingly higher density. This could include preparing Waste Management Guidelines for commercial and high-density residential development within the Town, as well as consideration to the appropriateness of the current waste servicing vehicles. An associated action has been included in the Implementation Plan.</p> <p>The SWMP would benefit from being graphically formatted in a way consistent with other Town strategies to improve legibility.</p> <p>It is appreciated that the report acknowledges that the actions within the Implementation Plan will further be reviewed. This could include:</p> <ul style="list-style-type: none"> <li>• Recognition and response to Town's Growth</li> <li>• Town's waste contract review</li> <li>• Further internal collaboration</li> </ul>
Technical Services	<p>It is important to be conscious of the cost of services to be provided to ensure that rate payers are not subsidizing any expensive services tailored to benefit certain developments which cannot be serviced by the normal waste trucks under current contract. Based on the advice provided by other metropolitan councils, new developments should be required to be designed to accommodate the standard large side lifting trucks. Otherwise, these developers should explore options such as engaging their own collection contractors to empty their nonstandard bins from inside private properties in a safe manner.</p>
Urban Planning	<p>Intend to prepare a Waste Management Local Planning Policy for developments which outlines the Town's expectations for waste collection in multi-storey or unit developments.</p>

External engagement	
Stakeholders	Public consultation with the community
Period of engagement	4 June to 21 June 2024 inclusive via the Town's website - Your Thoughts and advertising through the Town's social media.
Level of engagement	1. Inform 2. Consult

Methods of engagement	Submissions through the form of comments were accepted through Your Thoughts portal.
Advertising	Details of the advertising via the Town's website - Your Thoughts and advertising through the Town's social media.
Submission summary	Four submissions were received during the submission period and were in favour of the plan with comments for waste improvement. A further 42 submissions were received after the close, mostly relating to collections and reduction of bin sizes. Please refer to attachment 13.1.2 for full details of the comments received.
Key findings	<ul style="list-style-type: none"> <li>• A well thought out plan</li> <li>• Paintback too far away and yearly toxic waste drop off too infrequent</li> <li>• More information about loss of shared facilities with South Perth</li> <li>• More immediate action on large e-Waste</li> <li>• Excited about introduction of FOGO and bin tagging</li> <li>• Town could investigate incentivising business to minimise packaging at point of sale</li> <li>• More education on bulk waste and FOGO</li> <li>• Bulk waste is convenient and messy, and often what will be collected is not adhered too</li> <li>• I currently use the City of South Perth recycling as a Victoria Park resident, and they wave me through</li> <li>• It would be more convenient to have recycling bins at shopping centres</li> <li>• Vic Park Connect is working on a reuse shop and repair café, might be best not to duplicate</li> <li>• Reduce bin sizes</li> <li>• Skip/front lift bin for bulk collection like City of Belmont</li> </ul>

External engagement	
Stakeholders	Community
Period of engagement	29 <sup>th</sup> April – 13 <sup>th</sup> May 2025
Level of engagement	1. Inform 2. Consult
Methods of engagement	Written submissions
Advertising	Details of the advertising via the Town's website, advertising through the Town's social media, newspaper advertisement, and physical posters displayed in Town centres.
Submission summary	34 submissions received during the submission period. Submissions mostly relating to fortnightly collections, introduction of FOGO and



	the change to pre-booked verge collections.
Key findings	<ul style="list-style-type: none"> <li>• Supportive of FOGO introduction.</li> <li>• Red-lid bins and recycling bins should be collected weekly.</li> <li>• Mix of support for transition of verge collection to pre-booked system vs maintaining scheduled bulk waste service.</li> <li>• The Town should expand the scope of e-waste it accepts, and consider inclusion of bulky items, such as TVs, in the white goods pickup service.</li> <li>• To further reduce broken items going to landfill, the Town should consider the provision of 3D printers (these are often located at the public library in other cities) for use by residents.</li> </ul>

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	The Strategic Waste Management Plan (SWMP) illustrates how and what resources will be used to help reduce waste in the Town.

Environment	
Community Priority	Intended public value outcome or impact
EN1 - Protecting and enhancing the natural environment.	The SWMP demonstrates activities that will help reduce waste and thus its effect on the natural environment.
EN2 - Facilitating the reduction of waste.	The SWMP shows waste reduction activities will be implemented for 2025-2030.

## Further consideration

At the Agenda Briefing Forum meeting held on 5 August 2025, the following information was requested:

22. Include an explicit definition of 'circular economy' within the body of the Strategic Waste Management Plan and make reference to the core principles.

This is now included within the SWMP.

23. Provide a response to the question *apart from the Town's willing to provide explicit addition to the document. In the Town's view, is there a demonstrated understanding within the document so far of the principles of the circular economy?*

The Town believes that the principles of circular economy – as they relate specifically to waste – are demonstrated within the SWMP.

24. Ensure that Action 2.3.1 on page 24 in attachment 13.1.1 includes wording to reflect the Town's intention to provide CDS receptacles at a representative sample of key locations.

The Town has amended the wording to the following:

*Plan to provide CDS receptacles in public places. The location of these receptacles will be guided by the science and consumer behaviour learnings from the Container Exchange Point program.*

25. Provide the cost estimation of placing CDS receptables.

CDS baskets are \$50ea plus GST. For 50 baskets, this equates to \$2,500 plus GST.

26. Amend the front cover of the Strategic Waste Management Plan 2025–2030, in line with Policy 103, to include image that more accurately reflects the waste-related focus of the strategy.

The front cover of the SWMP is currently a placeholder. The Town's Communications team have advised that they will design the full document (including a proper cover page) once the plan is adopted.

27. Amend the circular economy image on page 4 of attachment 13.1.1 to better reflect the concept and its principles.

The circular economy image aligns with the Waste Avoidance and Resource Recovery Strategy 2030, a key guiding document for the SWMP. As such, this image has been included. If there are particular elements that Council would like changed, please can some more guidance be provided.

28. Provide a response to the question *Has the Town considered the community's suggestion to acquire a 3D printer for repairing broken items as part of the Strategic Waste Management Plan?*

The Town has considered this. Whilst the Town agrees that there are benefits to having a 3D printer, there are several challenges when offering 3D printing services, including safety concerns, high costs, noise, and copyright issues. Additionally, printing can take a long time, potentially leading to frustrated patrons. The Town is happy to consider this further.

29. Provide a response to the question *Has the Town begun implementing plans for a reuse and repair centre, as mentioned on page 26 of attachment 13.1.1, or is this still on the way?*

The Town is still in the feasibility planning phase for a repair centre.

30. Provide a response to the question *Has the Town actively explored the possibility of sponsoring or supporting by funding from the Waste Authority to repair cafes, as briefly mentioned in the plan?*

The Town is still undertaking feasibility planning for a centre. Once the logistics of a repair centre are determined, then the Town would be in a position to seek grant funding.

## 13.2 TVP/25/02 Cleaning of Council Buildings and Public Toilets

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Building Officer
<b>Responsible officer</b>	Chief Operations Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. CONFIDENTIAL - TV P-25-02 Evaluation Report ( FINA L) [13.2.1 - 27 pages]

### Summary

To seek Council approval to appoint a preferred contractor to carry out regular, routine cleaning of the Town's buildings and public toilets, as the value of the tender exceeds \$500,000. It is estimated the value of the contract will cost in the order of \$1,700,000 over the next 5 years, with the contract being for an initial 3 year term with 2 possible 12-month extensions.

### Recommendation

That Council awards the contract associated with TVP/25/02 Cleaning of Council Buildings and Public Toilets, to Tenderer H for the cleaning of the buildings within the Town, with the terms and conditions as outlined in the contract, as a schedule of rates, cost estimated at \$337,129.81 per annum, or \$1,685,649.05 over 5 years (excluding GST).

### Background

1. The Town has numerous council buildings and public toilets that require routine, scheduled cleaning
2. The previous cleaning contract awarded to the incumbent contractor is due for renewal. However, the incumbent contractor expressed their desire not to have the contract renewed. Accordingly, the Town is seeking a suitably qualified and resourced contractor to provide the cleaning services as set out in the scope of contract section of the confidential evaluation report.
3. TVP/25/02 Cleaning of Council Buildings and Public Toilets was published through VendorPanel and advertised in the West Australian newspaper, council notice boards and on the Town's website on 19 April 2025. The tender period closed at 2pm on Wednesday 18 June 2025.
4. Suppliers were requested to provide cleaning services to specific locations based on a schedule of rates.
5. The approved municipal funding for this item over 5 years was \$1,775,400.00 (excluding GST).
6. The schedule of rates is fixed in the contract for the first 3 years, with CPI being added to the 2 possible 12-month extensions.
7. The Town received 16 submissions. Of these 16 submissions, 5 were non-compliant with requirements of the RFT and not considered at evaluation.
8. An evaluation of the compliant tender submissions against the prescribed criteria has been completed and it is recommended that Council accepts the submission made by Tenderer H and enters a contract for the cleaning services with the terms and conditions as outlined in the contract as a schedule of rates. The cost is estimated at \$337,129.81 per annum, or \$1,685,649.05 over 5 years (excluding GST).

Discussion

- 9. The assessment of the submissions was formally undertaken by a panel that included:
  - Manager Infrastructure Operations
  - Building Officer Operations
  - Building Officer Operations
- 10. The Town received 15 submissions. Of these submissions, 5 were not compliant due to failure to meet the requirements of the compliance criteria.
- 11. The evaluation of the submissions against the quantitative and qualitative criteria resulted in Respondent H being recommended as the successful tenderer.

Compliance criteria

All Respondents were required to comply with the following compliance criteria to be eligible for consideration at the evaluation stage:

- 12. Confirmation they would abide by the Town’s contract conditions. If they could not, then the Respondents needed to detail what terms they could not abide by and what alternative terms they proposed;
- 13. Provision of at least 2 referees;
- 14. Signed acknowledge of the two addenda that were issued;
- 15. Provision of a completed price schedule in the format provided by the Town;
- 16. Submission of all relevant corporate and business information to properly identify the Respondent;
- 17. Confirmation of the Respondent’s ongoing financial viability;
- 18. Confirmation that the Respondent has no conflict of interest; and
- 19. Provision of all requested insurance certificates of currency.

Evaluation process

Suitability of Proposed Services

- i. The Respondent must demonstrate how the proposed services are suitable and fit for purpose;
- ii. Provide brochures and any relevant information detailing the features of any specified goods;
- iii. Demonstrate how the proposed services meet the description set out in the Request; and
- iv. Demonstrate an appreciation and understanding of the requirements of the Request and the Respondent must provide an outline of its proposed methodology and approach. Details of the methodology should include:
  - (A) The scope of work/requirements broken into components including timeframes and the estimated number of hours required to complete each component of the requirements;
  - (B) Details of the roles of the specified personnel and an estimated

Weighting 20%

<p>percentage of time spent by each in completing the requirements; and</p> <p>(C) A description of critical issues, and quality control mechanisms used in undertaking the requirements.</p>	
<p><b>Organisational capacity</b></p> <p>i. The Respondent must demonstrate that it has the organisational capacity to perform the Contract;</p> <p>ii. Provide a comprehensive timeframe for the delivery of the proposed services identifying key dates and milestones and outlining how any timing requirements specified the Request will be met.</p> <p>iii. The Respondent must:</p> <p>(A) Identify any proposed specified personnel together with a brief curriculum vitae for each of them;</p> <p>(B) Detail the availability of the proposed specified personnel for the Contract during the term; and</p> <p>(C) Describe the skills and industry experience of all proposed specified personnel, especially how their experience relates to the requirements set out in the Request;</p>	<p>Weighting 20%</p>
<p><b>Demonstrated experience</b></p> <p>i. The Respondent must provide details of contracts for similar services provided for other clients. The Respondent must provide:</p> <p>(A) A detailed description of the 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>(D) The outcome of the previous contracts.</p> <p>ii. The Respondent must also provide a minimum of [2] referees in respect of the contracts detailed above. Referee details must include:</p> <p>(A) The referee's name and position;</p> <p>(B) Company name;</p> <p>(C) The contact telephone number; and</p> <p>(D) The contract or project title.</p>	<p>Weighting 20%</p>
<p><b>Demonstrated understanding</b></p> <p><u>Demonstrating Industry Knowledge and Experience:</u></p> <p>Respondents must provide comprehensive details regarding their knowledge and experience in the industry relevant to the services being procured as per this Request. Three examples should be included where Respondents have successfully delivered similar applications to other Local Governments. Additionally, Respondents should provide references to substantiate their claims.</p> <p><u>Scope of Involvement:</u></p> <p>Respondents should clearly outline their scope of involvement in previous</p>	<p>Weighting 20%</p>

<p>projects, specifying whether they acted as the prime contractor or sub-contractor. Details of achieved outcomes should also be provided to showcase the Respondents' contribution to those projects.</p> <p><u>Learning from Past Project Issues:</u></p> <p>Respondents are expected to outline any issues that arose during previous project(s) and explain how those issues were effectively managed. Additionally, Respondents should highlight how they intend to apply the lessons learned from past projects to ensure the success of the current Request.</p>	
<p><b>Sustainability</b></p> <p><u>Social Sustainability:</u></p> <p>Respondents should provide evidence of sustainability in the delivery of the services, and in the general day-to-day operation of their organisation in terms of providing a high standard of sustainable labour practices.</p> <p><u>Environmental Sustainability:</u></p> <p>Respondents should provide evidence of environmental sustainability in the delivery of the services, and in the general day-to-day operation of their organisation in terms of waste minimisation, use of recycled materials and other environmental sustainability practices.</p> <p><u>Support of Local Businesses:</u></p> <p>Respondents should provide evidence of the benefits and contribution to the Town of Victoria Park local economy and community.</p>	<p>Weighting 20%</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](#)

## Financial implications

<p><b>Current budget impact</b></p>	<p>As the value of the contract exceeds \$500,000, the acceptance of the offer/tender and subsequent award of any such contract is to be determined by Council.</p> <p>Sufficient funds exist within the annual budget to address this recommendation.</p>
<p><b>Future budget impact</b></p>	<p>Funds to cover the ongoing cleaning of the Town's buildings and public toilets will need to be included in future assets maintenance budgets.</p>

## Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	Failure to provide good value for money for scheduled cleaning	High	Low	TREAT risk by carrying out appropriate tender process
Environmental	Use of high toxicity chemicals	Medium	Medium	TREAT risk by contractor supplying details of all chemicals used.
Health and safety	Manual handling or chemical injury to contract staff	Medium	Low	TREAT risk by awarding a contract to company with good training and OH&S procedures.
Data, Information Technology and Cyber	N/A		Medium	
Assets	Assets deteriorating over time	High	Medium	TREAT risk by having regular scheduled cleaning and defect reporting of Town buildings and public toilets
Compliance Breach	Use of inappropriate chemicals	High	Low	TREAT risk by contractor supplying details of all chemicals used.
Reputation	Failure to maintain buildings and toilets to acceptable standard causing community backlash	Medium	Low	TREAT risk by having regular scheduled cleaning and defect reporting of Town buildings and public toilets
Service delivery interruption	Contractor fails to clean areas as per schedule	High	Medium	TREAT risk by awarding a contract to suitably experienced and resourced company with back up available.

## Engagement

Internal engagement	
Stakeholder	Comments
Procurement	Provided advice and acted as a probity advisor throughout the process.
Assets	Provided information on cleaning schedules and building requirements.

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Going through a public tender process allows for open submissions and transparency of process.

Environment	
Community Priority	Intended public value outcome or impact
EN5 - Providing facilities that are well-built and well-maintained.	Carrying out regular scheduled cleaning of sites provides clean well-maintained facilities and extends their useful life.

## Further consideration

Additional confidential information was requested regarding this item during the Agenda Briefing Forum held on 5 August 2025. The requested responses have been provided in the confidential folder.



### 13.3 34 Goddard Street - Proposed lease with Waveconn Pty Ltd

<b>Location</b>	Lathlain
<b>Reporting officer</b>	Manager Property Development and Leasing
<b>Responsible officer</b>	Chief Operations Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Waveconn offer letter dated 21st July 2025 [ <b>13.3.1</b> - 3 pages]

#### Summary

The purpose of this report is for Council to consider a temporary lease to Waveconn Pty Ltd permitting the TPG/Vodafone/Optus telecommunications facilities to remain situated on a portion of the roof of the Grandstand at 34 Goddard Street, Lathlain.

#### Recommendation

That Council:

1. Authorises the Chief Executive Officer to negotiate with Waveconn Pty Ltd for a lease for a portion of the roof of the Grandstand at 34 Goddard Street Lathlain consistent with key terms outlined in table 1 of the officer report and any reasonable and necessary amendments.
2. Authorises the Chief Executive Officer to advertise the proposed lease in terms of Section 3.58 of the Local Government Act 1995 and subject to no submission being received, to proceed with the grant of the proposed lease.
3. Authorises the Chief Executive Officer to, subject to 2 above, execute as a deed the lease and to execute as appropriate all other documents necessary to give effect to the lease referred to in 1 above.

#### Background

1. The Town previously held two telecommunications leases over the roof of the existing Grandstand at 34 Goddard Street, Lathlain:
  - a. A lease dated 16 July 2007 granted to Vodafone Network Pty Ltd, which was later assigned to Towers Business Operations Pty Ltd and subsequently renamed Waveconn Pty Ltd in September 2022 (the Waveconn Lease). The fixed term of this lease expired on 30 June 2025. In addition, a sub-lease has been granted under the Waveconn Lease to Optus.
  - b. Lease dated 13 July 2004 to Telstra Corporation Limited (the Telstra Lease).
2. At its meeting of 17 September 2024, Council adopted Resolution 219/2024. Item 6 of this resolution states:

*That Council:*

*6. Notes that the CEO will terminate the existing leases with Vodafone Network Pty Ltd and Telstra Pty Ltd and that a further report will be presented to Council by December 2024 on the proposed new Heads of Terms for a lease with co-location of replacement telco services to a new site.*

3. The CEO issued formal notices in October 2024 to terminate the Waveconn and Telstra leases effective 30 June 2025 and 1 July 2025, being the next available termination dates under both leases. As a precautionary measure, Optus was also notified of the termination of the Waveconn Lease and the Town's requirement for vacant possession.
4. Telstra has vacated the Grandstand rooftop in accordance with lease termination and has temporarily relocated to a mobile tower situated within the carpark at 34 Goddard Street. This provides interim Telstra Telecommunication services. It is understood that this arrangement is intended by Telstra to remain in place until all required development, building and lease approvals for a new monopole (to co-locate Telstra, Vodafone and Optus services) have been finalised and the new monopole has been constructed and commissioned into service.
5. Notwithstanding the issue of a formal notice of termination to Waveconn as well as preceding extensive correspondence issued by the Town to representatives of TPG Vodafone as long ago as October 2021 and to Waveconn since 17 April 2023 to advise of the expected termination:-
  - a. Waveconn has not vacated the site and is in breach of the Town's notice of termination.
  - b. No interim temporary mobile tower or other arrangement appears to have been made by Waveconn or Vodafone/TPG for continued provision of telecommunication services.
6. It is also noted that as long ago as October 2021, a representative of TPG Vodafone advised the Town that "we would look to install a temporary facility to avoid any network downtime."

## Discussion

7. Waveconn has submitted a proposal in Attachment 1 to the Town to continue occupying the rooftop of the existing Grandstand on a monthly tenancy basis beyond 30 June 2025.
8. Waveconn's proposal has been reviewed by the Town against Policy 310 Leasing and Licencing and other leasing requirements. Table 1 is an extract of the letter from Waveconn with the Town's review and comments for amendments required. For the information of elected members, a column has been added to the table within the proposal, reflecting the outcome of this review.

<b>Table 1 (Extract of Table from letter dated 21st July 2025 from Waveconn)</b>		
	<b>Waveconn position</b>	<b>Town review 24<sup>th</sup> July 2025 – Amendments required.</b>
<b>Land:</b>	CT V1425 F934 - LOT 1 ON DIAGRAM 26715	None
<b>Premises:</b>	As detailed in the drawings attached to this Letter of Offer	None
<b>Lease Document:</b>	Town of Victoria's standard lease precedent or existing lease form, at the Lessor's discretion.	Town of Victoria Park's lease precedent at the Lessor's discretion.
<b>Commencing Date and Expiry Date:</b>	The lease will commence on 1 July 2025 and will continue on a monthly basis until terminated by either party on one month's written notice. The lease will automatically terminate upon the earlier of: (a) the transfer of the property to the State Government; or (b) the completion and operational	None, subject to any detailed comments of the Town's lawyers

	commencement of Amplitel's new permanent site.	
<b>Holding Over:</b>	N/A	N/A
<b>Rent:</b>	\$50,000 per annum + GST	\$50,000 per annum + GST or Market Value as assessed by a licensed valuer instructed by the Town, whichever is the higher, backdated to 1 July 2025
<b>Rent payable:</b>	On the Commencing Date and then the same day of each month of the Term.	None
<b>Increases:</b>	Fixed 2.5% Per annum	As per Policy 310: The rent is to be reviewed every 12 months in accordance with the rate of CPI and at 5-year intervals in accordance with valuation by a licensed valuer
<b>Access:</b>	As per Council protocol.	As per council protocol in discretion of Lessor
<b>Rates and taxes:</b>	The Lessor and the Lessee agree that the Rent includes any rates, taxes and outgoings in relation to the Premises.	As per Policy 310: The Lessee will be responsible for all operating/running costs, including but not limited to: i. Refuse collection; ii. Emergency services levy; iii. Water rates; iv. Council rates; and v. All utilities related to their use (e.g. electricity, gas, water, telecommunications etc.).
<b>Permitted Use:</b>	Constructing, maintaining, operating and upgrading a telecommunications network and telecommunications service including but not limited to installing, storing, operating, repairing, maintaining, altering and replacing the Equipment consistent with the evolving nature of telecommunications services.	None
<b>Insurance:</b>	Australia-wide Insurance Policy that covers all sites and lessors. The Lessor will not be individually named.	The Lessee will be responsible for obtaining appropriate insurances to the satisfaction of the Lessor (e.g. public liability insurance, contents insurance, property insurance of the equipment and installations of the Lessee)
<b>Indemnity/Release:</b>	The Lessee will provide a full release and indemnity but will not be liable in respect of indirect or consequential loss, however that loss may arise	Terms of indemnity subject to the Town's lawyers review and approval
<b>Assignment and Subletting:</b>	N/A	Subject to the Lessor's prior written approval in the Lessor's absolute discretion and on terms drafted by the Lessor's lawyers
<b>Make good:</b>	On expiry or termination, the Lessee will remove the Equipment located above ground on the Land and, so far as reasonably practicable, restore any disturbance to the Premises to the condition it was in at the Commencing Date (fair wear and tear excepted). However, if the structure on which the Equipment is installed is scheduled for	On expiry or termination, the Lessee will remove the Equipment located above ground on the Land and, so far as reasonably practicable, restore any disturbance to the Premises to the condition it was in at the Commencing Date (fair wear and tear excepted).  Noting that the structure on which the

	demolition or with the Lessor's consent, the Lessee will not be required to remove any passive infrastructure (such as mounts, cabling, or cabinets) where removal is unnecessary, impractical, or would have no material benefit.	Equipment is installed is scheduled for demolition, the Lessee may not in the Lessor's absolute discretion, be required to remove any passive infrastructure (such as mounts, cabling, or cabinets) where removal is unnecessary, impractical, or would have no material benefit.
<b>Legal Costs:</b>	Waveconn to pay Lessor legal costs capped at \$2,000 ex GST.	Waveconn to pay Lessor's legal costs at hourly rate charged to the Lessor by the Lessor's lawyers.
<b>Terms:</b>		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.
<b>Signage:</b>		With prior written consent from the Landlord.
<b>Maintenance:</b>		The Lessee is responsible for all maintenance of their compound and all structures contained within.
<b>Outgoings:</b>		The Lessee is responsible for all outgoing from commencement date.
<b>Other:</b>		Application fee of \$2,200 incl. GST payable by Waveconn under fees and charges Waveconn to pay the Lessor's valuation fees and lease advertising costs.

9. Paragraph 11 of Policy 310 states: *'In general, Commercial organisations will only be permitted to lease or licence facilities which are located on property held for capital appreciation or income generation. As such, income received from the lease or licence should be maximised and subsidised rental should not generally be considered.'*
10. Under the terminated lease, Waveconn were paying \$30,645.59 per annum in rent. Waveconn have offered to pay an increased rent of \$50,000 per annum. Based on recent valuations for telecommunication leases in the precinct, the rent offered of \$50,000 per annum is expected to be more than market value as assessed by a licenced valuer and as such would be in furtherance of the principle of maximising income from a commercial lease, as a set out in paragraph 11 of the Council's Policy 310 Leasing and Licencing.
11. Valuations conducted in August and October 2024 for a ground lease for a 30m high single monopole to be constructed by Amplitel resulted in a recommended annual rental range of \$22,000 to \$36,300. This was on the basis that the Lessee had the right to sub-lease to other telecommunication providers.
12. In any event the Town will obtain a licenced valuation for this proposed leasehold interest, and it is proposed to reserve the right to impose a higher rental in the event that the licenced valuation is in excess of \$50,000 per annum.
13. A month-by-month lease provides a flexible and interim solution that does not compromise the potential redevelopment of the Grandstand project whilst enabling Waveconn to continue the provision of telecommunication services to the surrounding area.
14. It will ensure there is a mechanism in place to terminate the tenant with appropriate notice if future redevelopment or leasing decision require it.
15. Entering a formal binding arrangement will provide legal clarity and an enforceable framework for occupation while broader relocation discussions progress.

## Legal and policy compliance

[Telecommunications Act 1997](#)

[Section 3.58 of the Local Government Act 1995](#)

[State Planning Policy 5.2 Telecommunications Infrastructure \(Para 5.1.1 \(v\)\)](#)

[Policy 310 Leasing and Licensing](#)

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
<b>Future budget impact</b>	The passing of the recommendation will result in funds being received by the Town by way of rent for the lease area granted.

## Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	Loss of rental income to the Town if no new lease is entered into.	High	Low	TREAT risk by progressing new lease arrangements to secure ongoing rental income to the Town.
Environmental	Not applicable		Medium	
Health and safety	A loss of mobile phone coverage within the Town may adversely affect residents' ability to contact emergency services.	High	Low	TREAT risk by progressing new lease arrangements to maintain mobile phone coverage with the Town, thereby supporting community health and safety by ensuring continued access to emergency services.
Data, Information Technology and Cyber	A loss or degradation of mobile phone coverage can significantly disrupt access to real-time information and hinder effective communication.	High	Medium	TREAT risk by progressing new lease arrangements to prevent the loss or degradation of mobile phone coverage within the Town.
Assets	Not applicable		Medium	
Compliance Breach	The proposed lease will require compliance with Section 3.58 of the Local Government Act.	Low	Low	TREAT risk by strict compliance with advertising requirements in Section 3.58 of the local Government Act and use of non-binding heads of terms to negotiate the lease, without risk of inadvertently agreeing to lease.
Reputation	If the Council does not approve the new lease and	Medium	Low	TREAT risk by progressing new lease arrangements to ensure continuity of mobile

	mobile phone coverage is subsequently affected, the community may attribute the issue to the Town, potentially damaging its reputation.			phone coverage and mitigate the potential for the Town to be held responsible for service disruptions resulting from the removal of telecommunications equipment prior to the availability of alternative solutions.
Service delivery interruption	Proposed risk of service interruption within areas of the town.	Medium	Medium	TREAT risk by progressing new lease arrangements which will reduce the likelihood of service delivery interruption caused by the removal of telecommunications equipment before alternative infrastructure is operational.

## Engagement

Internal engagement	
Manager Property Development and Leasing	Comments are included within the report.
Manager Development Services	Proposal is supported and will not compromise the ultimate redevelopment of the site.
Manager Projects	Reviewed and supported

## Strategic alignment

Economic	
Community Priority	Intended public value outcome or impact
EC2 - Connecting businesses and people to our local activity centres through place planning and activation.	Ensuring continued mobile phone coverage and other related telecommunication services in the Town is essential to maintaining reliable connectivity for residents and local businesses. Decommissioning the current facility before alternative infrastructure is operational poses significant risks. These include the creation of mobile coverage blackspot for Vodafone customers and the potential for serious public safety concerns, particularly in relation to the ability to contact emergency services.
Environment	
Community Priority	Intended public value outcome or impact
EN5 - Providing facilities that are well-built and well-maintained.	Providing continued access to the existing facility aligns with community priorities and delivers a clear public benefit.

## Further consideration

Not applicable.

## 13.4 Rutland Avenue Advocacy & Project Update

<b>Location</b>	Lathlain
<b>Reporting officer</b>	Strategic Projects Manager
<b>Responsible officer</b>	Chief Operations Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	Nil

### Summary

This report provides an update to the Council on the progress of advocacy efforts to secure additional funding for Rutland Avenue, as requested in the resolution from April 15, 2025, with further information and discussion points from the Concept Forum held May 27, 2025.

### Recommendation

That Council:

1. Notes the Town's progress on the advocacy efforts for funding Rutland Avenue.
2. Requests the Town to continue advocating for the Rutland Avenue project for the additional funding
3. Requests the Town to investigate alternate methods for delivery to reduce overall construction costs.
4. Continues exploring options to improve and cross collaborate with other project deliveries within the Lathlain & Burswood precincts
5. Requests the Chief Executive Officer to bring a further progress report back to the December 2025 Ordinary Council Meeting.

### Background

1. On October 15, 2024, Council resolved to undertake an 8–12 week advocacy sprint to secure additional funding for Rutland Avenue.
2. Officers engaged in advocacy efforts at the state level, seeking commitments for funding support with no clear commitment for additional funds being provided.
3. In the lead up to the elections, the Mayor and CEO held multiple meetings with key stakeholders and MPs, including Zaneta Mascarenas MP, Hon Hannah Beazley MLA, Andra Biondi, and Mic Fels, to discuss Rutland Avenue as an advocacy priority.
4. Follow-up actions were undertaken after these meetings, including formal emails from the CEO to reinforce advocacy priorities and maintain engagement.
5. On 25 February 2025, the Mayor and CEO met with Hannah Beazley MLA. A number of Council election priority were discussed including the Rutland Avenue PSP. Ms Beazley expressed support for this project, indicating she has also received feedback from the community in relation to it. She was made aware the additional cost required to complete the project and the priority concerns with Water Corporation and Western Power infrastructure. She indicated that she would be advocating to the Minister for Transport in support of this project.

6. A concept forum item was presented to councillors on May 27, 2025 as per the Council Resolution 74/2025 - April 2025 requesting that the CEO bring the project future steps back to concept forum for an open discussion.

## Discussion

7. The current WABN grant remains at the formally agreed amount of \$2.2M (2020–21).
8. Department of Transport budget funding up to a value of \$4.7mil (inclusive of all expenses to date) is committed to the project pending an agreed design and new grant agreement formally entered.
9. Verbal indication has been given by state government that the funding shortfall will not be supported without further commitment from council or an alternate delivery method explored.
10. Current WABN Grant Agreement:

Option	Design Type	Estimated Cost	Estimated Construction Time	WABN Agreement	Remaining funds	Aligns with Council-Endorsed Design Intent
Option 1a	Kerb-Separated Cycle Path & Bi-Directional Road @5.5m width	\$8.7mil (June 2022) To \$10.4mil (August 2025)	22 weeks	\$2.2mil	\$1.3mil	No

11. Current Council Endorsed Design:

Option	Design Type	Estimated Cost	Estimated Construction Time	Current Funding Shortfall	Key Constraint	Aligns with Council-Endorsed Design Intent
Option 1b	Grade-Separated Cycle Path & Bi-Directional Road @5.5m width	\$11mil + (August 2025)	30 weeks	State Budget \$ 4.7 mil inclusive of original WABN grant remaining funds = \$7.6mil	All designs and approvals require updating.	Yes



12. Current design options:

Option	Design Type	Estimated Cost	Estimated Construction Time	Key Constraints	Funding Shortfall	Aligns with Council-Endorsed Design Intent
Option 1a	Kerb-Separated Cycle Path & Bi-Directional Road @5.5m width	\$8.7mil (June 2022) To \$10.4mil (August 2025)	22 weeks	Water pipe replacement needed	\$7mil	No
Option 1b	Grade-Separated Cycle Path & Bi-Directional Road @5.5m width	\$11mil + (August 2025)	30 weeks	All designs and approvals require updating. Design updates not approved within funding Water pipe replacement needed	\$7.6mil	Yes
Option 2	One-Way Design	\$6.7million	12-14 weeks	Conflicts with Council's position and community feedback	\$3.3mil	No

13. Existing underground services:

- a. Water Corp advice remains consistent that the pipe replacement/relocation is not a priority as the asset, although aged, remains in good service, nor will they co-contribute to relocation.
- b. Without an updated (grade separated cycle path) design and approval to use project funds (100% DoT funding), re-engagement with Telstra, NBN, ATCO Gas, and Western Power is not possible.
- c. Only one design has been previously reviewed and costed by service providers (at grade – kerb separated cycle path). This design along with service provider designs are now outdated and subject to the outcome of advocacy efforts.

14. The Town could consider pivoting toward an innovative delivery approach that may unlock cost efficiencies and broaden the scope for collaboration:

- a. Explore alternate delivery methodologies that can streamline construction, reduce overall costs, and leverage shared efficiencies, ensuring the project remains feasible within the State's committed funding (\$4.7mil total)
- b. Seek cross-collaboration with adjacent projects in the Lathlain and Burswood precincts to integrate works where possible.
- c. Taking a precinct-wide infrastructure delivery approach will strengthen the case for future advocacy and funding support.
- d. A strategic approach positions the project for greater cost efficiency, enhances its advocacy potential, and strengthens partnerships with State agencies and service providers.

15. Options explored shall take into consideration the following:

- a. Ensure all alternate methodologies align with the Council's endorsed risk profile, particularly in relation to cyclist safety, grade separation and service impacts.
- b. Identify and assess any new risks and implement mitigation strategies early in planning.
- c. Prioritise options that maintain or enhance safety outcomes while reducing cost, avoiding risk transfer that compromises project intent.
- d. Use cross collaboration of projects within the Lathlain & Burswood precincts to share and reduce risks, not just costs.

## Relevant documents

[Rutland Avenue Bike Path Advocacy](#)

[Advocacy Priorities – Town of Victoria Park](#)

## Legal and policy compliance

[Policy 004 Risk Management](#)

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to continue advocacy efforts
<b>Future budget impact</b>	Municipal funds may be required to continue designs and studies, inclusive of updating designs to be in line with councils endorsed "grade separated" cycle path

## Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	Failure to secure funding may delay necessary works on Rutland Avenue.	Medium	Low	<ul style="list-style-type: none"><li>Continue advocacy efforts and explore alternative funding sources.</li><li>Explore options to link multiple project budgets to reduce construction budget</li><li>Look at alternate construction methodologies to reduce construction costs</li></ul>
Environmental	Not applicable.		Medium	
Health and safety	No Cycle Path will result in Vehicles and Cyclist sharing the road space	Medium	Low	<ul style="list-style-type: none"><li>Provide interim measures to slow vehicle speeds</li><li>Advanced warning signage to notify road users of the shared environment.</li></ul>
Data, Information Technology	Not applicable.		Medium	

and Cyber				
Assets	Not applicable.		Medium	
Compliance Breach	Not applicable.		Low	
Reputation	Lack of state support may affect community perception of progress.	Medium	Low	Provide transparent updates to the community and elected members.
Service delivery interruption	Not applicable.		Medium	

## Engagement

Internal engagement	
Stakeholder	Comments
Strategic Projects Team	Provided input on advocacy efforts and outcomes.
Executive Management	Reviewed and supported continued engagement strategies. Included in discussion on the council priorities
Stakeholder Relations	Provided input on advocacy efforts and supported the development of all briefing materials. Annual advocacy priorities

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance	Ensuring community needs are represented at the state level.

Environment	
Community Priority	Intended public value outcome or impact
EN6 - Improving how people get around the Town.	Number 1 priority within the Local Bike Plan. Rutland Avenue Cycle Path project is critical to improving connections to other cycle and pedestrian facilities within Lathlain, Carlisle, Burswood East and Burswood South

## Further consideration

Not applicable.

### 13.5 Request By Blackoak for Consent to Subleases and Security, 15 Hill View Terrace, Elizabeth Baillie Park

<b>Location</b>	East Victoria Park
<b>Reporting officer</b>	Manager Property Development and Leasing
<b>Responsible officer</b>	Chief Operations Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. CONFIDENTIAL - EMP Consent to Sublease and Security Letter to To VP 180725 [13.5.1 - 15 pages]</li> <li>2. CONFIDENTIAL - Legal advice to Town Transaction Documents Elizabeth Baillie document execution [13.5.2 - 6 pages]</li> <li>3. CONFIDENTIAL - 2025-07-29 Deed of Consent to Hospitality Sublease [ Final - Clean] [13.5.3 - 118 pages]</li> <li>4. CONFIDENTIAL - 2025 07 29 Major Sublease Hospitality 15 Hill View Final Clean [13.5.4 - 67 pages]</li> <li>5. CONFIDENTIAL - 2025-07-29 Deed of Consent to Childcare Sublease [ Final - Clean] [13.5.5 - 122 pages]</li> <li>6. CONFIDENTIAL - 2025 07 29 Major Sublease Childcare 15 Hill View Final Clean [13.5.6 - 59 pages]</li> <li>7. CONFIDENTIAL - 2025-07-29 Deed of Consent to Childcare Subsublease [ Final - Clean] [13.5.7 - 116 pages]</li> <li>8. CONFIDENTIAL - 2025 07 23 Subsub Lease Childcare 15 Hill View Terrace East Victoria Park Clean [13.5.8 - 60 pages]</li> <li>9. CONFIDENTIAL - 3446-3~1 [13.5.9 - 39 pages]</li> <li>10. CONFIDENTIAL - Westpac Mortgage of Sub Lease 15 Hill View Terrace East Victoria Park 1253698713 [13.5.10 - 2 pages]</li> <li>11. CONFIDENTIAL - WBC MCP P 822887 MP ( Version_ February 2024)(1274924463.1) [13.5.11 - 26 pages]</li> </ol>

### Summary

Blackoak have submitted a formal request dated 18 July 2025 under clause 12 of the agreed form of the Lease between Blackoak and the Town for the Town to grant Landlord consent to three Major Subleases and the grant of security over one of the Major Subleases. To present the outcome of an operational and legal review and negotiations to draft documentation that can be recommended for Council to authorise the granting of the requested consents.

### Recommendation

That Council:-

1. Notes the following documentation to be consented to by way of execution on behalf of the Town by the Mayor and Chief Executive Officer, subject to prior approval by the Minister for Lands where required under Section 75 of the *Land Administration Act 1997 (WA)*:-
  - a. Deed of Consent to Sublease between Blackoak Capital – Elizabeth Baillie Pty Ltd, Mildred Creak

Pty Ltd and the Town (for 'Major Sublease – Hospitality, Part of Elizabeth Baillie Precinct' between Blackoak Capital – Elizabeth Baillie Pty Ltd and Mildred Creak Pty Ltd ATF Mildred Creak Unit Trust);

- b. Deed of Consent to Sublease between Blackoak Capital – Elizabeth Baillie Pty Ltd, Baillie Avenue Pty Ltd and the Town (for 'Major Sublease – Childcare, Part of Elizabeth Baillie Precinct' between Blackoak Capital – Elizabeth Baillie Pty Ltd and Baillie Avenue Pty Ltd ATF Baillie Avenue Asset Trust);
  - c. Deed of Consent to Subsublease between Baillie Ave Pty Ltd ATF Baillie Avenue Asset Trust, Wildflowers Early Learning Pty Ltd, Blackoak Capital – Elizabeth Baillie Pty Ltd and the Town (for 'Major Subsublease – Childcare Part Elizabeth Baillie' between Baillie Ave Pty Ltd ATF Baillie Avenue Asset Trust and Wildflowers Early Learning Pty Ltd ATF Wildflowers Early Learning Unit Trust);
  - d. General Security Agreement between Westpac Banking Corporation, the Town, Blackoak Capital – Elizabeth Baillie Pty Ltd and Baillie Avenue Pty Ltd as trustee for the Baillie Avenue Asset Trust and related Mortgage of Sub-Lease and Commercial Mortgage Memorandum.
2. Authorises the Chief Executive Officer to settle the terms of the documentation referred to in 1. above and to agree any reasonable and necessary amendments;
  3. Authorises the Mayor and the Chief Executive Officer to execute the documentation referred to in point 1. above as deeds and apply the common seal.

## Background

1. At the Special Council meeting held on 29 August 2023, Council resolved as follows by resolution 194/2023:-

*That Council:-*

- 1. Having received and considered the submissions in Attachment 9.1 further to the publication of a business plan in line with Section 3.59 of the Local Government Act 1995, approves the Agreement for Lease and Lease with Blackoak Capital – Elizabeth Baillie Pty Ltd in Attachments 9.2 and 9.3 for the 'Edward Millen Heritage Redevelopment'.*
  - 2. Authorises the Mayor and Chief Executive Officer to execute the Agreement for Lease and Lease in Attachments 1 and 2;*
  - 3. Authorises the Chief Executive Officer to administer the Agreement for Lease and Lease with Blackoak Capital – Elizabeth Baillie Pty Ltd on behalf of the Town as Landlord in relation to the Property.*
2. The Agreement for Lease (including an agreed form of Lease) (the AFL) has been executed by the Mayor and Chief Executive Officer.
  3. Pursuant to the AFL, Blackoak Capital – Elizabeth Baillie Pty Ltd (Blackoak) have paid the \$2m (excl GST) contribution to the Town towards the cost of upgrade works being undertaken by the Town to the adjacent Elizabeth Baillie Park, formerly known as Edward Millen Park. This contribution is in lieu of the first 20 years of rent under the Lease;
  4. Blackoak are at an advanced stage of completing the heritage restoration and redevelopment works in terms of the AFL and have advised that as at the end of June 2025:-
    - a. The majority of the redevelopment works to the heritage buildings have been completed, with expenditure of \$10.2m (excl GST) on the design and construction of these buildings. This has seen completion of:-

- i. Over 75% of the heritage repair and restoration works, the majority of which have been undertaken on the 'Mildred Creak Centre' building which required substantial rebuilding and refurbishment from the original timber structure;
  - ii. Over 50% of the remaining base build and hospitality fitout works;
  - b. The majority of construction works for the new childcare centre have been completed, with expenditure of \$1.9m (excl GST) on the design and construction of the new childcare centre.
  - c. Practical completion of the overall development is targeted for 31 October 2025, subject to fitout of the cafe and bakery being completed separately in early 2026.
5. Upon completion of all required obligations under the AFL, including the heritage restoration and redevelopment works in terms of the AFL, the Minister's consent will be sought to the grant of the Lease, following which this will be executed on behalf of the Town by the Mayor and Chief Executive Officer, pursuant to resolution 194/2023 of the Special Council meeting on 29 August 2023.
  6. The Lease will provide for an approximately 1.375 Hectare section of Elizabeth Baillie Park to be leased to Blackoak for an initial 20 year period, with Blackoak having five renewal rights of 10 years each (potential maximum total duration of 70 years).
  7. Blackoak have submitted a formal request dated 18 July 2025 under clause 12 of the agreed form of the Lease for the Town to grant Landlord consent to three Major Subleases and the grant of security over one of the subleases (Attachment 1) (the Request).

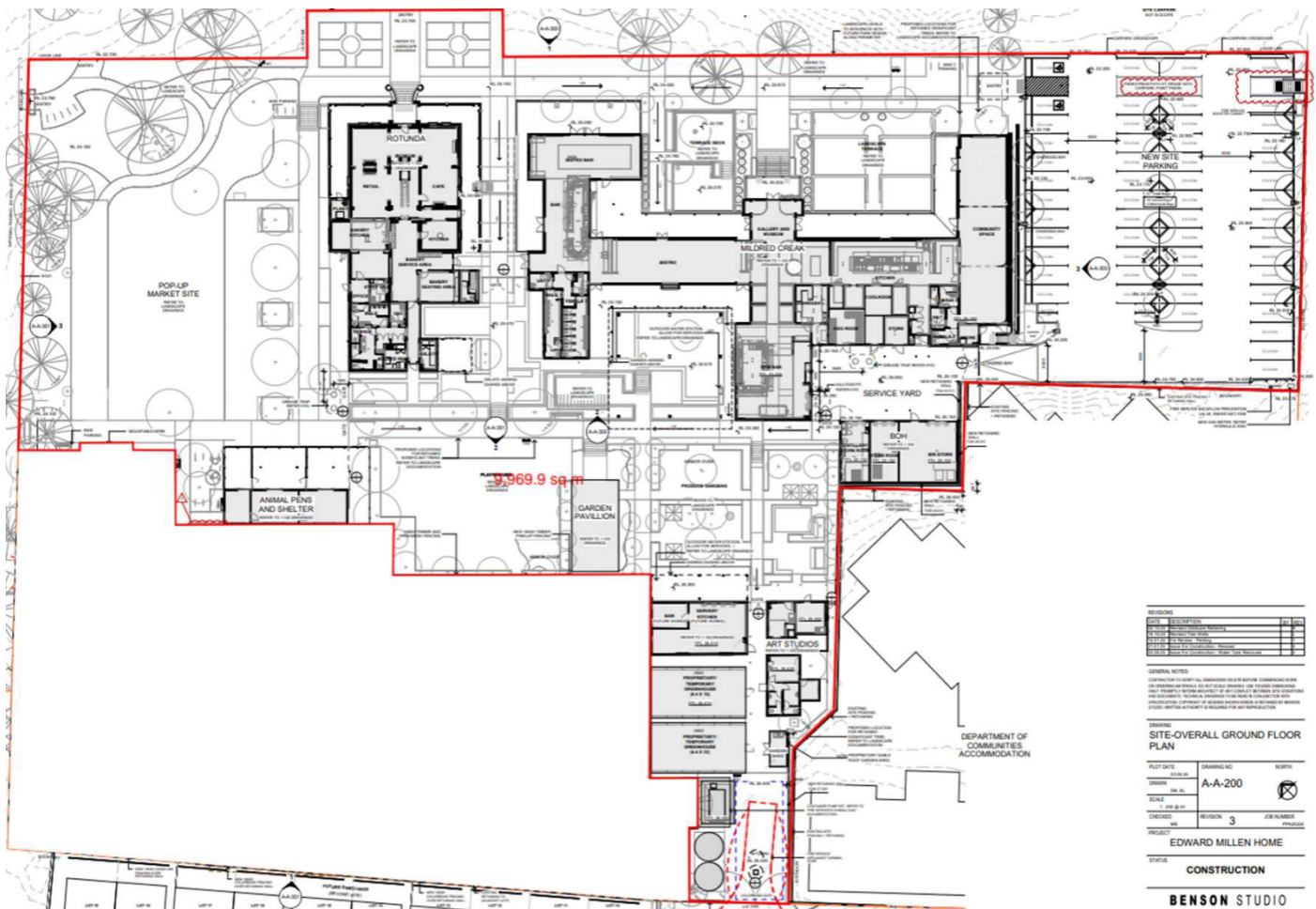
## Discussion

8. The three Major Subleases will not remove Blackoak's responsibilities to the Town under the Lease.
9. The three Major Subleases provide for Blackoak to allocate management and operation of the redevelopment to two sets of investors, comprising one investor for the Hospitality section and a second set of investors for the Childcare section:-

### 'Hospitality'

The majority 9,969 sqm section of the redevelopment, which includes the heritage restoration buildings, will be the subject of a Major Sublease to Blackoak Capital – Elizabeth Baillie Pty Ltd and Mildred Creak Pty Ltd ATF Mildred Creak Unit Trust, for an initial 20 year term (less one day) with five rights to renew for 10 years each (total maximum duration 70 years less one day).

The following plan shows this 'Hospitality' section of the redevelopment.



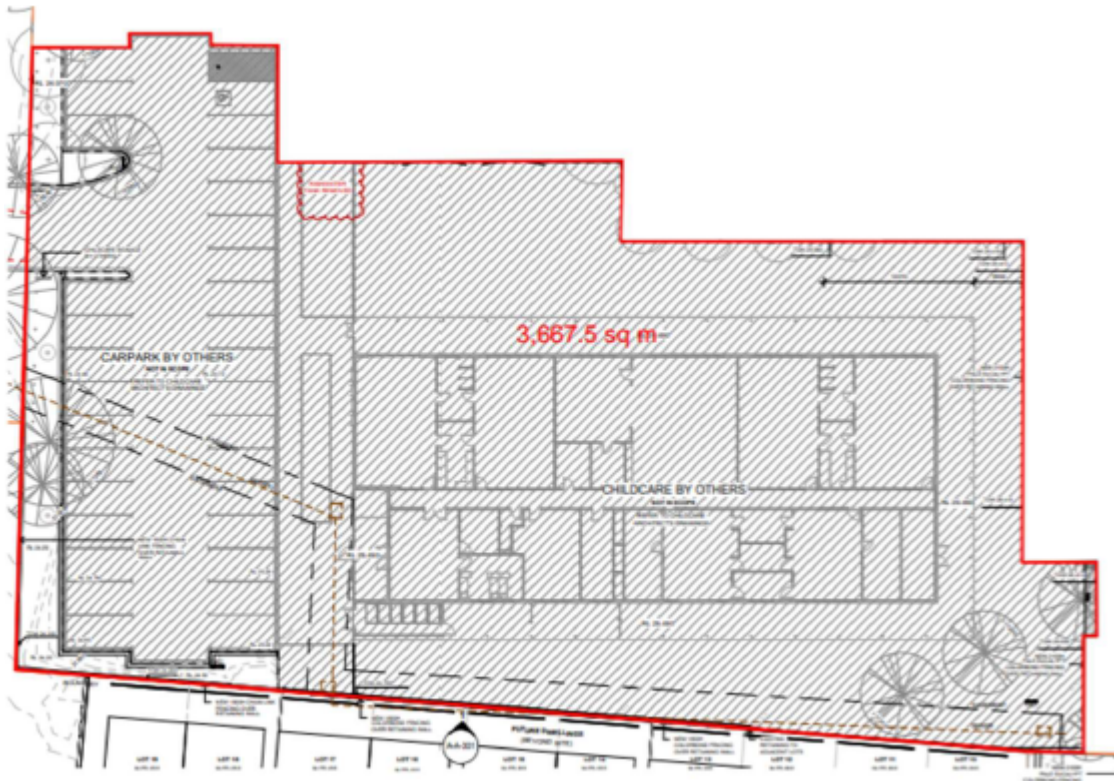
## 'Childcare'

A 3,667 sqm section of the redevelopment (Childcare new build) will be the subject of:-

1. A Major Sublease to Blackoak Capital – Elizabeth Baillie Pty Ltd and Baillie Avenue Pty Ltd ATF Baillie Avenue Asset Trust for an initial 20 year term (less one day) with five rights to renew for 10 years each (total maximum duration 70 years less one day). This Major Sublease will be the subject of a security granted to Westpac Banking Corporation.
2. A Major Sublease of the whole of the childcare section by way of a subsublease from Baillie Avenue Pty Ltd ATF Baillie Avenue Asset Trust to Wildflowers Early Learning Pty Ltd ATF Wildflowers Early Learning Unit Trust, which is to be the operator of the childcare facility. This is for an initial term of 15 years plus two rights to renew of 5 years each (total maximum duration 25 years).

The following extract shows this Childcare section of the redevelopment:-





10. The agreed form of the Lease includes an acknowledgement by the Town that Blackoak proposes to undertake a leasing enterprise on the premises, which will comprise the grant of Minor Subleases and Major Subleases. In addition, a detailed regime is provided for the Town to consent to the grant of Major Subleases and to consent to a charge or mortgage.
11. The Request seeks the Town's consent to the following documentation:-
  - a. Deed of Consent to Sublease between Blackoak Capital – Elizabeth Baillie Pty Ltd, Mildred Creak Pty Ltd and the Town (for 'Major Sublease – Hospitality, Part of Elizabeth Baillie Precinct' between Blackoak Capital – Elizabeth Baillie Pty Ltd and Mildred Creak Pty Ltd ATF Mildred Creak Unit Trust);
  - b. Deed of Consent to Sublease between Blackoak Capital – Elizabeth Baillie Pty Ltd, Baillie Avenue Pty Ltd and the Town (for 'Major Sublease – Childcare, Part of Elizabeth Baillie Precinct' between Blackoak Capital – Elizabeth Baillie Pty Ltd and Baillie Avenue Pty Ltd ATF Baillie Avenue Asset Trust);
  - c. Deed of Consent to Subsublease between Baillie Ave Pty Ltd ATF Baillie Avenue Asset Trust, Wildflowers Early Learning Pty Ltd, Blackoak Capital – Elizabeth Baillie Pty Ltd and the Town (for 'Major Subsublease – Childcare Part Elizabeth Baillie' between Baillie Ave Pty Ltd ATF Baillie Avenue Asset Trust and Wildflowers Early Learning Pty Ltd ATF Wildflowers Early Learning Unit Trust);
  - d. General Security Agreement between Westpac Banking Corporation, the Town, Blackoak Capital – Elizabeth Baillie Pty Ltd and Baillie Avenue Pty Ltd as trustee for the Baillie Avenue Asset Trust and related Mortgage of Sub-Lease and Commercial Mortgage Memorandum.



12. The Request has followed a lengthy process of negotiation between the Town and Blackoak. An initial set of proposed sublease documents and consent to mortgage was received by the Town from Blackoak (the Initial Proposal). The Initial Proposal provided for subleases which in concept comprised an extensive mixture of legal relationships between the Town, Blackoak and the sub-tenant. The Initial Proposal had been presented to the Town, without the Town having input into its concept and was rejected by the Town for a number of reasons, including:-
- a. The subleases in concept comprising an excessively complex, difficult to understand and potentially expensive to administer set of lease transaction documents;
  - b. A range of drafting issues, including a potentially far reaching provision which sought to make the subleases take precedence over the Lease, to the extent of any inconsistency.
13. The Town and Blackoak have subsequently worked collaboratively and with advices from respective lawyers to develop the documentation presented to the Town with the Request. A considerable amount of thought has gone into developing documentation which will be fit for the purposes of the Town's administration as landlord of the redeveloped precinct over the long term. The following aspects of this documentation are highlighted:-
- a. Two of the Major Subleases are between Blackoak and Blackoak's Subtenant. A third Major Sublease is between Blackoak's Subtenant and a subsubtenant. Blackoak is responsible to administer two of the Major Subleases. Blackoak's Subtenant is responsible to administer the third Major Sublease. The Town is not a party to these Major Subleases and is not exposed to the costs and risks of managing these relationships;
  - b. Separate Deeds of Consent provide for the Town to consent to the three Major Subleases. The Deeds of Consent provide for a range of wide standard legal clauses/intricacies typical for this type of arrangement, for example, a Subtenant under a Major Sublease may not do anything to cause Blackoak to be in breach of its Lease (i.e. the 'head' lease between the Town and Blackoak) and the Subleases terminate immediately upon termination of Blackoak's Lease.
- In addition, the opportunity has been taken to incorporate into the Deeds of Consent some refinements to assist with the Town's future landlord management of the precinct. By way of examples, the following features of the Deeds of Consent are highlighted:-
- (i) "Step in" rights which allow the Town to, in certain circumstances, directly enforce (against Blackoak's Subtenant or Subsubtenant) a range of essential terms of the Major Subleases;
  - (ii) Subtenant for the hospitality section covenanting directly with the Town to protect and promote free access to certain community spaces within the hospitality section of the redevelopment (museum space inside rotunda building, space for use by not for profit groups, public use of the majority of the grounds during business hours, permitting members of the public to take photos for weddings and other events within publicly accessible areas and setting aside space within the farmers market area for community groups to use for the purpose of hosting stands or small events or performances), including a fair and equitable booking system, reporting to the Town on the use of these free community spaces and collaborating with the Town in relation to the Town's promotion of these community spaces;
  - (iii) A limit has been imposed on the number of subsubleases that are Major Subleases, to prevent excessively complex layers of subsubleases being created over the long term, noting the potential for leasing arrangements to be for as long as 70 years.

In the normal course of events, the Lease (i.e. The 'head' lease between the Town and Blackoak) will be the Town's usual means of administering the precinct and Blackoak in turn will be responsible to

administer its subtenants, at Blackoak's cost. The Deeds of Consent allow the Town to intervene as head landlord against Blackoak's subtenants in certain circumstances, on an exception basis.

14. The Town's Chief Financial Officer has reviewed the Request, including financial information and, based on the information provided, it appears the proprietors have financial capacity to operate.
15. The Request and the legal documentation has been reviewed by the Town's lawyers. An advice letter dated 29 July 2025 is attached with detailed legal advices to the Town relating to the proposed grant of the landlord consents pursuant to the Request (Attachment 2). In particular, the legal advice includes detailed advices around the requirements for the Town is required to act reasonably in considering the Request as well as a concluding opinion that the transaction documents *"....are a reasonable set of agreements for a transaction of this type and are slightly biased in favour of the Town and certainly materially more biased in favour of the Town than the original documents proposed by the Tenant"*.

## Relevant documents

Not applicable.

## Legal and policy compliance

[Section 75 of the Land Administration Act 1997](#)

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
<b>Future budget impact</b>	Not applicable.

## Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	Not consenting to the proposed consent to sublease agreements may delay or jeopardise the successful completion or operation of the Elizabeth Ballie Adaptive Heritage Redevelopment Project, with risk of legal liability arising	High	Low	TREAT risk by obtaining and considering legal advice as to the Town's position in considering granting its consent to the sublease agreement conditions and security within the Elizabeth Ballie precinct.
Environmental	Not consenting to any terms or conditions that may have the potential to affect completion or operation of the Town's heritage asset.	Low	Medium	TREAT risk by accepting the proposed terms and conditions.
Health and	Not applicable.		Low	

safety				
Data, Information Technology and Cyber	Not applicable.		Medium	
Assets	The potential for elevated risks related to maintaining the subleased portions of the buildings	Low	Medium	TREAT risk by ensuring the Town only agrees to terms that are appropriate and comply with the Lease and Agreement for Lease documents.
Compliance Breach	Agreeing to terms that do not allow the Town to enforce breaches as landlord.	Low	Low	TREAT the risk by ensuring the documentation to be consented to has been drafted by lawyers with consideration of how the Town can 'step in' as head landlord to enforce against subtenants.
Reputation	Not consenting to the sublease terms may result in reputational loss as the sublease/assignment agreements are an important element to support the investment of significant private capital into the redevelopment of the Elizabeth Ballie precinct.	High	Low	TREAT risk through rigorous evaluation of the request for consent and the terms upon which consent is granted.
Service delivery interruption	Not applicable.		Medium	

## Engagement

Internal engagement	
Stakeholder	Comments
Chief Finance Officer	The Town's Chief Financial Officer has reviewed the Request, including financial information and, based on the information provided, it appears the proprietors have financial capacity to operate.

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Streamline the Town’s efficient and cost effective landlord administration of the lease precinct with fit for purpose documentation with clear lines of responsibility for the Town, Tenant and Sub-Tenants.
CL3 - Accountability and good governance.	Providing a basis for the Town to effectively administer the lease precinct with fit for purpose documentation with clear lines of responsibility for the Town, Tenant and Sub-Tenants.

Economic	
Community Priority	Intended public value outcome or impact
EC1 - Facilitating a strong local economy.	Consenting to the proposed transaction documents will facilitate investment into the completion of the redevelopment and successful operation of new local businesses.
EC2 - Connecting businesses and people to our local activity centres through place planning and activation.	The transaction documents embed the place planning and activation outcomes of the redevelopment, including provision to safeguard and promote free public use of community spaces.

Environment	
Community Priority	Intended public value outcome or impact
EN3 - Enhancing and enabling liveability through planning, urban design and development.	The transaction documents support investment into the completion and operation of the redevelopment and its planning/heritage and urban design outcomes.
EN4 - Increasing and improving public open spaces	The transaction documents include provision to safeguard and promote free public use of community spaces.
EN5 - Providing facilities that are well-built and well-maintained.	The transaction documents support investment into the completion and operation of the redevelopment which will provide facilities that are well built and well-maintained, at the cost of private investors.

Social	
Community Priority	Intended public value outcome or impact
S4 - Improving access to arts, history, culture and education.	The transaction documents include provision to safeguard and promote free public use of community spaces in this heritage precinct.

## Further consideration

Not applicable.

## 13.6 Western Power Community Batteries

<b>Location</b>	Koolbardi Park Parnham Park Manners Reserve
<b>Reporting officer</b>	Land and Properties Project Officer
<b>Responsible officer</b>	Manager Assets & Environment
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Attachment 1 - PROPOSED COMMUNITY BATTERY LOCATION - KOOLBARDI PARK [<b>13.6.1</b> - 1 page]</li><li>2. Attachment 2 - PROPOSED COMMUNITY BATTERY LOCATION – PARNHAM PARK [<b>13.6.2</b> - 1 page]</li><li>3. Attachment 3 - PROPOSED COMMUNITY BATTERY LOCATION – MANNERS RESERVE [<b>13.6.3</b> - 1 page]</li><li>4. Attachment 4 - Community Consultation Letter - Town of Victoria Park - Koolbardi Park (001) - Redac [<b>13.6.4</b> - 2 pages]</li><li>5. Attachment 5 - Community Consultation Letter - Town of Victoria Park - Parnham Park (002) - Redacted [<b>13.6.5</b> - 2 pages]</li><li>6. Attachment 6 - Community Consultation Letter - Town of Victoria Park - Manners Reserve (003) - Redac [<b>13.6.6</b> - 2 pages]</li><li>7. Attachment 7 - Koolbardi Park - Letter Drop Radius [<b>13.6.7</b> - 1 page]</li><li>8. Attachment 8 - Parnham Park - Letter Drop Radius [<b>13.6.8</b> - 1 page]</li><li>9. Attachment 9 - Manners Reserve - Letter Drop Radius [<b>13.6.9</b> - 1 page]</li><li>10. Attachment 10 - ARENA Stream A - Town of Victoria Park [<b>13.6.10</b> - 18 pages]</li></ol>

### Summary

This report presents the proposal by Western Power to install community batteries on Town owned land at two different locations within the Town. Council is requested to consider approval of the proposed installations.

### Recommendation

That Council:

1. Approves the installation by Western Power of community batteries at the preferred locations of Koolbardi Park and Parnham Park as depicted on Attachments 13.6.1 and 13.6.2.
2. Approves, if either of the 2 preferred locations is deemed unsuitable for installation of community batteries, the installation by Western Power of a community battery at Manners Reserve as depicted on Attachment 13.6.3.
3. Authorises the Chief Executive Officer to sign an agreement with Western Power to install community batteries at Koolbardi Park and Parnham Park, and to sign an agreement with Western Power to install a community battery at Manners Reserve if either of the 2 preferred sites at Koolbardi Park and Parnham Park is deemed unsuitable for installation of a community battery.

4. Authorises the Mayor and the Chief Executive Officer to sign and affix the Common Seal of the Town to all documents necessary to enable registration of access easements to the Certificates of Title for Koolbardi Park and Parnham Park, and if either of those sites is deemed unsuitable for installation of a community battery, Manners Reserve.
5. Acknowledges that Western Power will not pay the Town compensation for registration of access easements on the Certificates of Title for Koolbardi Park, Parnham Park and Manners Reserve, and that Western Power will be responsible for all costs associated with the installation of community batteries at the aforementioned locations.

## Background

1. The Manager Assets and Environment met with Deputy Mayor Ife on 27 February 2025 to discuss the possibility of having community batteries installed within the Town.
2. Western Power was contacted and requested to assess the feasibility of installing community batteries within the Town.
3. Western Power prepared and provided a summary document titled "Empowering homes with Community Batteries" and suggested 5 parks as potential installation sites.
4. A Western Power representative gave a presentation to Elected Members and provided responses to questions asked at the Concept Forum held 22 April 2025.
5. At the Concept Forum held 22 April 2025, Elected Members agreed that Western Power carry out community consultation in respect to the proposed installation sites and that responses received be included in a future report to Council.

## Discussion

6. The Western Power summary document titled "Empowering homes with Community Batteries" states that a community battery is "An innovative energy solution designed to serve entire neighbourhoods by enhancing access to renewable energy and stabilising the grid for residents throughout the community."
7. A community battery works by storing excess solar energy from the surrounding homes and supplies it back to the neighbourhood during high demand or low production periods, helping to ensure a reliable power supply. Energy going into community batteries is sourced from solar panels in the immediate area and is diverted from being fed directly into the Western Power grid.
8. A community battery is connected directly to the electricity network. In times of high demand or low production, energy stored in the battery is fed directly into the electricity network. The energy fed into the network benefits the reliability of supply from the network to the wider community and as such is of no direct or financial benefit to any individual consumer.
9. The Federal Government has allocated \$200million for the rollout of 400 community batteries throughout Australia.
10. Western Power, in association with Australia Renewable Energy Agency (ARENA) has been allocated thirteen (13) batteries to assist in Australia's goal to move towards a sustainable future.
11. Of the thirteen (13) batteries allocated, Western Power had indicated it is prepared to install a maximum of 2 batteries within the Town. The 2 preferred sites are Koolbardi Park and Parnham Park.
12. Following preliminary assessment of the 5 potential installation sites, the number of potential sites has been reduced to 3. After detailed site survey and investigation of the 2 preferred sites is done, if either

of those sites is deemed unsuitable for installation Western Power proposes that the second battery be installed at Manners Reserve.

13. When community batteries are installed on freehold land owned by a local government, Western Power require that an easement be registered on the certificate of title to the land to protect Western Power's access to the battery on an ongoing basis.
14. Western Power does not offer compensation for registration of each required easement but will meet all costs associated with the battery installation including survey and registration of the easement.
15. Western Power's policy is to collaborate with local governments to incorporate visually appealing artwork on community battery enclosures to enhance the aesthetic appeal of the enclosures.

## Relevant documents

Not applicable.

## Legal and policy compliance

Policy 221 – Strategic management of land and building assets.

Principle 5h of Policy 221 states: "All land assets controlled by the Town deliver financial, economic, social or environmental values consistent with the highest and best use of the land for the benefit of the community."

Installation of community batteries will deliver social and environmental values by enhancing access to renewable energy and helping to ensure a reliable power supply for the nearby community.

## Financial implications

<b>Current budget impact</b>	<p>No impact on current budget.</p> <p>Western Power will meet all costs involved in installation and ongoing maintenance of any community batteries installed on freehold land owned by the Town.</p> <p>Western Power will meet all costs involved in survey and registration of an access easement to be registered on the certificate of title for freehold land owned by the Town.</p>
<b>Future budget impact</b>	Not applicable.

## Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	No risk	Nil	Nil	Community batteries are Western Power assets, installation and maintenance are fully funded by Western Power.
Environmental	Vegetation removal	Low	Low	Some small shrubs will need to be removed at Koolbardi Park to allow installation of a

				community battery. Replacement shrubs will be planted in proximity following installation of the battery.
Health and safety	Noise	Low	Low	Community batteries do emit some low levels of noise. Strict noise requirements are built into the battery design and construct contracts to ensure they are lower than required levels. Proposed sites are not adjacent to any residential or commercial properties.
Health and safety	Fire	Low	Low	Western Power enforces essential safety requirements under their battery design and construction contract and there is very low risk of a battery spontaneously catching fire. Proposed sites are not adjacent to any residential or commercial properties.
Data, Information Technology and Cyber	No risk	Nil	Nil	Any risk to a community battery by cyber-attack would be the responsibility of the owner and operator of the battery, Western Power. A community battery would not be the subject of an isolated cyber-attack but could potentially be included in a broader cyber-attack on the Western Power network. This is something that the Town would have no influence or control over.
Assets	No risk	Nil	Nil	Community batteries are owned and controlled by Western Power and are not included in the Town's asset register.
Compliance Breach	Non-compliance with safety standards	Low	Low	Community batteries will be installed by Western Power in accordance with current electrical safety standards, occupational health and safety standards and community safety requirements.
Reputation	Impact on park areas	Low	Low	No comments reflecting adversely on impact on park areas have been received in response to the consultation with residents carried out by Western Power.
Service delivery interruption	Power outages during installation	Low	Low	There may be some minor power outages during installation of community batteries. Outages, if they occur, would be of short duration and affected customers would be notified in advance.



## Engagement

Internal engagement	
Stakeholder	Comments
Parks	No objection to the proposed installations at Koolbardi Park and Parnham Park. A small number of low shrubs may require removal at the Koolbardi Park site. If removals are necessary, replacement shrubs will be planted.
Operations	No objection to the proposed installations at Koolbardi Park and Parnham Park.
Property Development and Leasing	No objection to the proposed installations at Koolbardi Park and Parnham Park. Indicated that Council approval would be required to allow registration of easements.
Place Planning	No objection to the proposed installations at Koolbardi Park and Parnham Park. Indicated that it sounded like an interesting project.
Environment	No objection to the proposed installations at Koolbardi Park and Parnham Park.

External engagement	
Stakeholders	Residents and owners of properties around the selected proposed sites.
Period of engagement	15 May 2025 – 16 June 2025
Level of engagement	Consultation letters contained information about the purpose and use of community batteries, details of proposed site locations and photographs of existing installations at other locations.
Methods of engagement	Consultation was carried out by Western Power. Addressed letters were sent to residents and owners of properties around the selected proposed sites.
Advertising	Not applicable.
Submission summary	<p>2 submissions were received. Both related to the Manners Reserve site.</p> <p>Submission 1:</p> <ul style="list-style-type: none"> <li>• Questioned the safety of community batteries.</li> <li>• Asked if residents would bear the costs of installation and ongoing maintenance.</li> <li>• Suggested that the battery could be located at 20 Huntingdon Street, which is a micropark fronting a Town owned drainage sump.</li> <li>• Suggested that the battery could be located at the rear of the existing transformer located at the corner of Huntingdon Street and Manners Street.</li> </ul> <p>Submission 2:</p>

	<ul style="list-style-type: none"> <li>Expressed concern that the battery appeared to be in proximity to a mature tree.</li> <li>Questioned whether the Town's arborist had been consulted to determine the best location and potential impact on the nearby tree.</li> </ul>
Key findings	<p>No submissions were received in respect to the 2 preferred locations at Koolbardi Park and Parnham Park.</p> <p>The issues raised in the 2 submissions received in respect to Manners Reserve can be adequately addressed in the event that 1 of the 2 preferred sites is deemed unsuitable following detailed site survey and design investigation. The fact that the 2 submissions received related to Manners Reserve was not a factor in Western Power determining that the other 2 sites are the preferred locations for installation of the batteries.</p>

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact.
CL2 – Communication and engagement with community.	Residents and owners of surrounding properties have been consulted with addressed letters sent by Western Power.
Environment	
Community Priority	Intended public value outcome or impact.
EN1 – Protecting and enhancing the natural environment.	Installation of community batteries will deliver social and environmental values by enhancing access to renewable energy and helping to ensure a reliable power supply for the nearby community.

## Further consideration

At the Agenda Briefing Forum meeting held on 5 August 2025, the following information was requested

16. Provide a response to the question *Can the Town advise whether there are specific plans to complement Western Power's proposed battery locations with measures such as decorating the batteries or planting trees to enhance amenity and provide community benefit at those sites?*

Western Power will work with the Town and community to design Artwork to be applied to the BESS (Battery Energy Storage System).

17. Provide a response to the question *Are any trees or tree roots likely to be impacted by the proposed battery locations, and if so, is there flexibility to adjust the placement to ensure maximum tree protection for any trees in the near vicinity?*

Based on indicative proposed Community Battery Locations, no trees/tree roots will be impacted by the installation of the Community Batteries.

18. Provide a response to the question *Has Western Power provided the Town with information on the typical noise levels emitted by the type of community battery proposed for installation in the three parks?*

Western Power is required to comply with stringent Australian noise standards for both day and night-time operation. To ensure compliance, Western Power engages acoustic engineers to assess noise levels following installation.

19. Provide a response to the question *Regarding attachment 13.6.1 to 13.6.3 which contain the proposed locations, given the proposed battery location at Manners Reserve appears to be under the tree canopy, if the Council were to approve this request, does Council have the authority to request Western Power to relocate the battery, or have the locations been fixed based on service optimisation, limiting flexibility?* noted that the officer's recommendation clearly supports installation at the specific locations shown in attachments one, two, and three. Highlighted the concern that if the Council were to approve these exact locations and Western Power later requests a change due to issues like nearby vegetation, the original resolution might limit flexibility.

The proposed location at Manners Reserve is indicative only, and Western Power would work to locate the Community Battery in a position that minimises any impact to the trees/vegetation. Any proposed relocation will be communicated and discussed with the Town to ensure transparency is provided.

20. Provide the reason why the Town decided to go for two batteries in two different places rather than just one location.

Western Power confirms that only one (1) battery can service one (1) transformer. Due to this reason, for the full benefits of the battery to be provided, two batteries will need to be located to service two separate transformers.

## 14 Chief Financial Officer reports

### 14.1 Statement of Accounts- June 2025

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Coordinator Finance
<b>Responsible officer</b>	Chief Financial Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Payment Summary June 2025 [ <b>14.1.1</b> - 10 pages] 2. Credit Card Transactions June 2025 [ <b>14.1.2</b> - 2 pages] 3. Fuel and Store Card Transactions June 2025 [ <b>14.1.3</b> - 1 page]

### 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 June 2025.
2. To present the list of payments made by authorised employees using purchasing cards for the period 1 to 30 June 2025.

The information required for Council to receive the payments made is included in the attachment for the period 1 to 30 June 2025.

### Recommendation

That Council for the period 1 to 30 June 2025, 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
<b>Municipal Account</b>		
Automatic Cheques Drawn		\$ 0
Creditors – EFT Payments (incl. Fuel and Store Cards)		\$ 7,994,061.02
- Fuel and Store Cards (\$19,828.40)	June 2025	
Payroll		\$ 2,099,268.67
Bank Fees		\$ 5,061.81
Corporate MasterCard	June 2025	\$ 16,031.51
<b>Total</b>		<b>\$ 10,114,423.01</b>

## 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 June 2025.

## 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

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation
<b>Future budget impact</b>	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.

## Further consideration

Not applicable.

## 14.2 Financial Statements- June 2025

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Coordinator Finance
<b>Responsible officer</b>	Chief Financial Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Financial Statements June 2025 [14.2.1 - 26 pages]

### Summary

To present the Monthly Financial Report for the period ending 30 June 2025, as included in the attachment, to Council, noting that there are material variances for the period, and that this report is preliminary with the final end of year position still in the process of being finalised.

### Recommendation

That Council receives the Monthly Financial Report for the period ended 30 June 2025, as included in the attachment, pursuant to Regulation 34 and 35 of the Local Government (Financial Management) Regulations 1996.

### Background

1. Regulation 34 and 35 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.
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

4. The Monthly Financial Report for the period ending 30 June 2025 complies with the requirements of Regulation 34 and 35 (Financial activity statement report) of the Local Government (Financial Management) Regulations 1996.

It is therefore recommended that the Monthly Financial Report for the period ending 30 June 2025, be received.

## 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	Treat risk by ensuring daily and monthly reconciliations are completed. Internal and external audits.
Financial	Fraud or illegal transaction	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	Council not accepting financial statements 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.		Medium	
Service delivery interruption	Not applicable.		Medium	

## Financial implications

<b>Current budget impact</b>	Commentary around the current budget impact is outlined in the Statement of Financial Activity, forming part of the attached financial activity statement report.
<b>Future budget impact</b>	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	
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> .

## Further consideration

Not applicable.

## 14.3 Budget Amendment - receipt of capital funding

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Manager Strategic Accounting
<b>Responsible officer</b>	Chief Financial Officer
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	Nil

### Summary

The Town successfully applied for capital grant/contribution funding for two capital projects. The funding will increase the 2025-26 Capital Works Program by \$672,718.

### Recommendation

That Council:

1. Approves the capital budget amendment for the State Street and Albany Highway Intersection Improvement (Old Spaces New Places No. 4):
  - a. To increase the capital expenditure budget by \$322,718.
  - b. To increase the capital grants income budget by \$322,718. The grants funding is provided by the Safer Local Roads and Infrastructure Program (\$274,425) and the Local Road Community Infrastructure Program (\$48,293).
2. Approves the capital budget for the New McCallum Park Toilet Block:
  - a. To include the capital expenditure budget of \$350,000.
  - b. To include the capital contribution income budget of \$350,000, provided by Main Roads WA.

### Background

1. The timing of notification for successful grant funding applications were delayed within the 2025-26 annual budget process, with the last grant approval being confirmed late June 2025.
2. The responsible federal funding agency advised the Town to withhold announcing successful application outcomes until this had been confirmed.

### Discussion

#### State Street and Albany Highway Intersection Improvement (Old Spaces New Places No. 4)

3. The Safer Local Roads and Infrastructure Program (SLRIP) funding was applied for to supplement the fully designed project.
4. The design has been presented to the residents and adjoining businesses in April 2025, and there has been strong support for this project.
5. SLRIP funding complements funding from the Local Roads and Community Infrastructure (LRCI) Program. No municipal funds are required for the construction of this project, as a result of receiving external grants.

6. The LRCI Program agreed to support the project at its final stage of funding implementation.

### **New McCallum Park Toilet Block**

7. The Causeway Alliance was supporting the Town to install the new toilet facility, as part of the McCallum Park Active Area Redevelopment project.

8. The Town has sought quotes for a modular toilet facility and presented to the Causeway Alliance and the project steering committee. Main Roads WA (MRWA) formally agreed to provide funding up to \$350,000 (excluding GST).

9. The delivery of the toilet block is scheduled for late September 2025.

## **Relevant documents**

[OSNP4 Project Summary – Website](#)

## **Legal and policy compliance**

[Section 6.8 of the Local Government Act 1995](#)

## **Financial implications**

<b>Current budget impact</b>	Sufficient funds do not exist within the annual budget. It is proposed that funding will be acquired through: <ul style="list-style-type: none"><li>• Safer Local Roads and Infrastructure Program (SLRIP) – \$74,425</li><li>• Local Road Community Infrastructure Program – \$48,293</li><li>• Main Roads WA – \$350,000</li></ul>
<b>Future budget impact</b>	Maintenance costs may incur as a result of capital works program will be considered at each annual budget process.

## **Risk management consideration**

<b>Risk impact category</b>	<b>Risk event description</b>	<b>Risk rating</b>	<b>Risk appetite</b>	<b>Risk Mitigation</b>
Financial	Financial loss that may or may not be managed within the existing budget and may or may not impact a program or service.	Unlikely	Low	TREAT risk by ensuring stringent analysis and reconciliation is conducted to present the balanced budget.
Environmental	Not applicable			
Health and safety	Not applicable			
Data, Information Technology	Not applicable			

and Cyber				
Assets	Not applicable			
Compliance Breach	Not applicable			
Reputation	Not applicable			
Service delivery interruption	Disruption to a service or major project in progress that may result in delays to delivery.	Unlikely	Medium	TREAT risk by ensuring stringent analysis and reconciliation is conducted to present the balanced budget.

## Engagement

Internal engagement	
Stakeholder	Comments
Place Planning	Initiated the capital grant applications and project plan.
Project Management Office	Initiated the capital contribution application and project plan.

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Budget review is conducted frequently to ensure the budget is reflective of the community's current needs.
CL3 - Accountability and good governance.	Accurate presentation of the budget is reflective of the community's current needs.

## Further consideration

Not applicable.

## 15 Committee Reports

### 15.1 Purchase Card Audit

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Acting Manager Finance
<b>Responsible officer</b>	Chief Financial Officer
<b>Voting requirement</b>	Simple Majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Report 17 - Local Government Management of Purchasing Cards - Larger Metropolitan Entities [<b>15.1.1</b> - 25 pages]</li><li>2. CONFIDENTIAL - Confidential - ToVP Emerging Findings Letter - Local Government Management of Purchasing Cards [<b>15.1.2</b> - 14 pages]</li><li>3. CONFIDENTIAL - Report to Minister for Local Government [<b>15.1.3</b> - 3 pages]</li><li>4. CONFIDENTIAL - Letter form OAG regarding error in Report 17 - 02-07-2025 [<b>15.1.4</b> - 1 page]</li><li>5. CONFIDENTIAL - Letter to Minister for Local Government 1 [<b>15.1.5</b> - 4 pages]</li><li>6. CONFIDENTIAL - Letter to Minister for Local Government 2 [<b>15.1.6</b> - 2 pages]</li></ol>

### Summary

To present the Confidential external audit emerging findings, from the performance audit undertaken by Paxon on behalf of the Office of the Auditor General (OAG) on the Town of Victoria Park's (the Town) management of purchasing cards (attachment 2).

To present the broader sector-wide findings from the OAG's Report 17, tabled in Parliament on 28 May 2025, on purchasing card management across six larger metropolitan local governments, including the Town (attachment 1).

#### The Audit and Risk Committee recommendation:

That Council:

1. Notes the OAG Report 17 and Emerging Findings Letter from the Performance Audit on the management of purchasing cards (attachment 15.1.1 and 15.1.2).
2. Notes the 7 audit recommendations identified and added to the Audit Actions Register.
3. Endorse the Town's report to the Minister for Local Government (attachment 15.1.3), addressing the significant matters identified (attachment 15.1.2) subject to the addition of confirmation from the OAG of their calculation error in report 17 relating to the Town's total credit cards and store cards transactions value.
4. Policy 312 to be presented to the August 2025 Policy Workshop for review.

## Background

The OAG undertakes performance audits to assess the efficiency and effectiveness of public sector entities' activities, services, and programs. These audits aim to identify areas for improvement, promote accountability, and ensure public resources are used responsibly.

The OAG continues to develop better practice guidance to help the Western Australian public sector perform efficiently and effectively. This includes:

1. practical guidance in the application of standards
2. case studies
3. checklists to assess existing frameworks and processes
4. information to help entities to better understand how to comply with legislation and standards.

The Town was one of six metropolitan local governments selected in November 2024 for review, as part of a broader performance audit into the management of purchasing cards. The results were tabled in Parliament in Report 17: Local Government Management of Purchasing Cards – Larger Metropolitan Entities on 28 May 2025.

The audit assessed whether local governments had effective controls over the issue, use, and cancellation of purchasing cards.

## Discussion

These reports are to be noted by the Audit and Risk Committee for recommendation to Council.

5. OAG's Report 17, in relation to the Performance Audit of 'Local Government Management of Purchasing Cards – Larger Metropolitan Entities' (attachment 1).
6. (Confidential) Emerging Findings Letter from the OAG's Performance Audit for the Town of Victoria Park's Management of Purchasing Cards, and the Town's responses to these findings (attachment 2).

This attachment is considered confidential in accordance with section 5.23(2)(h) of the Local Government Act 1995, as it is still pending final approval from the OAG to release.

While the performance audit found no evidence of fraud or misuse of public funds at the Town, the Town acknowledges and accepts the audit findings and will implement the recommendations as noted within the Town's response. These are found within the attachment (attachment 2) under "Entity Comment" following each matter. It is therefore recommended that the Audit and Risk Committee notes the Town's responses to the 7 matters identified in the Performance Audit, which will be added to the Audit Actions Register.

In addition, an error was discovered in the OAG Report 17 (page 9) to parliament, where the incorrect amount was reported to show how much the Town purchased using Store cards. This was overstated in the report as a result of an oversight by the OAG. The correct amount that should have been reported is \$46,566. This was brought to the attention of the OAG, and management requested a letter (attachment 4) from the OAG acknowledging this error.

The Town is also required under Section 7.12A(4)(b) of the Local Government Act 1995 to submit a report to the Minister for Local Government within three months of the OAG report being tabled, stating what action the Town will be taking for matters identified as significant in attachment 2, and to publish a copy of

the report on the Town's website within 14 days. It is therefore recommended that the Audit and Risk Committee notes and recommends to Council to endorse the Town's response (attachment 3) to the Minister of Local Government, stating what actions it will be taking for matters that have been identified as significant from this performance audit.

The following table provides a summary of the findings and are documented in detail within Attachment 2 of this report.

Findings	Risk Rating	Recommendations	Town's Response
1. Inadequate policy guidance on allowable and reasonable business	Significant	The Town should develop and implement policy guidance around the purchase of travel, hospitality, alcohol, meals and entertainment that align with business use and community expectations.	Management is currently reviewing and clarifying Management Practice (312) around responsibilities of cardholders and administrators, and allowable and prohibited practices when using Corporate Transaction Cards.
2. Review and approval of purchases did not comply with policies and procedures	Significant	The Town should ensure compliance with its policy and procedures to ensure purchasing card transactions have appropriate manager review and approval.	Management will emphasise with all card holders, the requirements in the Town's Policy, Management Practice and Cardholder Agreement around their responsibilities for Corporate Transactions Cards approvals and acquittals processes.
3. Policies and procedures are missing key elements	Moderate	The Town should develop and implement appropriate policies and procedures on the issue, usage and cancellation of purchasing cards.	Management Practice 312 has been updated to further clarify the responsibilities identified above for cardholders, their approvers and the administrators of the Transaction Cards.
4. Control weaknesses over the issue and cancellation of cards	Moderate	The town should develop and implement appropriate policies and procedures on the issue and cancellation of purchasing cards and their timely operation.	Management Practice 312 has been updated to include cardholder's responsibilities and obligations around Store Cards and, clarifying the card administrator's obligations when maintaining and monitoring Corporate Transaction Cards, which will now be reviewed monthly.
5. Insufficient information is included in the list of transactions presented to Council	Minor	The Town should comply with section 13A of the Local Government Regulations (1996) and include sufficient information in council minutes on purchasing card transactions to facilitate proper	Management already provides the required information required under section 13A of the Local Government (Financial Management) Regulations (1996) to Council, for all purchases including those made on Corporate Transaction Cards. This includes the

		scrutiny of how public money is spent.	payee's name, amount of the payment, date of the payment and sufficient information to identify the payment.
6. No appropriate management oversight of purchasing card control effectiveness	Minor	The Town should implement the activities required in its policy and practice.	Management Practice 312 has been updated to ensure that the card administrator, undertakes a review of Transaction Card transactions every 6 months and if required report any anomalies to the Senior Management Team.
7. Personal reward scheme points were collected on business purchases	Minor	The Town should remind staff of its policy. When managers are approving transactions, they should scrutinise receipts and invoices to ensure no personal reward or benefit is collected from purchasing card transactions.	Management Practice 312 has been updated to specifically prohibit all cardholders to tie any personal reward systems (e.g. frequent flyer, membership or loyalty rewards) to all purchases undertaken using their Corporate Transaction Cards.

## Relevant documents

- Council Policy 312 – Transaction Card Policy  
<https://www.victoriapark.wa.gov.au/documents/96/policy-312-transaction-card>

## Legal and policy compliance

- Local Government Act 1995, sections 2.7(2)(a) and (b)*
- Local Government Act 1995, section 6.5(a)*
- Local Government Act 1995, section 7.12A(4)(b)*
- Local Government (Financial Management) Regulations 1996, regulation 11(1)a*
- Local Government (Financial Management) Regulations 1996, regulation 13A*

## Financial implications

<b>Current budget impact</b>	Not applicable
<b>Future budget impact</b>	Not applicable

## Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	Weak administration of purchasing cards may result in financial loss or inappropriate use.	Medium	Low	TREAT risk by improving Management Practice 312 to clarify responsibilities for cardholders, approvers and card administrators.



Environmental	Not applicable
Health and safety	Not applicable
Data, Information Technology and Cyber	Not applicable
Assets	Not applicable
Compliance Breach	Not applicable
Reputation	<p>Reputational damage from inappropriate use.</p> <p>Medium      Low</p> <p>TREAT risk by improving Management Practice 312 to provide clarity on what is allowable and reasonable business use expenditures for items such as travel, alcohol, meals, entertainment and gifts</p>
Service delivery interruption	Not applicable

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Independent external audits promote financial management integrity and identify areas for improvement.
CL3 - Accountability and good governance.	Independent external audits allow for an assessment of whether legislation, policies and practices are being followed by officers, to ensure intended outcomes are achieved.

## Further consideration

Not applicable.

## 15.2 Audit Update Report June 2025

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Audit, Risk and Assurance Adviser
<b>Responsible officer</b>	Chief Executive Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. CONFIDENTIAL - Audit Action Report Q 4 2025 [ <b>15.2.1</b> - 24 pages]

### Summary

The Audit and Risk Committee recommends that Council receives the Audit Update Report for June 2025 as contained in Attachment 1.

#### The Audit and Risk Committee recommendation:

That Council receives the Audit Update Report for June 2025 as contained in attachment 15.2.1

### Background

1. The 2023-2026 Internal Audit Program was adopted by Council on 19 June 2023.
2. For 2024/2025, the following Internal Audits were scheduled:
  - a) Leases and Licensing Management
  - b) Emergency Management
  - c) Assessment of Operational Risks
3. In addition to the internal audits, an external audit of the Town's management of Purchasing Cards was conducted by Paxon on behalf of the Office of the Auditor General (OAG).
4. The Leases and Licensing Management audit has been completed, with no further actions required.
5. The Emergency Management audit was conducted during April and May 2025, with the final report issued on 12 June 2025.
6. While the Assessment of Operational Risks audit was initially scheduled for completion by the end of 2025, Governance has since reprioritised it due to the importance of operational risk oversight. The internal auditors commenced their work on 9 June 2025 with a final report to be issued no later than 18 July 2025.

### Discussion

7. The internal auditors confirmed that no high-risk management control issues were identified during the Emergency Management audit. The final audit report presents several findings, all of which are considered process improvement opportunities rather than critical control failures.

8. The primary objective of the Emergency Management audit was to assess compliance with the Work Health and Safety Act 2020 and to evaluate the overall effectiveness of the Town’s Emergency Management Plan.

Key risk ratings from the audit report are as follows:

- Medium-Risk process improvement: 1 finding
- Low-Risk process improvement: 3 findings
- Observations: 1 noted

9. The External Audit of the Town’s Management of Purchasing Cards resulted in the following:

- Significant findings: 2
- Moderate findings: 2
- Minor findings: 3

In accordance with Section 7.12A(4)(b) of the *Local Government Act 1995*, the Town must submit a report to the Minister for Local Government within three months of the OAG report being tabled, outlining actions taken in response to any significant findings. Additionally, the report must be published on the Town’s website within 14 days. The drafting of the report is complete and ready for submission.

10. During the Quarter (4) period, (2) existing audit actions remain on-track, (4) have been completed with (11) new audit actions added to the audit action register in Cascade.

Audit Actions	Total Actions	No. of actions completed	No of actions overdue	No. of actions behind	No. of actions on track
Totals	13	4	0	0	2

11. All current audit actions are still being monitored in Cascade on a quarterly basis.

Relevant documents

Not applicable.

Legal and policy compliance

[Part 7 of the Local Government Act 1995](#)

[Local Government Regulations 1996](#)

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 adopting an internal audit program means we can't test our financial controls and mitigate financial loss through administrative errors, fraud, and corruption.	High	Low	TREAT risk by adopting an internal program with a focus area on high-risk financial processes and activities.
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 adopting an internal audit program means we cannot test our legislative compliance and mitigate financial loss through administrative errors, fraud, and corruption.	High	Low	TREAT risk by ensuring commitment to management actions to address findings.
Reputation	A poorly designed Internal Audit Program will make the Town vulnerable to non-compliance, fraud and corruption risks which adversely impact on the Town's reputation.	Moderate	Low	TREAT risk by ensuring commitment to management actions to address findings.
Service delivery interruption	Not applicable.		Medium	

## Engagement

Internal engagement	
Stakeholder	Comments

Business units	Managers providing responses and supporting documentation to the Internal Auditors.
C-Suite	Noting the final Internal Audit outcomes.

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Internal and External audits promote integrity and identify areas for improvement.
CL3 - Accountability and good governance.	As internal audit is a key pillar of organisational governance, a robust internal audit program, with oversight from the Audit Committee, will enable the Town to have a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, internal controls, and governance processes. The business improvements that result from an effective internal audit program will add value to the way The Town runs its business.

## Further consideration

Not applicable.

## 15.3 Corporate Business Plan Quarter 4 Progress Report (April - June 2025)

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Audit, Risk and Assurance Advisor
<b>Responsible officer</b>	Chief Executive Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. CBP Report Q 4 ( April - June 2025) [ <b>15.3.1</b> - 47 pages]

### The Audit and Risk Committee recommendation:

That Council accepts the Corporate Business Plan Quarter 4 Progress report for 1 April - 30 June 2025.

## Background

1. At the Ordinary Council Meeting held 17 September 2024, Council resolved to receive one consolidated quarterly progress report on the actions, projects and outcomes of the Towns plans and strategies.
2. The quarterly progress reports enable Council to assess performance against strategies and plans, identify risks and significant variations in project performance and budgeting, receive information needed to be able to make informed decisions and to take action to address any issues that arise.
3. Quarterly reporting also gives the Council a higher level of transparency and accountability relating to strategic actions, plans and projects.

## Discussion

4. An amended Corporate Business Plan 2023-2027 was endorsed by Council on 16 July 2024.
5. For Quarter 4, a total of 79 actions were monitored across the four strategic outcome areas, with an overall goal completion rate of 92%.
6. As at the close of Quarter 4 (30 June 2025), Cascade automatically flagged a number of goals as **overdue** where completion has not reached 100%. This determination is based on each goal's set due date, current completion percentage, and status updates. The tracking system applies a default 10% tolerance, however, once the due date is reached (30 June 2025), any goal not marked as fully complete is classified as **overdue**.
7. While these overdue items represent a moderate portion of the overall delivery program, they are being actively monitored to support realignment with planned timeframes. Delays may be due to resourcing constraints, project complexity or external dependencies. Importantly, these actions are still progressing and are regularly reviewed to ensure delivery remains aligned with the Town's strategic priorities.

8. A detailed summary of progress against each action is provided in Attachment 1, which outlines the status of all Quarter 4 activities under the Corporate Business Plan.

Strategic outcome	Total Actions	No. of actions completed	No of actions overdue	No. of actions behind	No. of actions on track
Social	26	23	3	0	0
Economic	5	2	3	0	0
Environment	26	10	17	0	0
Civic Leadership	22	14	8	0	0
<b>Totals</b>	<b>79</b>	<b>49</b>	<b>31</b>	<b>0</b>	<b>0</b>

## Relevant documents

Not applicable.

## Legal and policy compliance

[Section 2.7 of the Local Government Act 1995](#)

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
<b>Future budget impact</b>	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	Not Applicable		Medium	

and Cyber			
Assets	Not Applicable	Medium	
Compliance Breach	Not Applicable	Low	
Reputation	Negative public perception towards the Town in relation to transparency	Low	TREAT risk by ensuring accuracy of reporting and additional highlighting of any items of note within the report
Service delivery interruption	Not Applicable	Medium	

## Engagement

### Internal engagement

Governance and Strategy	Governance and Strategy coordinates the progress reports for Corporate Business Plan actions with input from all relevant service areas across the organisation.
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## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Council is provided with information on the progress of items contained within the Corporate Business Plan to effectively manage resources and organisational performance.
CL3 - Accountability and good governance.	The Council and community are provided with a higher level of transparency and accountability relating to strategic actions, plans, and projects.

## Further consideration

Not applicable.



- 16 Applications for leave of absence**
- 17 Motion of which previous notice has been given**
- 18 Questions from members without notice**

**Questions taken on notice from members without notice at the Agenda Briefing Forum held on 5 August 2025**

**Cr Peter Devereux**

*2. Does the Town conducts monitoring for dust, substances, liquids, or gases that come from the concrete batching plant on Cohn Street, Carlisle?*

No, the Town does not conduct such monitoring. However the plant is required to operate in accordance with relevant standards and the works approval issued by Department of Water and Environmental Regulation (DWER).

- 19 New business of an urgent nature introduced by decision of the meeting**
- 20 Public question time**
- 21 Public statement time**
- 22 Meeting closed to the public**
  - 22.1 Matters for which the meeting may be closed**
    - 21.1.1 Final Audit Report Emergency Management**
    - 21.1.2 CEO KPI's 2025/2026**
    - 22.1.3 External Advice - Policy 026 Complaints relating to Council Members, Committee Members and Candidates**
  - 22.2 Public reading of resolutions which may be made public**
- 23 Closure**