



**CITY OF VINCENT**

# **AGENDA**

## **Council Briefing**

**8 July 2025**

**Time: 6:00 PM**  
**Location: E-Meeting and at the Administration  
and Civic Centre,  
244 Vincent Street, Leederville**

**David MacLennan**  
**Chief Executive Officer**

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8. Questions/statements are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on an Elected Member or City Employee.
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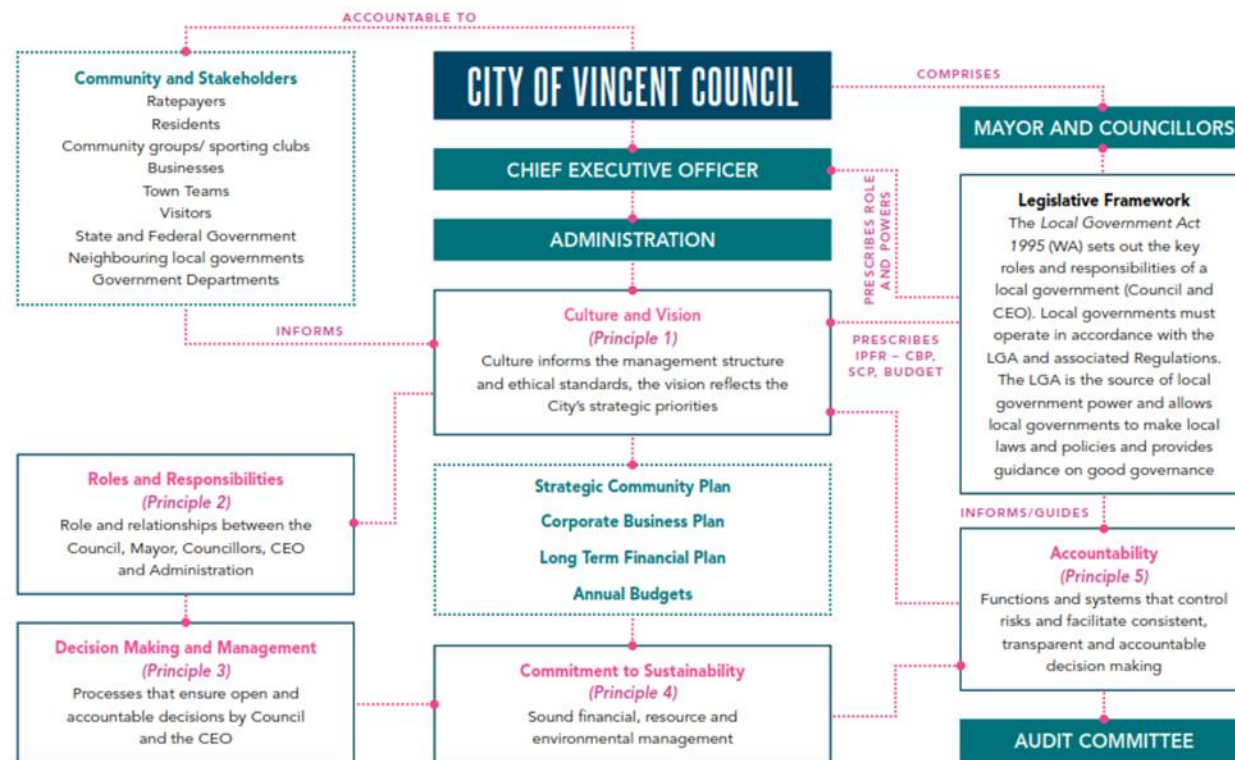
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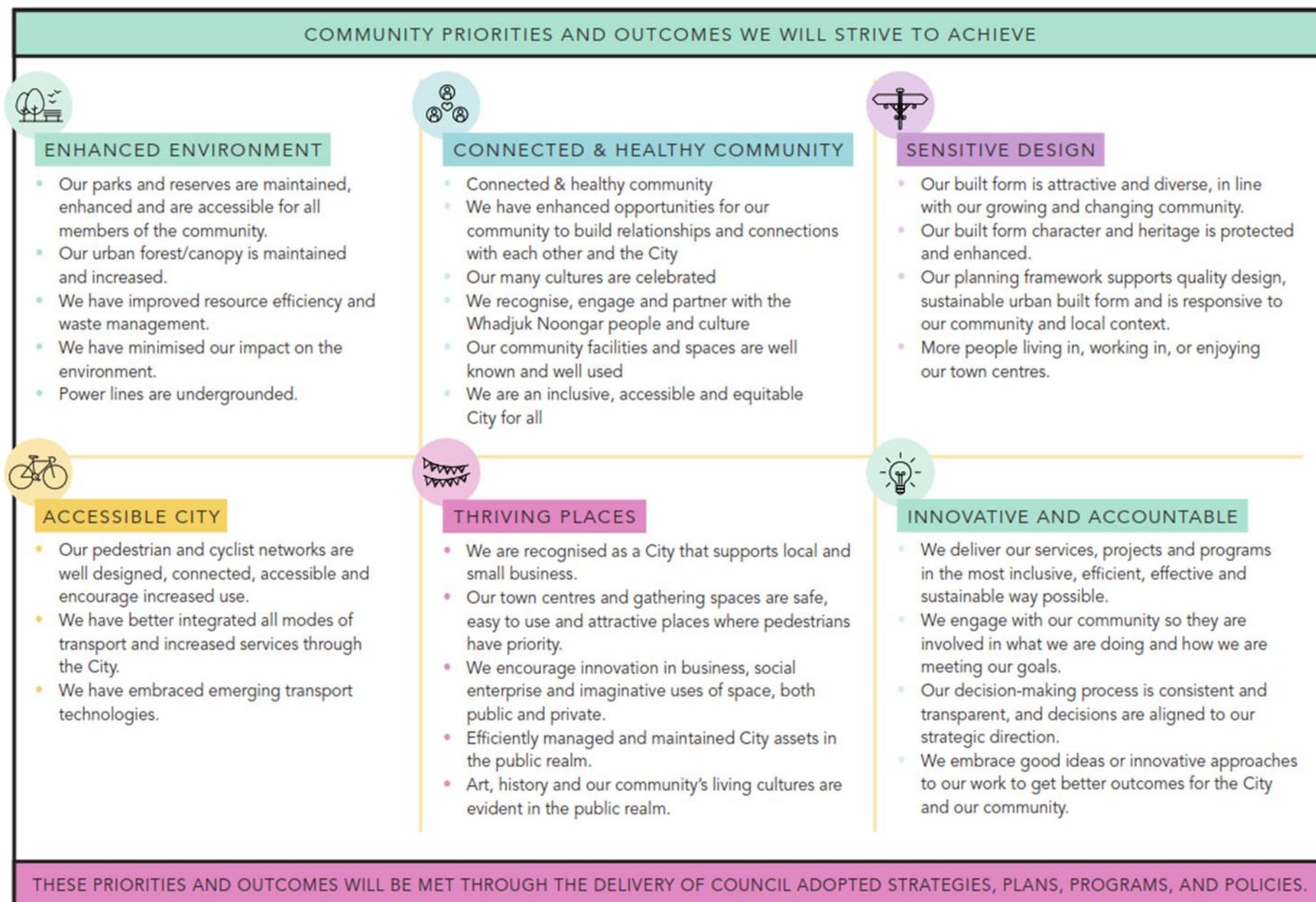
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# CITY OF VINCENT GOVERNANCE FRAMEWORK 2020 OVERVIEW







**1        DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY**

“The City of Vincent would like to acknowledge the Traditional Owners of the land, the Whadjuk people of the Noongar nation and pay our respects to Elders past and present.”

**2        APOLOGIES / MEMBERS ON LEAVE OF ABSENCE**

Nil

**3        PUBLIC QUESTION TIME AND RECEIVING OF PUBLIC STATEMENTS**

**4        DECLARATIONS OF INTEREST**

## 5 STRATEGY & DEVELOPMENT

### 5.1 NO. 221 (LOT: 2; STR: 68676) ANZAC ROAD, MOUNT HAWTHORN - PROPOSED ALTERATIONS AND ADDITIONS TO GROUPED DWELLING

Ward: North

Attachments:

1. Consultation and Location Plan 
2. Development Plans 
3. Main Roads Western Australia Referral Comments 
4. Determination Advice Notes 

#### RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the application for and Alterations and Additions to Grouped Dwelling at No. 221 (Lot: 2; STR: 68676) Anzac Road, Mount Hawthorn, in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 4:

#### 1. Development Plans

This approval is for Alterations and Additions to a Grouped Dwelling as shown on the approved plans dated 10 March 2025 and 5 June 2025. No other development forms part of this approval.

#### 2. Colours and Materials

The colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans which forms part of this approval. The development must be finished, and thereafter maintained, in accordance with the approved schedule, unless otherwise approved by the City.

#### 3. Stormwater

Stormwater from all roofed and paved areas shall be collected and contained on site. Stormwater must not affect or be allowed to flow onto or into any other property or road reserve.

#### EXECUTIVE SUMMARY:

The purpose of this report is to consider an application for development approval for Alterations and Additions to an existing three storey grouped dwelling at No. 221 Anzac Road, Mount Hawthorn (the subject site).

The application proposes the construction of an enclosed patio on an existing third-floor roof terrace. As a result, the development presents as three storeys in height within a two-storey building height area, as defined under the City's Policy No. 7.1.1 – Built Form (Built Form Policy), and requires assessment against the design principles for building height.

The proposed addition sits below the existing maximum building height of the dwelling and has been designed as a lightweight structure. It is appropriately articulated and incorporates colours and materials consistent with the existing development, ensuring the addition does not contribute additional bulk or scale to the streetscape or adjoining properties.

The enclosed patio sits over an existing approved roof terrace and visual privacy is maintained through existing screening. All overshadowing falls within the Mitchell Freeway reserve to the south.

The addition improves the usability of the existing roof terrace by providing weather protection, which enhances year-round functionality.



The proposal satisfies the relevant design principles and local housing objectives of the Built Form Policy and is recommended for approval.

### PROPOSAL:

The application proposes an enclosed patio structure to the existing roof terrace of a three-storey grouped dwelling. Details of proposal include:

- A 26 square metre roof is proposed to be added to the existing 51 square metre roof terrace. The enclosed patio is proposed over the western portion of the roof terrace, adjacent to the existing third storey of the dwelling.
- Walls with windows are proposed along the north, south-west, and a portion of the eastern elevation, with most of the eastern elevation remaining open.

The applicant proposes to enclose and weatherproof a portion of the existing roof terrace to enable its use year-round.

The proposed development plans are included as **Attachment 2**.

### Delegation to Determine Applications

This matter is being referred to Council for determination in accordance with the City's Register of Delegations, Authorisations and Appointments.

This is because the delegation does not extend to proposals that propose a height of three storeys or more and do not meet the applicable Building Height deemed-to-comply standards or acceptable outcomes of the Residential Design Codes (R Codes), in respect to the number of storeys and/or the height.

The proposed addition exceeds the deemed-to-comply maximum building height, in accordance with the R Codes. The application proposes a third storey addition within a two-storey building height area and a building height of 8.7 metres in lieu of the 8.0 metre deemed-to-comply standard.

In accordance with the [Planning and Development Amendment Act 2023](#), this application cannot be determined under delegation by the CEO as it does not relate to a single house development. As the proposal involves alterations and additions to a grouped dwelling, it must be determined under Council delegation.

### BACKGROUND:

<b>Landowner:</b>	Nunzio & Rita Tarulli
<b>Applicant:</b>	Studio Technica – Architecture & Design
<b>Client:</b>	Nunzio & Rita Tarulli
<b>Date of Application:</b>	10 March 2025
<b>Zoning:</b>	MRS: Urban & Primary Regional Roads LPS2: Zone: Residential R Code: R30
<b>Built Form Area:</b>	Residential
<b>Existing Land Use:</b>	Dwelling (Grouped)
<b>Proposed Use Class:</b>	Dwelling (Grouped)
<b>Parent Lot Area:</b>	778.7 square metres
<b>Survey Strata Lot Area:</b>	260 square metres
<b>Right of Way (ROW):</b>	No
<b>Heritage List:</b>	No

The subject site is bounded by Anzac Road to the north, an existing single storey grouped dwelling to the east which forms part of the subject sites parent lot, and the Mitchell Freeway to the south-west. Development to the north and east of the subject site generally consists of single and two storey single houses. A location plan is included as **Attachment 1**.

The subject site and surrounding properties to the north and east are zoned Residential R30 under the City's Local Planning Scheme No. 2 (LPS2). The subject site and adjoining properties are located within the Residential Built Form Area with a building height standard of two storeys under the Built Form Policy.

*Existing Dwelling*

The subject site accommodates two grouped dwellings on a built strata lot. The proposed works are limited to the western grouped dwelling (Lot 2), which contains an existing three-storey residence oriented towards Anzac Road. This dwelling was approved in 2011 and constructed in 2013.

The existing dwelling has a maximum height of 9.5 metres and comprises three storeys. The third storey includes a lobby, bathroom, lift, and two uncovered roof terraces located to the north-west and south-east.

The proposed enclosed patio addition is to be situated on the south-eastern roof terrace, which has a floor area of 51 square metres. This terrace includes existing visual privacy screening along its eastern edge, consisting of a solid 1.6-metre-high screen (measured from the finished floor level), which provides privacy to the adjoining eastern property on the same strata lot.

*Surrounding Context*

The eastern adjoining property (Lot 1) is a single storey dwelling that orients to Anzac Road.

The broader Anzac Road streetscape comprises a mix of original character homes and more contemporary dwellings that are predominantly single and two storeys.

Existing original character homes include gable roof forms while contemporary dwellings in the area are generally two storeys in height and feature flat or skillion roof forms. This includes No. 216 Anzac Road, located directly opposite the subject site, which has a similar modular design to the existing dwelling on Lot 2. The subject site is the only three-storey dwelling within this portion of Anzac Road.

*Mitchell Freeway*

The south-west boundary of the site adjoins the Mitchell Freeway, with the majority of the subject site reserved as Primary Regional Road under the Metropolitan Region Scheme (MRS).

A 14-metre-wide corridor exists between the site and the Mitchell Freeway, comprising a pedestrian and cyclist path, mature landscaping and trees, and a solid noise wall designed to mitigate traffic noise.

The application was referred to Main Roads Western Australia (MRWA) for comment, as outlined in the Consultation section below.

**DETAILS:****Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of LPS2, the City's Built Form Policy and the Residential Design Codes Volume 1 – Part C (R Codes). In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the Detailed Assessment section following from this table.

Planning Element	Deemed-to-Comply	Requires the Discretion of Council
Site Cover (Open Space)	✓	
Building Height/Storeys		✓
Street Setbacks	✓	
Lot Boundary Setbacks	✓	
Site Works and Retaining	✓	
Streetscape	✓	
Access	✓	
Retaining Existing Dwellings	✓	
Solar Access for Adjoining Sites	✓	
Visual Privacy	✓	
Private Open Space	✓	
Trees and Landscaping	✓	
Communal Open Space	✓	
Water Management and Conservation	✓	

Planning Element	Deemed-to-Comply	Requires the Discretion of Council
Size and Layout of Dwellings	✓	
Solar Access and Natural Ventilation	✓	
Parking	✓	
Waste Management	✓	
Utilities	✓	
Outbuildings	✓	

### Detailed Assessment

The R Codes and Built Form Policy have two pathways for assessing and determining a development application. These are through design principles and local housing objectives, or through deemed-to-comply standards.

Design principles and local housing objectives are qualitative measures which describe the outcome that is sought rather than the way that it can be achieved.

The deemed-to-comply standards are one way of satisfactorily meeting the design principles or local housing objectives and are often quantitative measures.

If a planning element of an application meets the applicable deemed-to-comply standard/s then it is satisfactory and not subject to Council's discretion for the purposes of assessment against the Built Form Policy and R Codes.

If a planning element of an application does not meet the applicable deemed-to-comply standard/s then Council's discretion is required to decide whether this element meets the design principles and local housing objectives.

The planning elements of the application that do not meet the applicable deemed-to-comply standards and require the discretion of Council are as follows:

Building Height	
Deemed-to-Comply Standard	Proposal
<b>Built Form Policy Volume 1 Clause 5.3 – Building Height</b>  Two storeys Building height to top of concealed roof: 8 metres	Three storeys Building height to top of concealed roof: 8.7 metres

The above element of the proposal does not meet the specified deemed-to-comply standards and is discussed in the comments section below.

### CONSULTATION/ADVERTISING:

Community consultation was undertaken in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 for a period of 14 days between 13 May 2025 and 26 May 2025. The method of consultation included a notice on the City's website and 62 letters being sent to landowners and occupiers within a 100-metre radius, as shown in **Attachment 1**, in accordance with the City's Community and Stakeholder Engagement Policy.

At the conclusion of the consultation period a total of two submissions were received. This included one submission in support and one submission objecting to the proposal. Submissions are summarised below, including responses from Administration:

Community Comment	Administration Response
Support regarding the suitability of the design and the proposal improving the existing dwelling.	Noted.
Concerns regarding the three-storey development resulting in further overlooking to adjoining properties.	<p>The proposal meets the deemed-to-comply provisions of the R Codes relating to visual privacy.</p> <p>The development does not involve any alteration or extension to the existing roof terrace footprint and seeks only to provide roof cover over the existing area.</p> <p>The roof terrace includes existing visual privacy screening along the eastern boundary, consistent with the previous development approval for the dwelling.</p> <p>On this basis, the proposal complies with visual privacy standards and does not result in any overlooking.</p>
Concerns regarding inconsistency of the proposed built form with the surrounding context.	<p>The addition has been designed to align with the form, colours, and materials of the existing dwelling, ensuring a cohesive built outcome. The use of glazing to the street and other elevations reflects the existing architectural style and helps to reduce the appearance of building bulk by avoiding blank walls.</p> <p>This approach maintains visual interest and supports a high standard of design that is compatible with the immediate streetscape.</p>

The concerns raised to the compatibility of the development within the surrounding context is discussed within the Comments section of this report.

#### *MRWA Referral*

As outlined in the Background section of this report, 250.8 square metres of the subject site is reserved as a Primary Regional Road (PRR) under the MRS.

The application was referred to MRWA because the application is seeking approval for a proposal located within the PRR.

MRWA has provided a response to the referral confirming that they have no objection to the proposed development. A copy of the referral response has been included as **Attachment 3**.

**Design Review Panel (DRP):**

Referred to DRP: Yes

The proposal was referred on two occasions to the City's DRP Chairperson for comment as considered against the 10 principles of good design.

The table below provides a summary of this application's design review assessment progress.

<b>Design Review Progress Report</b>		
	<i>Supported</i>	
	<i>Pending further attention</i>	
	<i>Not supported</i>	
	<i>No comment provided/Insufficient information</i>	
	<i>Referral 1 – Plans dated 8 March 2024</i>	<i>Referral 2 – Plans dated 5 June 2025</i>
Principle 1 – <b>Context &amp; Character</b>		
Principle 2 – <b>Landscape Quality</b>		
Principle 3 – <b>Built Form and Scale</b>		
Principle 4 – <b>Functionality &amp; Built Quality</b>		
Principle 5 – <b>Sustainability</b>		
Principle 6 – <b>Amenity</b>		
Principle 7 – <b>Legibility</b>		
Principle 8 – <b>Safety</b>		
Principle 9 – <b>Community</b>		
Principle 10 – <b>Aesthetics</b>		

The proposal is fully supported by the DRP, which highlighted the following positive aspects:

- The proposed wall and roof height are supported as the subject site is existing as three storeys.
- The enclosed patio structure is supported as the visual impact of bulk and scale is minimal to all elevations.
- The visual privacy is as existing with the parapet wall and the screening retained to the east.
- The enclosed patio structure would increase the amenity, functionality and usability of the roof terrace throughout the year.

The DRP Chairperson noted that the drawings did not specify colours and finishes for the roof sheeting, fascia pressing, and window frames. The Chairperson requested the drawings be updated to show proposed colours and materials consistent with the existing dwelling to help minimise visual bulk and scale.

In response, the applicant amended the plans to include the following annotated materials and finishes:

- Colorbond 'Shale Grey' fascia to match existing parapet cappings.
- Steel columns finished in 'Anotec – Silver Grey'.
- Window frames in powder-coated 'Anotec – Silver Grey' to match existing.

The DRP Chairperson reviewed the amended plans dated 5 June 2025 and confirmed support for the proposed colours and materials, noting they are consistent with the existing dwelling and assist in reducing the visual prominence of the enclosed patio structure.

**LEGAL/POLICY:**

- *Planning and Development Act 2005.*
- *Planning and Development (Local Planning Schemes) Regulations 2015.*
- Metropolitan Region Scheme.
- City of Vincent Local Planning Scheme No. 2.
- Residential Design Codes Volume 1 – Part C.
- Community and Stakeholder Engagement Policy.
- Policy No. 7.1.1 – Built Form Policy.
- Instrument of Delegation 2025/04 – Powers of Local Governments Metropolitan Region Scheme.

Planning and Development Act 2005

In accordance with Schedule 2, Clause 76(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Part 14 of the *Planning and Development Act 2005*, the applicant would have the right to apply to the State Administrative Tribunal for a review of Council's determination.

**RISK MANAGEMENT IMPLICATIONS:**

There are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a planning application.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's Strategic Community Plan 2022-2032:

Innovative and Accountable

*Our decision-making process is consistent and transparent, and decisions are aligned to our strategic direction.*

**SUSTAINABILITY IMPLICATIONS:**

The City has assessed the application against the environmentally sustainable design provisions of the Built Form Policy, which align with the key sustainability outcomes of the City's *Sustainable Environment Strategy 2019–2024*. These outcomes focus on reducing energy, water, and waste impacts and enhancing urban greening.

Given the limited scope of the proposal, there is minimal opportunity to influence the broader environmental performance of the dwelling.

The proposal meets the [Local Housing Objectives](#) of the Built Form Policy for environmentally sustainable design. It retains all existing built structures to minimise construction waste, and the enclosed patio is designed to reduce unwanted solar gain in summer and increase passive solar gain in winter. It also provides weather protection, enhancing the year-round usability of the roof terrace.

**PUBLIC HEALTH IMPLICATIONS:**

This report has no implication on the priority health outcomes of the City's *Public Health Plan 2020-2025*.

**FINANCIAL/BUDGET IMPLICATIONS:**

There are no financial or budget implications from this report.

**COMMENTS:**Building Height

The proposed building height would satisfy the [Design Principles](#) of the R Codes and the [Local Housing Objectives](#) of the Built Form Policy for the following reasons:













- Consistency with Local Character and Streetscape: The enclosed patio addition is located on the third storey of an existing three-storey dwelling, adjacent to the stairwell and lobby wall. While visible from both Anzac Road and the Mitchell Freeway, the addition has been designed to integrate with the existing built form and respond appropriately to the surrounding streetscape.
  - Anzac Road – The structure presents a 2-metre width from Anzac Road, includes two street-facing windows and the roof height sits below the existing building height. The flat roof form reflects the contemporary architectural style of both the existing dwelling and surrounding properties. The lightweight construction and extensive glazing reduce visual bulk, ensuring the addition remains visually recessive. These design features allow the original built form to remain the dominant visual element and ensure the addition contributes positively to the streetscape.
  -



- Mitchell Freeway – The elevation facing the Freeway and adjacent thoroughfare incorporates glazed walls, which reduce the impact of blank façades and help break up the building form. The addition is consistent with the existing appearance of the dwelling. As outlined in the Background section, a solid noise wall and landscaped buffer separate the site from the Freeway, further reducing visual impact.
- Building Design: The visual massing and scale of the enclosed patio addition are reduced through considered design features. The addition sits 0.8 metres below the existing building height and incorporates articulation, glazed walls on all elevations, and materials and forms consistent with the existing dwelling. These design elements reduce the overall scale of the structure and minimise building bulk impacts to the surrounding context.
- Amenity to Adjoining Properties: The additional building height has been designed to minimise amenity impacts on the adjoining property, with regard to visual privacy, setbacks, and overshadowing, as outlined below:
  - Visual Privacy: The development maintains visual privacy for adjoining and adjacent properties, as it does not extend beyond the footprint of the existing roof terrace. The enclosed patio retains the existing 1.6-metre-high privacy screening along the eastern boundary, which protects the amenity of the adjoining property.
  - Side Setbacks: The enclosed patio has been designed and positioned to maintain building separation and minimise visual bulk impacts to the neighbouring grouped dwelling. This is achieved through the provision of a 4.3 metre setback between the structure and the eastern boundary, exceeding the deemed-to-comply lot boundary setback requirements of the R Codes. As the addition is located on the roof terrace, views from the adjoining eastern properties are obscured by the existing three-storey boundary wall along the shared boundary.
  - Overshadowing: The proposal will not result in any overshadowing of adjoining or adjacent residential properties. All shadow cast by the enclosed patio will fall over the Mitchell Freeway reserve to the south, preserving solar access to neighbouring lots.
- Access to Views of Significance: There are two views of significance within proximity to the site; the Perth Skyline to the south-east and Lake Monger to the south-west. The impacts to these views from surrounding properties is discussed below:
  - 216 Anzac Road – This property includes two south-facing first floor openings. Potential views to Lake Monger are unaffected, as the proposed addition is offset from the south-west view corridor. South-eastern views to the Perth Skyline also remain unaffected, with the addition is outside of the relevant view line to the south-east.
  - 214 & 219 Anzac Road – These properties are both single storey dwellings that do not have views of significance due to the existing solid noise wall to the Mitchell Freeway and the location of the existing dwelling at No. 221 Anzac Road. These properties could achieve views of significance if redeveloped to the south-east City skyline.
- DRP Support: The City's DRP Chairperson supports the enclosed patio structure, noting that it enhances the usability and functionality of the existing roof terrace, with minimal visual impact in terms of bulk and scale across all elevations.

**5.2 NO. 235 (LOT: 4; D/P: 1189) BRISBANE STREET, PERTH - CHANGE OF USE FROM FAMILY DAY CARE TO CHILD CARE PREMISES - SECTION 31 RECONSIDERATION**

**Ward:** South

- Attachments:**
1. Consultation and Location Plan 
  2. Development Plans 
  3. Application Justification - Response to Reasons for Refusal 
  4. Noise Management Plan 
  5. Acoustic Report 
  6. Parking Management Plan 
  7. Waste Management Plan 
  8. 23 July 2024 Council Minutes and Refused Plans 
  9. Summary of Submissions - Applicant Response 
  10. Summary of Submissions - Administration Response 
  11. Clause 67 Assessment 
  12. Determination Advice Notes 

**RECOMMENDATION:**

That Council, in accordance with Section 31 of the *State Administrative Tribunal Act 2004*, SETS ASIDE its decision dated 23 July 2024 and SUBSTITUTES a new decision to, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2, APPROVE the application for Change of Use from Family Day Care to Child Care Premises at No. 235 (Lot: 4; D/P: 1189) Brisbane Street, Perth in accordance with the plans shown in Attachment 2 with the associated determination advice notes in Attachment 12, subject to the following conditions:

**1. Development Approval**

This approval is for a Change of Use from Family Day Care to Child Care Premises as shown on the plans dated 16 May 2024. No other development forms part of this approval.

**2. Use of the Premises**

2.1. This approval is for Child Care Premises as defined in the City of Vincent Local Planning Scheme No. 2. The use of the subject land for any other land use may require further approval from the City.

2.2. The Child Care Premises shall be limited to the following hours of operation:

- Monday to Friday: 7:00am to 6:00pm
- Saturday, Sunday and Public Holidays: Closed.

2.3. The Child Care Premises shall be limited to providing care for a maximum of seven children at any time.

2.4. The Child Care Premises shall have a maximum of two staff on site at any time.

**3. Amended Plans (Sightlines)**

3.1. Prior to first occupation or use of the development, revised plans shall be submitted to, and approved by, the City. The revised plans shall demonstrate walls, fences and other structures truncated or reduced to no higher than 0.75 metres within 1.5 metres of where walls, fences, or other structures adjoin a vehicle access point or where a driveway meets a public street, with the exception of:

- One pier/pillar with a maximum width of 0.4 metres x 0.4 metres and a maximum height of 1.8 metres above the natural ground level with decorative capping permitted to 2.0 metres above the natural ground level;

- Fence slats or infill higher than 0.75 metres above natural ground level that provides a clear sight line; and
- If a gate is proposed across a vehicle access point where a driveway meets a public street, the gate must provide:

When closed: A minimum of 50 per cent unobstructed view.

When open: A clear sightline;

unless otherwise approved by the City.

The revised plans shall not result in any greater variation to the requirements of the City's Policy No. 7.1.1 – Built Form.

- 3.2. The works proposed in the revised plans required by Condition 3.1 above, shall be undertaken prior to first occupation or use of the development, to the satisfaction of the City.

4. Landscaping

Trees within the external play area shall be maintained at the expense of the owners/operators to provide for a minimum of 30 percent of the external play area as canopy coverage at maturity, to the satisfaction of the City.

5. Bicycle Parking

A minimum of two bicycle parking bays shall be provided on site prior to the commencement of the Child Care Premises use. The design and construction of the bike bays shall be in accordance with Australian Standards AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking, to the satisfaction of the City.

6. Parking Management

The Parking Management Plan dated 30 May 2025, shall be implemented prior to the occupation or use of the development and the development shall operate in accordance with this plan at all times, to the satisfaction of the City and at the expense of the owners/occupiers, unless otherwise approved by the City.

7. Acoustic Report and Noise Management

7.1. The Child Care Premises shall operate in accordance with operational measures and recommendations outlined in the approved acoustic report (Gabriels Hearne Farrell Pty Ltd, dated 15 May 2025) at all times, to the satisfaction of the City.

7.2. The Child Care Premises shall at all times operate in accordance with the operational measures outlined in the approved Noise Management Plan dated 29 May 2024, to the satisfaction of the City.

8. Waste Management

The Waste Management Plan dated 30 May 2025, shall be implemented prior to the occupation or use of the development and the development shall operate in accordance with this plan at all times, to the satisfaction of the City and at the expense of the owners/occupiers, and unless otherwise approved by the City.

9. Signage

All signage shall be in strict accordance with the City of Vincent Local Planning Policy: Signs and Advertising, to the satisfaction of the City, unless further development approval is obtained.

**EXECUTIVE SUMMARY:**

The purpose of this report is to consider an application for a Change of Use from Family Day Care to Child Care Premises at No. 235 Brisbane Street, Perth (the subject site) at the invitation of the State Administrative Tribunal (SAT).

The subject site is located on the corner of Brisbane Street and Shule Lane. The subject site and adjoining properties are zoned Residential R50 under the City of Vincent Local Planning Scheme No. 2 (LPS2) and are within the Residential Built Form Area under the City's Local Planning Policy No. 7.1.1 – Built Form (Built Form Policy).

The site contains a two-storey dwelling and operated as a Family Day Care from October 2018 until late 2022. Under the City's Local Planning Policy: Planning Exemptions (Planning Exemptions Policy), development approval was not required for a Family Day Care.

The applicant seeks approval to change the land use from Family Day Care to Child Care Premises. This change is sought due to operational limitations under the *Education and Care Services National Regulations 2012*, including the requirement to engage a third-party Family Day Care Coordinator.

The Family Day Care previously operated with a maximum of seven children in care and two staff at any time. The proposed Child Care Premises would maintain the same capacity, with no increase in land use intensity.

At its Ordinary Meeting on 23 July 2024, Council refused the application, contrary to Administration's recommendation.

The proposed development was refused due to incompatibility with the area and likely to negatively impact the local amenity and character. This was for the following summarised reasons:

- Introducing a commercial land use in this location would affect residential amenity and result in non-residential development encroaching into a predominantly residential area.
- Potential noise impacts were not adequately addressed.
- Traffic and access arrangements would impact the surrounding road network.
- Parking and access would not meet the needs of its users.

The landowner applied to the SAT to review Council's decision. Following a mediation session on 25 February 2025, Council has been invited to reconsider its decision pursuant to Section 31 of the *State Administrative Tribunal Act 2004* (SAT Act), based on additional information from the applicant. The additional information includes:

- Written justification.
- Acoustic Report prepared by a qualified acoustic consultant.
- Parking Management Plan (PMP).
- Waste Management Plan (WMP).

The areas of discretion under the planning framework relate to:

- Suitability of the proposed land use.
- Shortfall in long-term bicycle and service vehicle parking.
- Inconsistency with the City's Child Care and Family Day Care Policy (Child Care Policy).

The amended proposal responds to Council's concerns for these reasons:

- Management plans demonstrate the use can be managed to be compatible with the area and would not adversely impact the surrounding residential amenity. This includes management of noise, traffic and safety issues.
- Acoustic Report demonstrates the development can comply with the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations). Other noise management issues are addressed in the Noise Management Plan (NMP) provided with the previous proposal.
- The PMP and WMP provide measures to manage parking, access and servicing for the development that would not detrimentally impact the surrounding area.

It is recommended that Council set aside its previous refusal and substitute it with a new decision to approve the application, subject to conditions.

### PROPOSAL:

The application is for a change of use from Family Day Care to Child Care Premises.

#### *Operational Details*

The applicant seeks approval for a maximum of seven children to be cared for on the subject site. The site previously operated as a Family Day Care, caring for up to seven children under the *Education and Care Services National Regulations 2012* and is exempt from requiring development approval under the City's Planning Exemptions Policy.

Details of the proposed operation of the Child Care Premises are summarised as follows:

- Operating hours from 7:00am to 6:00pm, Monday to Friday.
- Closed on weekends and public holidays.
- A maximum of seven children being care for at any given time.
- A maximum of two staff members on site at any given time.
- Two on-site car parking bays accessed from Brisbane Street. One parking bay to be used by staff and the other bay to be used for pick-up/drop-off.
- Pedestrian access from Brisbane Street.
- External play area is located to the rear of the dwelling.

No works to the existing building are proposed in this application.

The proposed development plans are included as **Attachment 2**.

#### *Amended Proposal – Management Measures*

The amended proposal includes additional information submitted in response to Council's refusal. The applicant submitted a Written Justification – Response to Reasons for Refusal, NMP, Acoustic Report, PMP and WMP, included as **Attachments 3 to 7**, respectively.

The NMP, Acoustic Report, PMP and WMP include measures to manage the impacts of the use. These are summarised as follows:

Report	Management Measures
NMP	<ul style="list-style-type: none"> <li>• Outdoor play between 9:00am – 5:00pm, for a maximum of two one-hour sessions per day, with soft play surfaces and low-noise equipment to minimise external noise. Noisy children are to be redirected indoors.</li> <li>• Parents are to be provided the NMP on enrolment and must follow quiet arrival/departure practices including no slamming doors, shouting, or lingering.</li> <li>• Staff are to ensure constant supervision, promote calm behaviour, and redirect loud play to quieter activities or spaces.</li> <li>• A designated contact would manage complaints, with all incidents recorded and reviewed to inform ongoing noise control improvements.</li> </ul>
Acoustic Report	<ul style="list-style-type: none"> <li>• Crying/distressed children would be taken inside immediately.</li> <li>• When amplified music is played indoors, the external doors and windows are to be kept shut.</li> <li>• For outdoor play, children are to be discouraged from activities that result in loud noise.</li> <li>• Staggering play times where possible to minimise group noise outdoors.</li> <li>• Preference for soft-wheeled toys in favour of hard surface play equipment.</li> </ul>

Report	Management Measures
PMP	<ul style="list-style-type: none"> <li>Staggered drop-off/pick-up times with scheduled arrivals every 15 minutes to reduce congestion.</li> <li>Parents to receive induction information relating to drop-off/pick-up arrangements, monitoring children in the parking area and site rules.</li> <li>Dedicated parking for staff and drop off/pick up to reduce street parking reliance.</li> <li>Install signage for safe vehicle movements for the parking area, speed limits and parent awareness for reversing vehicles.</li> <li>Encourage walking, cycling and public transport use.</li> </ul>
WMP	<ul style="list-style-type: none"> <li>Use the City's residential waste collection service for small/micro businesses.</li> <li>Bin storage on-site with collection occurring at the verge.</li> </ul>

### *Applicant Operational Information*

As part of the previous assessment, the applicant advised they seek to change the use to Child Care Premises due to the costs associated with running a Family Day Care. Family Day Care requires engaging an external Coordinator. The applicant has advised that operating a Child Care Premises would remove that requirement and reduce their operating costs, and would provide greater autonomy.

### **DELEGATION:**

This application is being referred to Council for determination in accordance with the City's Register of Delegations, Authorisations and Appointments.

This is because the delegation to Administration to determine applications does not extend to requests from the SAT for reconsideration of a Council decision under Section 31 of the SAT Act.

The delegation also does not extend to applications that receive more than five objections during community consultation.

The previous proposal received 18 objections during community consultation. 13 objections were received during the community consultation period for the amended proposal, following the SAT's invitation to reconsider the application.

### **BACKGROUND:**

<b>Landowner:</b>	M T Cao
<b>Applicant:</b>	M T Cao
<b>Client:</b>	M T Cao
<b>Date of Application:</b>	30 January 2024
<b>Zoning:</b>	MRS: Urban LPS2: Zone: Residential R Code: R50
<b>Built Form Area:</b>	Residential
<b>Existing Land Use:</b>	Family Day Care
<b>Proposed Use Class:</b>	Child Care Premises
<b>Lot Area:</b>	362 square metres
<b>Right of Way (ROW):</b>	Shule Lane, 3.4 metres wide, privately owned, paved and drained.
<b>Heritage List:</b>	No

### Site Context and Zoning

The subject site is bound by Brisbane Street to the north-east, Shule Lane to the north-west and south-west, and a two-storey single house to the southeast. A Location Plan is included in **Attachment 1**.

The subject site and adjoining and adjacent properties are zoned Residential R50 under LPS2 and are within the Residential Built Form Area under the City's Built Form Policy, with a building height standard of two storeys.

Immediate surrounding development is characterised by single and grouped dwellings. Properties fronting Brisbane Street between Lake and Palmerston Streets, and to the west of the site facing Palmerston Street, comprise one and two-storey single houses and grouped dwellings. Robertson Park, a large multi-use recreational reserve, is located 65 metres west of the site.



More broadly, properties along Brisbane Street and east of Lake Street are zoned Local Centre and Mixed Use R80 under LPS2 and within the Mixed Use Built Form Area under the Built Form Policy. These sites contain mixed use development, including residential dwellings, restaurants, shops and taverns.

#### Existing Building

The subject site contains a two-storey single house presenting to Brisbane Street. It is set back 4.2 metres from Brisbane Street and has a nil setback to Shule Lane. Two tandem car parking spaces are on-site, accessed from Brisbane Street.

The proposal includes 75.5 square metres of indoor play space and 97.2 square metres of external play space at the rear of the site. The external play space includes landscaping with six trees.

#### Operations and Site History

The subject site operated as a Family Day Care from October 2018 to late 2022.

Under the *Education and Care Services National Law (WA) Act 2012*, Family Day Care is limited to seven children. The applicant advised that they previously operated at that capacity.

The use was exempt from development approval under the City's local planning policies, including the City's Planning Exemptions Policy. The use complied with the relevant exemptions and could recommence under the same exemptions.

The City has no record of complaints from surrounding residents during the Family Day Care operation.

#### Refused Proposal

At its Ordinary Meeting on [23 July 2024](#), Council refused the application to change the use from Family Day Care to Child Care Premises, contrary to Administration's recommendation, for the following reasons:

1. *Pursuant to Clauses 67(m) and (n) in Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the objectives of the Residential Zone of the City of Vincent's Local Planning Scheme No. 2, the proposed development would be incompatible with its setting and would have adverse impacts on the amenity and character of locality as:*
  - a) *The introduction of a commercial land use would have an adverse impact on the residential amenity of the locality due to the encroachment of incompatible non-residential development into an area that is residential in nature. This would also result in an adverse impact on the existing and likely future character of the locality and is inconsistent with the objectives of the City's Child Care and Family Day Care Policy;*
  - b) *The Child Care Premises land use would result in noise generating activities that are located adjacent to residential dwellings and areas of these properties that are sensitive to noise including private outdoor living areas. This would result in adverse amenity impacts and is inconsistent with the objectives of the City's Child Care and Family Day Care Policy. The proposed development also does not adequately demonstrate that the extent of noise generated from the development would not unreasonably impact the amenity of the surrounding residential properties, inconsistent with the objectives of the City's Policy No. 7.5.21 – Sound Attenuation;*
  - c) *Proposed access arrangements and likely traffic generated by the proposed development would have a detrimental impact on the flow of traffic movements and the function of the surrounding road network. This is inconsistent with the objectives of the City's Child Care and Family Day Care Policy;*
  - d) *The proposed development does not provide for adequate parking arrangements and management measures to demonstrate that parking and access would be suitable to meet the needs of its users. This is inconsistent with the objectives of the City's Child Care and Family Day Care Policy and Policy No. 7.7.1 – Non-Residential Parking Requirements Policy.*

**Attachment 8** includes a copy of the Council Meeting minutes and refused plans.

State Administrative Tribunal Appeal & Process

The SAT is an independent body that reviews government decisions and determines disputes. Applicants may apply to the SAT for a review of planning decisions.

A timeline of the SAT appeal process for the application is as follows:

Date	Action
21 August 2024	Landowner applied for a review of the previous decision with the SAT.
4 October 2024	Directions hearing held. Mediation session scheduled for 7 November 2024. Further directions hearing scheduled for 11 October 2024 to consider third-party participation by community members at the mediation session.
11 October 2024	Directions hearing held. The SAT approved the third-party request to participate in the mediation session.
7 November 2024	Mediation session held. The purpose of mediation is to resolve a dispute and explore constructive solutions. City's officers, two Councillors and community members attended. A further directions hearing was scheduled for 22 November 2024.
22 November 2024	Directions hearing vacated at the applicant's request and rescheduled for 17 January 2025.
17 January 2025	Directions hearing held. A further mediation session was scheduled for 25 February 2025.
25 February 2025	Mediation session held with City's officers in attendance. The SAT invited the City to reconsider its decision pursuant to Section 31 of the SAT Act. This followed the applicant's agreement to submit further information to address Council's refusal reasons.

In reconsidering its decision, Council may:

- Affirm its decision; or
- Vary its decision; or
- Set aside its decision and substitute its new decision.

If Council approves the proposed development, the applicant may withdraw the SAT application, provided they are satisfied with the conditions of approval.

If Council reaffirms its refusal, then a directions hearing that is scheduled for 1 August 2025 may result in the matter proceeding to a SAT final hearing. This would result in SAT determining the application in the absence of a mediated outcome.

**DETAILS:****Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of LPS2, the Built Form Policy, Child Care Policy, Policy 7.5.21 – Sound Attenuation (Sound Attenuation Policy) and Local Planning Policy: Non-Residential Car Parking (Non-Residential Car Parking Policy). In each instance where discretion is sought from Council, these planning elements are discussed in the Detailed Assessment section following from this table.

Planning Element	Use Permissibility/ Deemed-to-Comply/ Acceptable Outcomes (or equivalent)	Requires the Discretion of Council	
		Previous Proposal	Amended Proposal
Land Use		✓	
Vehicle Access		✓	
Sound Attenuation Policy	✓		
Child Care and Family Day Care Policy		✓	
Non-Residential Parking Policy		✓	

**Detailed Assessment**

Planning elements that require the discretion of Council are as follows:

Land Use		
Use Class Permissibility	Previous Proposal	Amended Proposal
<b>LPS2 – Zoning Table</b>		
'P' permitted use	Child Care Premises – 'A' Use	No change.
Child Care and Family Day Care Policy		
Policy Requirement	Previous Proposal	Amended Proposal
<b>Clause 3.2 - Suitable Locations in Residential Zones</b>		
Child Care Premises in the Residential zone adjacent to other non-residential land uses.	The proposal is within the Residential zone and is not adjacent to non-residential land uses.	No change.
<b>Clause 3.3 - External Playing Space</b>		
External play spaces are located away from adjoining noise sensitive land uses.	The external play space is adjacent to the outdoor living area of No. 231 Brisbane Street.	No change.
Non-Residential Parking Policy		
Policy Requirement	Previous Proposal	Amended Proposal
One service bay to be provided on-site.	No service bay provided.	No change.
One long-term bicycle bay provided on-site.	Nil long-term bicycle bays provided.	No change.

The planning elements are addressed in the Comments section.

Local Planning Scheme No. 2

In considering the appropriateness of the use, Council is to have due regard to the objectives of the Residential zone as follows:

- To provide for a range of housing and a choice of residential densities to meet the needs of the community;
- To facilitate and encourage high quality design, built form and streetscapes throughout residential areas;
- To provide for a range of non-residential uses, which are compatible with and complementary to residential development;
- To promote and encourage design that incorporates sustainability principles, including but not limited to solar passive design, energy efficiency, water conservation, waste management and recycling;
- To enhance the amenity and character of the residential neighbourhood by encouraging the retention of existing housing stock and ensuring new development is compatible within these established areas;
- To manage residential development in a way that recognises the needs of innovative design and contemporary lifestyles; and
- To ensure the provision of a wide range of different types of residential accommodation, including affordable, social and special needs, to meet the diverse needs of the community.

The Residential zone objectives are one consideration to be given due regard in the consideration of this application under the *Planning and Development (Local Planning Scheme) Regulations 2015* (Planning Regulations).

Planning Regulations

In accordance with [Clause 67\(2\)](#) of the Deemed Provisions of the Planning Regulations, Council must give due regard to a range of matters relevant to the application.

Administration's response to each matter requiring consideration is listed in the table contained in **Attachment 11**.

**CONSULTATION/ADVERTISING:**Previous Application

The original application that was ultimately refused by Council was advertised for 14 days from 14 to 27 March 2024. At the conclusion of this advertising period, the City received 18 submissions. All submissions objected to the proposal.

Amended Proposal

Following SAT mediation, additional information was received on 15 and 30 May 2025. This information is included as **Attachments 3 to 7**.

The amended proposal and additional information was advertised as per the City's Community and Stakeholder Engagement Policy (Consultation Policy) for 14 days from 3 to 16 June 2025.

The method of consultation included a notice on the City's website and 13 letters being sent to owners and occupiers of adjoining and adjacent properties. An email notification was also sent to previous submitters. Properties that have been consulted during advertising are shown in **Attachment 1**.

The City received 13 submissions, all objecting to the proposal.

Key concerns raised are summarised as follows:

- Impact on the character and amenity of the area, including noise and traffic.
- Inconsistency with the planning framework, including the Child Care Policy.
- Works required to comply with the National Construction Code (NCC).
- Limited ability for the City to monitor and control the use.

See **Attachment 9** for a summary of submissions received and the applicant's response, and **Attachment 10** for Administration's response.

**Design Review Panel (DRP):**

Referred to DRP: No

The proposal was not referred to the City's DRP because does not include a works component. DRP provides advice on design and site planning, which are unchanged for this proposal.

**LEGAL/POLICY:**

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Local Planning Scheme No. 2;
- Policy No. 7.1.1 – Built Form;
- Community and Stakeholder Engagement Policy;
- Policy No. 7.5.21 – Sound Attenuation;
- Local Planning Policy: Non-Residential Parking; and
- Local Planning Policy: Child Care and Family Day Care.

Planning and Development Act 2005

In accordance with Schedule 2, Clause 76(2) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, and Part 14 of the *Planning and Development Act 2005*, the applicant has applied to the SAT for a review of Council's decision to refuse the development application at its 23 July 2024 meeting.

Education and Care Services Legislation

The applicant is seeking this change of use approval for greater operational flexibility in how they manage their business, including removing the cost of engaging a Family Day Care Coordinator.

The information provided below is to contextualise the proposal but is not a matter to be considered under Clause 67 of the Deemed Provisions in determining the acceptability of this application.

Services that provide early childhood education and care in Western Australia are regulated under the *Education and Care Services National Law (WA) Act 2012* and the *Education and Care Services National Regulations 2012*.

Family Day Care & Child Care Premises

Under this legislation a Family Day Care Service is a care service that is provided across more than one venue or residence. The subject site operated as a Family Day Care Residence as part of a Family Day Care Service.

A Family Day Care Service is required to engage a Family Day Care Coordinator to oversee and support the operations of a Family Day Care Service. One Coordinator is required per 25 Family Day Care Educators, with a role to monitor and support the educators. This requirement does not exist for centre-based Child Care services.

Under the legislation a Child Care Premises relates to an Education and Care Service being provided at an Education and Care Service Premises.

A Child Care Premises is not subject to the same requirements to engage a Family Day Care Coordinator as a Family Day Care Service.

This means that the proposed development would be able to operate with one staff member on site without the requirement for a Family Day Care Coordinator to be present.

Play Area Requirements

The legislation has requirements for internal and external space for Child Care premises. These standards do not apply to Family Day Care venues. The subject site provides for 75.5 square metres of indoor play space and 97.2 square metres of outdoor play space, and satisfies these standards.

Staff Requirements

The premises can operate with one staff member on site to care for children over 36 months (3 years) of age, in accordance with the educator-to-child ratios for Child Care Premises under the legislation. Two staff members would be needed on site if caring for younger children.

NCC

The NCC classifies buildings based on their purpose and intended use. This classification determines the specific building requirements that must be met.

This application would change the use of the building from a residential use (Single House/Family Day Care) to a commercial use (Child Care Premises). This means a change in classification under the NCC would be required, and the building would need to meet the NCC standards for Class 9B buildings (applicable to Child Care Centres).

The requirements under the NCC would be [Part i16 of Volume 1](#). This includes provisions relating to design and construction, health and amenity, perimeter fencing and barriers, fire safety, egress, and disability access.

These matters fall under separate legislation to the *Planning and Development Act 2005*, and are not a matter to be considered for this application under Clause 67 of the Deemed Provisions in the Planning Regulations.

**RISK MANAGEMENT IMPLICATIONS:**

There are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a planning application.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's Strategic Community Plan 2022-2032:

Innovative and Accountable

*Our decision-making process is consistent and transparent, and decisions are aligned to our strategic direction.*

**SUSTAINABILITY IMPLICATIONS:**

This application does not contribute to any environmental sustainability outcomes. There is limited ability for the development to influence the environmental impact of the entire building on the site through this application as it relates to a change of use of an existing building with no external works component.

**PUBLIC HEALTH IMPLICATIONS:**

This report has no implication on the priority health outcomes of the City's *Public Health Plan 2020-2025*.

**FINANCIAL/BUDGET IMPLICATIONS:**

Should this application proceed to a full SAT hearing, the City would incur a cost related to the engagement of a consultant which would be met through the existing Operational Budget.

**COMMENTS:****Summary Assessment**

In assessing the proposal and the additional information against the planning framework, the application is recommended for approval. The following key comments are relevant:

- The additional information provided by the applicant demonstrates that the proposed use can be appropriately managed to be compatible with the area and would not adversely impact surrounding residential properties.
- The commercial use is appropriate due to the low-scale nature and intensity of the proposed operations.
- The development would comply with the Noise Regulations, subject to noise management measures in the Acoustic Report and NMP. A Family Day Care operated from the site for four years, with the same number of children to be cared for and at the same intensity, without acoustic control measures in place, and no complaints were received by the City.
- A PMP has been provided outlining how parking and access would not impact the surrounding area.

A detailed assessment of the amended proposal against the previous refusal reasons is set out below.



### Consideration of Additional Information Against Council's Reasons for Refusal

The comments below address how the applicant's additional information responds to Council's refusal reasons.

#### Reason 1(a) – Introduction of Commercial Land Use

Reason 1(a) relates to the impact of introducing a commercial land use on residential amenity. This refers to the encroachment of non-residential development into a residential area, which would be inconsistent with the objectives of the Child Care and Family Day Care Policy.

#### *Applicant Justification*

The applicant's justification (**Attachment 3**) is summarised below:

- The development maintains the existing residential character of the area with no external modifications to the building proposed. This ensures compatibility with surrounding residential dwellings and allows for the building to revert to a residential use in the future.
- The proposed Child Care Premises is of the same low scale and intensity as the previous Family Day Care that operated without complaint since October 2018. This demonstrates it can function without adversely impacting on the amenity of the area.
- Noise and privacy impacts are managed through a Noise Management Plan, operational restrictions, and existing boundary treatments.
- The proposal aligns with the City's Child Care Policy and Planning Bulletin 72/2009 – Child Care Centres, delivering community, social and economic benefits, while complementing other existing non-residential uses in the area.

#### *Community Consultation*

Concerns raised during community consultation included:

- The commercial use would be inconsistent with the residential character and amenity of the area, and would represent the incremental creep of commercial uses into the residential area.
- The site's location does not align with the Child Care Policy in respect to its proximity to other non-residential land uses.
- This portion of Brisbane Street does not currently contain commercial activity.
- Approval of the application would limit the City's ability to monitor and control the use.

#### *Administration Comments*

The amended proposal addresses Reason 1(a). It would be consistent with the [objectives](#) of the Residential zone under LPS2 and Clause 67(2) of the Planning Regulations, including the [objectives](#) of the Child Care Policy for the following reasons:

- Management of the Use: The applicant has submitted information demonstrating the use can be appropriately managed to ensure compatibility with the area. Administration's recommendation includes conditions of approval that would ensure operation in accordance with these reports and plans. This provides certainty on how the use would function without adversely impacting the surrounding residential area.

The management measures in these reports (see Proposal section of this report) would reduce the noise generated, mitigate traffic impacts during drop-off/pick-up, and ensure safe operations. Key measures include limiting outdoor play to two one-hour sessions per day, schedule arrivals to stagger drop-offs and pick-ups, and providing induction information to parents.

This offers improved amenity outcomes and controls compared to a Family Day Care, which lacks formal approval or management obligations – with the business operating at the same intensity and scale.

- Amenity and Character of the Area: The proposed commercial use in the Residential zone at the subject site is appropriate due to its low-scale and intensity. These characteristics would ensure compatibility with the existing area. Impacts would be minimised by limited child numbers to seven, daytime operating hours, and outdoor play restricted to 9:00am – 5:00pm for a maximum of two hours per day. The subject site would also continue to present as a Single House and contribute positively to the residential streetscape.
- Waste Management Plan: The applicant's WMP (see **Attachment 7**) confirms use of the City's residential waste collection service for small/micro businesses. The City's Waste and Recycling Team has confirmed this is suitable for the proposal's waste generation.
- Use of Outdoor Areas: The outdoor play area's location near No. 231 Brisbane Street's rear outdoor living area is acceptable due to effective management measures. This includes restricted play times and management of noisy children to mitigate impacts to neighbouring outdoor space.
- Sufficient Privacy to Adjoining Properties: The proposal does not result in overlooking of major openings or outdoor living areas of adjoining properties. This is because all child care activities are on the ground floor, and existing boundary fences provide adequate privacy separation.

#### Reason 1(b) – Noise Impacts

Reason 1(b) relates to the amenity impact of noise generating activities adjacent to residential dwellings. The reason refers to these amenity impacts being inconsistent with the objectives of the Child and Family Day Care Policy. It also refers to the previous proposal not adequately demonstrating that noise generation would not unreasonably impact on the amenity of surrounding properties, and would be inconsistent with the Sound Attenuation Policy.

#### *Applicant Justification*

The applicant's justification (**Attachment 3**) is summarised as follows:

- An Acoustic Report prepared by Gabriels Hearne Farrell confirms the development is capable of achieving compliance with the Noise Regulations, subject to key mitigation measures.
- As outlined in the NMP, outdoor play will be supervised by staff to manage noise. Children will rotate in small groups for outdoor play activities to minimise cumulative noise peaks. A noise complaints procedure will be implemented and communicated to surrounding residents to ensure concerns are promptly responded to.
- During Family Day Care operations, no complaints were received. regarding noise impacts from the community. Given its scale and management practices, the proposal aligns with the intent and objectives of the City's Child Care Policy and Sound Attenuation Policy.

#### *Community Consultation*

Concerns raised include:

- The proximity of outdoor play to the outdoor living areas of adjoining properties would reduce amenity.
- Unlike a Family Day Care, a Child Care Centre of this scale would result in continuous, disruptive noise throughout the day.

#### *Administration Comments*

The amended proposal addresses Reason 1(b), and would be consistent with the [objectives](#) of the Child Care Policy and the [objectives](#) of the Sound Attenuation Policy for the following reasons:

- Acoustic Report: The applicant submitted an Acoustic Report (**Attachment 5**) confirming the development can comply with the Noise Regulations. It demonstrates noise impacts will not unreasonably affect nearby amenity due to mitigation measures in the Acoustic Report and NMP.

The City's Health Services Team has reviewed the Report and confirmed it is satisfactory, subject to implementation of the recommended measures.

Management measures (see Proposal section of this report) include staggered outdoor play, removing noisy children from outdoor play areas, and closing windows and doors when amplified music is played indoors.

No building works are required for compliance with the Noise Regulations.

Administration recommends a condition of approval requiring the use to operate in accordance with the Acoustic Report and NMP. The development would also remain subject to compliance with the Noise Regulations at all times.

- Consideration of Adjoining Properties: The Acoustic Report provides specific consideration of the outdoor living area at No. 231 Brisbane Street – the property most likely to be affected. The Acoustic Report confirms the proposal can achieve compliance, ensuring it would not adversely impact this or other surrounding properties.
- Management Measures: The NMP includes measures for outdoor play and car parking noise management. These measures, along with those outlined in the Proposal section of this report, would improve amenity outcomes compared to exempt Family Day Care. This is due to additional controls not required for exempt Family Day Care.

#### Reasons 1(c) & 1(d) – Traffic & Access Arrangements and Parking

Reason 1(c) relates to the impact of access and traffic on the function of the surrounding road network. This refers to being inconsistent with the objectives of the Child and Family Day Care Policy.

Reason 1(d) relates to whether parking and access arrangements meet the needs of its users. It refers to parking and management measures being inconsistent with the objectives of the Child and Family Day Care Policy and the Non-Residential Parking Policy.

#### *Applicant Justification*

The applicant's justification (Attachment 3) is summarised as follows:

- The proposal accommodates a maximum of seven children, generating minimal traffic movements. This would ensure it does not adversely impact the function or safety of the surrounding road network.
- The site is close to public transport and the Perth Cycle Network which facilitates alternative travel modes and reducing reliance on private vehicles.
- Traffic impacts are further reduced by staggered drop-off and pick-up times, on-site parking, and promotion of active transport through bicycle parking.
- The proposal complies with the City's Non-Residential Parking Policy by providing one staff bay, one drop-off/pick-up bay, and two short-term bicycle bays. No service bay is required due to the low intensity of the use.
- Management measures including signage, speed limits, parent onboarding, and structured drop-off/pick-up procedures, would ensure safe and efficient access, consistent with the objectives of the City's Child Care Policy and Non-Residential Parking Policy.

#### *Community Consultation*

Concerns were raised include:

- Traffic from the development would impact local amenity.
- This portion of Brisbane Street already experiences high traffic volumes, which would be worsened by the development.
- Increased traffic would affect vehicle and pedestrian safety, particularly for users of the right-of-way to the west of the site.

*Administration Comments*

The amended proposal addresses Reasons 1(c) & 1(d), and would be consistent with the [objectives](#) of the Child Care Policy and the [objectives](#) of the Non-Residential Parking Policy for the following reasons:

- **Parking Management Plan:** A PMP (see **Attachment 6**) outlines management strategies to ensure parking and access do not adversely impact the surrounding area. Key measures from the PMP are in the Proposal section of this report.

The PMP demonstrates traffic and parking impacts can be appropriately managed. Staggered drop-offs/pick-ups reduce traffic impacts, maintaining traffic flow on Brisbane Street and meeting parking needs.

Administration's recommendation includes a condition of approval requiring the use to operate in accordance with the operational measures in the PMP.

- **Traffic Generation:** The proposal would generate a maximum of eight vehicle trips during peak periods in the morning and evening, based on seven children and one staff member. This traffic generation is not expected to adversely affect traffic on Brisbane Street or surrounding areas. The broader context of the area includes nearby commercial uses that already contribute to vehicle movements.
- **Sightlines:** Though no physical works are proposed, the change in use of existing car bays triggers assessment of sightlines under the Built Form Policy.

Existing bays lack compliant sightline truncations.




Administration recommends a condition of approval requiring modification of the street wall to remove all wall portions above 0.75 metres in height within a 1.5 metre by 1.5 metre truncation area on either side of the vehicle access point. This is to ensure safe vehicle movements in and out of the parking bays, especially the drop-off and pickup bay.

- **No Service Bay:** The City does not require a service bay to be provided for a Family Day Care. This is because management of service delivery can be accommodated through the car parking bays provided. The applicant advises the proposed use also does not require service vehicle access due to its scale. Materials would be brought by the operator using the staff bay.
- **Provision of Bicycle Parking:** The proposal requires one short-term and one long-term bicycle bay, with two short-term bicycle bays proposed. Administration recommends a condition of approval requiring two short-term bicycle bays to be installed prior to operation. These would be accessible to visitors, out of view from the footpath, and provides sufficient security.
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**5.3 NO. 71 (LOT: 200; D/P: 92012) EDWARD STREET AND NO. 120 (LOT: 1001; D/P: 29129) CLAISEBROOK ROAD, PERTH - PROPOSED AMENDMENT TO CONDITIONS OF HEIDELBERG DEVELOPMENT APPROVAL AND STATE ADMINISTRATIVE TRIBUNAL SECTION 31 RECONSIDERATION OF CONDITIONS OF HOLCIM DEVELOPMENT APPROVAL**

**Ward:** South

**Attachments:**

1.  Heidelberg and Holcim Existing, Proposed and Recommended Conditions
2.  Heidelberg Amended DA Additional Information
3.  Holcim S.31 Reconsideration Additional Information

**RECOMMENDATION:**

**That Council:**

1. **MAKES** a submission to the Western Australian Planning Commission regarding the amended development application under Part 17C of the *Planning and Development Act 2005* for No. 71 Edward Street, Perth (SDAU-069-23-17C.1) , and the reconsideration under Section 31 of the *State Administrative Tribunal Act 2004* for No. 120 Claisebrook Road, Perth (SDAU-068-23) advising that:

- 1.1 The City of Vincent **DOES NOT SUPPORT** the proposed modifications to conditions as they are not in the public interest and are inconsistent with the planning framework in accordance with Sections 275(5) and (6) of the *Planning and Development Act 2005* for the following reasons:

**No. 71 Edward Street, Perth**

- Alternative sites for the concrete batching plant to relocate to exist and are available for an orderly relocation out of Claisebrook to be achieved in accordance with the current approval (SDAU-069-23-17C.1). The proposed Transition Plan would serve no further planning purpose to the operator meeting their current obligations under Condition 1 of that existing approval.
- An increase in operating hours allowing operations to commence from 3am would have adverse amenity impacts from noise and traffic on the surrounding area which is zoned Mixed Use R160 under the City's Local Planning Scheme No. 2 (LPS2).

The amenity disturbances of such operations would continue to increase in their impact as the area continues to redevelop with more sensitive uses over time in accordance with the areas local and State planning framework.

- The operation of the Concrete Batching Plant continues to be incompatible with the local and state planning framework. There is a clear public benefit to the site being cleared of industrial structures and contamination so as to remove this impediment to the redevelopment of the site and area in line with the vision of the local and State planning framework.

**No. 120 Claisebrook Road, Perth**

- The operation of the Concrete Batching Plant continues to be incompatible with the local and State planning framework. There is a clear public benefit to the site being cleared of industrial structures and contamination so as to remove this impediment to the redevelopment of the site and area in line with the vision of the local and State planning framework.

- 1.2 **PROVIDES** recommended conditions in Attachment 1 should the Western Australian Planning Commission be of the view to approve part or all of the respective development application/s.

**1.3 ENDORSES the Mayor and/or CEO to write to the Western Australian Planning Commission to progress further planning for both the Heidelberg and Holcim sites in accordance with the respective Improvement Plans gazetted on 2 July 2024.**

*a)* This could include the preparation of Improvement Schemes for both sites in accordance with Part 8 of the *Planning and Development Act 2005* respectively.

**EXECUTIVE SUMMARY:**

The purpose of this report is to consider making a submission to the Western Australian Planning Commission (WAPC) in relation to respective development applications for the existing Concrete Batching Plants at No. 71 Edward Street (Heidelberg) and No. 120 Claisebrook Road, (Holcim).

In June 2024 the WAPC approved development applications to extend the approval period of both Heidelberg (then known as Hanson) and Holcim for a maximum period of up to 31 December 2027, subject to meeting a number of milestones.

These applications were determined by the WAPC in accordance with Part 17 (Special provisions for COVID-19 pandemic relating to development applications) of the *Planning and Development Act 2005* (PD Act).

The current applications are:

1. Heidelberg – Amendment to the time limited approval, hours of operation, and decommissioning and remediation conditions that were approved by the WAPC.
2. Holcim – Reconsideration of decommissioning and remediation conditions at the invitation of the State Administrative Tribunal (SAT).

The applications have been assessed against the matters that the WAPC is to have due regard to in accordance with Part 17 of the PD Act and are not supported because:

- The continued operation of the Concrete Batching Plants is inconsistent with the local and State planning frameworks and the vision for Claisebrook to become a high-density mixed-use precinct.
- The proposed Transition Plan from Heidelberg would serve no planning purpose to enable it to meet its current milestones to trigger the extension of operations until 31 December 2027.
- The quickest possible relocation of Heidelberg out of Claisebrook in accordance with the existing approvals milestones should be a matter of State importance to assist in the delivery of much needed housing in an area well located to public transport and adjacent to the Perth CBD.
- The increased operating hours for Heidelberg would be incompatible with the increasing number of sensitive uses within the locality, which would continue to grow in accordance with the local and State planning framework vision for the area, and would continue to inhibit the delivery of additional housing opportunities.
- The continued operations over approximately 40 years from both Heidelberg and Holcim means that there is the potential for contamination which would make redevelopment of the sites for residential or other sensitive uses challenging for future developers and could continue to disincentivise redevelopment, including the delivery of housing, in the surrounding area.
- To reduce the risk of Heidelberg and Holcim leaving infrastructure on each site to pursue a further time extension, the removal of all structures, contamination investigations and any necessary remediation should be undertaken immediately following operations ceasing. It would not be in the public interest to allow the operators to leave the industrial infrastructure and contamination on their sites in perpetuity as it would limit the area's ability to redevelop.

**DELEGATION TO DETERMINE APPLICATIONS:**

The applications are being presented to Council for it to provide its comments as Section 276(4) of the *Planning and Development Act 2005* requires the WAPC to consult with the local government.

In accordance with the *Local Government Act 1995* the term 'local government' refers to the elected Council.



**PROPOSAL:**

The applications propose to amend the conditions of approval of the existing Concrete Batching Plants as follows:

1. Holcim – Reconsideration of decommissioning and remediation conditions at the invitation of the State Administrative Tribunal (SAT).
2. Heidelberg – Amendment to the time limited approval, hours of operation, and decommissioning and remediation conditions.

No other changes to the respective conditions of approval or structures on either site are proposed.

Both applications are to be determined by the WAPC in accordance with the Part 17 provisions of the PD Act. This is because they relate respectively to a reconsideration of, and amendment to, previous conditions that were imposed by the WAPC when it approved each application in accordance with Part 17 in June 2024.

Prior to determining the applications, the WAPC is required to consult with and have due regard to any submission from the City.

**BACKGROUND:**

<b>Property:</b>	<b>No. 71 Edward Street, Perth</b>	<b>No. 120 Claisebrook Road, Perth</b>
<b>Landowner:</b>	Heidelberg Materials Australia Pty Ltd	Holcim Australia Pty Ltd
<b>Applicant:</b>	Allerding & Associates	Allerding & Associates
<b>Zoning:</b>	MRS: Urban LPS2: Zone: Mixed Use R Code: R160	MRS: Urban LPS2: Zone: Mixed Use R Code: R160
<b>Built Form Area:</b>	Mixed Use	Mixed Use
<b>Existing Land Use:</b>	Concrete Batching Plant	Concrete Batching Plant
<b>Proposed Use Class:</b>	Concrete Batching Plant	Concrete Batching Plant
<b>Lot Area:</b>	5,968m <sup>2</sup>	4,869.7m <sup>2</sup>
<b>Right of Way (ROW):</b>	No	No
<b>Heritage List:</b>	No	No

Site Context

The existing Concrete Batching Plant operated by Heidelberg Materials Australia is located at No. 71 Edward Street, Perth. This site is bound by the Graham Farmer Freeway to the south and Lord Street to the west. To the north-east the site has an approximate frontage of 11.3 metres to Edward Street and is bound by eight existing properties which each have a frontage to Edward Street.

The existing Concrete Batching Plant operated by Holcim Australia is located at No. 120 Claisebrook Road, Perth. This site is of a triangular shape and is bound by the Graham Farmer Freeway to the south, Claisebrook Road to the west, and Caversham Street to the north.

Both Concrete Batching Plants are within the area generally bound by Lord Street to the west, Summers Street to the north, the rail reserve to the east, and the Graham Farmer Freeway to the south.

The existing character of this area is predominantly comprised of various industrial, commercial and residential activities:

- Immediately adjoining and adjacent to the sites there are residential and service industrial type uses including a mixed use apartment building, vehicle repairs and servicing, manufacturing and distribution centres.
- Just beyond those immediately adjoining and adjacent sites the area is dominated by commercial and residential-type uses include short term accommodation, restaurants/cafes, art studio, offices, consulting rooms, gyms and other recreation-type uses, educational and training. Restaurant and cafe uses within the area generally front Claisebrook Road and Gladstone Street.
- Residential and mixed-use developments are generally located along Claisebrook Road, Lord Street, Gladstone Street, Edward Street and Summers Street.

- There are also two areas of public open space within the locality including Gladstone Street Reserve which is located centrally, and Norwood Park which is in the north-eastern corner. HBF Park is located on the western side of Lord Street.

### Planning Framework

The Concrete Batching Plants have operated from each of the Sites since the mid-1980's and 90's.

At that time the land within the area bound by Lord Street, Summers Street and the Freeway, including the subject sites, was within the City of Perth's boundaries and was subject to the City of Perth Town Planning Scheme No. 1 and the East Perth Redevelopment Authority Scheme No. 1.

The land was subsequently transferred to the then Town of Vincent as part of the Local Government boundary changes on 1 July 2007.

### *Local Planning Strategy*

The City's [Local Planning Strategy](#) was endorsed by the WAPC on 8 November 2016 and identifies that the area bound by the Graham Farmer Freeway, Lord Street, Summers Street and the railway line is for 'High Density Mixed Use' and as a 'Planned Urban Growth Area'.

The Local Planning Strategy recommends the operation of both concrete batching plants be discontinued because they:

- Present a negative impact on the amenity of the area.
- Represent an underutilisation of the land and are not consistent with the principles of transited oriented development.
- Do not promote the revitalisation of the North Claisebrook area.

### *Local Planning Scheme No. 2*

The City's LPS2 was gazetted on 16 May 2018 and zones both the Heidelberg and Holcim Sites as Mixed Use R160.

Clause 19 of LPS2 sets out the specified land uses are permitted to operate on specified land in addition to uses which are permissible under the Mixed Use zone. In accordance with Clause 19(1) both the Heidelberg and Holcim Sites were permitted to operate a Concrete Batching Plant until 30 June 2024.

The properties surrounding the subject site with the area bound by Lord Street, Summers Street and the railway reserve are generally zoned Mixed Use R100.

### *North Claisebrook Planning Framework*

Council approved the [North Claisebrook Planning Framework](#) (NCPF) at its meeting on 22 August 2023 and it came into effect on 31 August 2023. This is a local planning policy and provides for statutory provisions which guide development within the private realm in the area.

Heidelberg and Holcim are located within the Cityscape sub-precinct of the NCPF. Both sites are identified as having an acceptable height standard of 12 storeys, with and unlimited additional height possible subject to achieving the development incentives for community benefit criteria of the NCPF and complying with the emergency flight path of the Royal Perth Hospital helicopter service.

Within the remainder of the NCPF area the properties are located within various sub-precincts, with acceptable building heights ranging from six storeys opposite the Heidelberg and Holcim Sites to four storeys along Summers Street.

### Development Approval History

Holcim have operated a Concrete Batching Plant from its Site since 1987. Heidelberg have operated a Concrete Batching Plant from its Site since the mid-1990's. Prior to this, concrete batching operated from the Heidelberg Site in a smaller capacity than what is currently occurring.

The recent development approvals for both the Heidelberg and Holcim sites are summarised below:

- The development approval for the operation of both the Heidelberg and Holcim Sites was time limited until October 2012. This was extended until 16 October 2017 by the Minister for Planning in May 2012.
- In October 2018 the Minister for Planning granted a further extension to expire on 30 June 2024.
- In June 2024 the WAPC resolved to approve the proposed extensions of time subject to conditions.

The most recent approval occurred under the Part 17 provisions of the PD Act in December 2023, prior to this pathway closing. The applications were referred to the WAPC for determination by the Premier.

Both applications sought to extend the approval period for each Concrete Batching Plant by seven years to 30 June 2024.

At its meeting on [19 March 2024](#) Council endorsed a submission to the WAPC. This submission advised the WAPC that it did not support the proposed extensions of time because the continued operations of the Concrete Batching Plants would:

- Be inconsistent with the Local Planning Strategy, LPS2 and the NCPF which seek to facilitate high density transit-oriented developments near the Perth CBD and Claisebrook Train Station.
- Impact on the amenity of existing business and residents in the area, with this to be more impactful as the area develops in accordance with LPS2 and the NCPF.
- Be inconsistent with broader state planning policy which seeks to consolidate urban infill in areas that are near the Perth CBD and public transport connections.

At its meeting on [27 June 2024](#) the WAPC resolved to approve the proposed extensions of time subject to conditions. These included:

- Time limiting the approvals to 31 December 2027, subject to lodging a development application for an alternative site, obtaining a building permit within six months of the development application being approved, and within 12 months of the building permit being issued the new plant to be substantially commenced.
- An updated environmental management planning being submitted and approved to assess noise and dust impacts. This includes the operating hours reducing from 24 hours a day Monday to Saturday to 6am to 10pm on Monday to Saturday from 1 July 2025.
- The completion of soil and groundwater contamination investigations and the approval and implementation of a decommissioning plan to outline how the sites would be left in a state that is suitable for future redevelopment after the operations have ceased.

In relation to the time limited approvals, the DPLH advised the City on 27 June 2025 that applications had been lodged by Holcim to redevelop its current Carlisle site, and by Heidelberg to redevelop its current Canning Vale site. These applications will be determined by the WAPC and Development Assessment Panel respectively.

This means that both operators have met the first milestone which required the lodgement of an application for an alternative site by 30 June 2025. Within six months of these applications being approved, Heidelberg and Holcim would be required to lodge a building permit for the relevant works to meet the next milestone.

#### State Administrative Tribunal – Holcim

The City was notified by the DPLH on 5 August 2024 that Holcim had lodged an application for a review of the WAPC's decision with SAT. This review related to the remediation and decommissioning conditions that were imposed as part of the approval.

The City was not a party to any of the SAT proceedings. It is understood that the matter progressed to several mediation sessions between the WAPC and the applicant.

On 26 May 2025 the City was notified that the SAT has invited the WAPC to reconsider its decision on or by 4 September 2025 pursuant to section 31 of the *State Administrative Tribunal Act 2004* (SAT Act).

Improvement Plan

Following a request from the City the WAPC prepared Improvement Plans for each of the [Heidelberg](#) and [Holcim](#) sites. These came into effect on 2 July 2024.

The purpose of the Improvement Plans is to enable the WAPC and City to advance planning for each of the sites to achieve the vision of the local planning framework and to assist in transitioning the Concrete Batching Plants out of Claisebrook.

**DETAILS:**

The existing conditions and the applicant's proposed amendments for both Heidelberg and Holcim are included in **Attachment 1**. The proposed amendments are summarised below:

Heidelberg Amended DA

Existing Condition		Applicant Proposed Amendment
1	Time limited approval.	<ul style="list-style-type: none"> <li>Retain the existing approval period of up to 31 December 2027 subject to meeting milestones of Conditions 1(a)-(c) in relation to lodgement of a DA for an alternative site, lodgement of a building permit and substantial commencement.</li> <li>Include a new point which allows for the applicant to nominate an alternative site for relocation and for a transition plan that for transition to this alternative site by 31 December 2027.</li> <li>Outline that approval of the transition plan may allow the WAPC to amend or delete any of the milestones.</li> </ul>
4	Hours of operation.	<ul style="list-style-type: none"> <li>Allow operations to occur between 3am and 10pm Monday to Saturday (excluding Sundays and public holidays) from 1 July 2025.</li> </ul>
11	Undertake soil and groundwater contamination investigations.	<ul style="list-style-type: none"> <li>Delete Condition 11.</li> </ul>
12	Submission of report on soil and groundwater contamination and completion of any remediation.	<ul style="list-style-type: none"> <li>Delete Condition 12.</li> </ul>
13	Submission of Decommissioning Plan within 6 months of operations ceasing.	<ul style="list-style-type: none"> <li>Decommissioning Plan to be submitted by 31 December 2027 which details the structures to be removed and timing of this, the structures to be retained, and any other decommissioning works to be undertaken.</li> </ul>
14	Implementation of Decommissioning Plan with 6 months of this being approved.	<ul style="list-style-type: none"> <li>Increase the timeframe for the Decommissioning Plan to be implemented by 31 December 2028.</li> </ul>

The applicant's justification includes a cover letter and updated Noise Assessment (**Attachment 2**).

Holcim SAT Reconsideration

Condition		Applicant Proposed Amendment
11	Undertake soil and groundwater contamination investigations.	<ul style="list-style-type: none"> <li>Amend to make available annual Ambient Air (Dust) Monitoring and planned wastewater discharge.</li> </ul>
12	Submission of report on soil and groundwater contamination and completion of any remediation.	<ul style="list-style-type: none"> <li>Delete Condition 12.</li> </ul>
13	Submission of Decommissioning Plan within 6 months of operations ceasing.	<ul style="list-style-type: none"> <li>Amend to outline that the undertaking of decommissioning to involve: <ul style="list-style-type: none"> <li>Preliminary engagement with the City to be carried out by 31 December 2025.</li> <li>Submission of a Decommissioning Plan to the WAPC by 30 June 2027.</li> <li>Implementation of the Decommissioning Plan by 31 December 2028.</li> </ul> </li> </ul>
14	Implementation of Decommissioning Plan with 6 months of this being approved.	<ul style="list-style-type: none"> <li>Increase the timeframe for the Decommissioning Plan to be implemented by 31 December 2028.</li> </ul>

The applicant's justification includes a cover letter and a Concept Closure Plan (**Attachment 3**).

**CONSULTATION/ADVERTISING:**

The Part 17 pathway of the PD Act sets out that the WAPC is responsible for undertaking community consultation.

The Department of Planning, Lands and Heritage (DPLH) advertised the applications concurrently for a period of 23 days between 28 May 2025 and 19 June 2025. The methods of advertising included letters sent to adjoining landowners and to previous submitters, and a notice included in the local newspaper and on the DPLH website.

In accordance with the City's Community and Stakeholder Engagement Policy Administration sent notification the previous submitters of the applications and that comments are to be provided directly to the DPLH.

During the consultation period one submission was provided to the City. This submission objected to both applications with the key issues including:

*Heidelberg Amended DA*

- The limitation on operating hours is an acknowledgement of the incompatibility of the batching plant with an intention to increase residential density in Claisebrook. The increasing of operating hours would result in significant impacts on residential amenity including from noise as well as traffic and dust.
- Based on Heidelberg's justification that only 30% of days would begin from 3:00am, this is still 110 mornings a year which would have added disturbances. If this is supported, Heidelberg should be required to provide notification to all residents within 500 metres of their boundary and at least 48 hours prior to this occurring.
- The retention of infrastructure such as the site office, concrete apron, noise walls and stormwater management systems beyond the full decommissioning of the site implies an intention for this to be used for an industrial-type activity which would be inconsistent with the planning framework.

*Holcim SAT Reconsideration*

- The retention of infrastructure such as the concrete apron and wedge pits beyond the full decommissioning of the site implies an intention for this to be used for an industrial-type activity which would be inconsistent with the planning framework.

**Design Review Panel (DRP):**

Referred to DRP: No

**LEGAL/POLICY:**Planning and Development Act 2005

The Heidelberg and Holcim development applications were approved by the WAPC in June 2024 under Part 17 of the PD Act. This provides the Premier the power to refer applications for determination by the WAPC, where, on the advice of the Minister for Planning, the application would raise issues of State or regional importance.

Relevant to Part 17 of the PD Act:

- Section 275 sets out that in determining applications the WAPC is not bound by any legal instruments, such as the City's LPS2, may have regard to any matter which affects the public interest and is to have due regard to:
  - *The purpose and intent of any planning scheme that has effect in the locality to which the development application relates; and*
  - *The need to ensure the orderly and proper planning, and the preservation of amenity, of that locality; and*
  - *The need to facilitate development in response to the economic effects of the COVID-19 pandemic; and*
  - *Any relevant State planning policies and any other relevant policies of the Commission.*
- Section 276 requires the WAPC to have due regard to the City's submission in determining the applications, as well as any submissions from members of the public.

Section 279 sets out that an application can be lodged to amend a previous approval that has been issued by the WAPC.

Section 279(2)(a) sets out that an application can amend or remove any of the conditions imposed on the approval.

Heidelberg have lodged an application to amend the Conditions 1, 4, 13 and 14 and delete Conditions 11 and 12 that were imposed by the WAPC on its approval from June 2024.

Section 279(5) allows the WAPC to determine an application to amend a previous approval by either granting it (with or without conditions) or by refusing it.

Section 283 sets out that the applicant would have the right to seek a review of the WAPC's decision through SAT.

Holcim lodged an application seeking a review of the WAPC's decision with SAT in July 2024.

State Administrative Tribunal Act 2024

In accordance with Section 31 of the SAT Act, SAT has invited the WAPC to reconsider some of the conditions imposed on the Holcim approval. This includes amending Conditions 11, 13 and 14 and deleting Condition 12.

Section 31(1) of the SAT Act sets out that in reconsidering these conditions WAPC may:

- a) Affirm the previous decision,
- b) Vary the decision, or
- c) Set aside the decision and substitute a new decision.

**RISK MANAGEMENT IMPLICATIONS:**

There are minimal risks to Council and the City's business function when Council makes a submission on a planning application.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's Strategic Community Plan 2022-2032:

Innovative and Accountable

*Our decision-making process is consistent and transparent, and decisions are aligned to our strategic direction.*

**SUSTAINABILITY IMPLICATIONS:**

This does not contribute to any specific sustainability outcomes of the *City's Sustainable Environment Strategy 2019-2024* or the draft Enhanced Environment Strategy which was approved by Council for the purposes of advertising on 13 May 2025.

**PUBLIC HEALTH IMPLICATIONS:**

This is in keeping with the following priority health outcomes of the City's *Public Health Plan 2020-2025*:

*Reduced exposure to environmental health risks*

**FINANCIAL/BUDGET IMPLICATIONS:**

The subject developments applications do not have any direct financial implications to the City.

**COMMENTS:****HEIDELBERG AMENDED DA****Condition 1 – Time Limited Condition**

Condition 1 sets out a maximum approval period for the operation of the Concrete Batching Plant until 31 December 2027 provided that Heidelberg meet of the following milestones:

- a) Lodging a DA for an alternative site for the Concrete Batching Plant by 30 June 2025.
- b) Within 6 months of this DA being granted a building permit for the new Concrete Batching Plant is lodged.
- c) Within 12 months of the building permit being granted the new Concrete Batching Plant is substantially commenced.

If these milestones are not met the approval to operate from the subject site would cease.

The applicant proposes to include a new point d) which would allow the applicant to nominate one or more existing plants to operate as an alternative site, and to prepare a Transition Plan for the relocation to this alternative site by completed by 31 December 2027 that with the approval of the WAPC could amend or delete any of the milestones of a) to c).

The proposed amendment to Condition 1 is not supported because:

- Claisebrook Redevelopment – The continued operation of the Concrete Batching Plants is inconsistent with the State and local planning framework's vision for Claisebrook to redevelop into a high-density mixed-use precinct. The intention of the existing conditions is to provide for clear and realistic milestones to enable both operators to relocate their concrete batching plant operations out of Claisebrook in the shortest reasonable timeframe, being the end of 2027.

Heidelberg's proposal to progress a Transition Plan with the opportunity to remove these milestones, rather than the relocation of the batching plant operations currently required does not serve a planning purpose. Instead it seeks to incrementally remove the respective milestones.

It is clear that the ultimate aspiration is for the nomination of an alternative site to replace the various timebound milestones leaving only the requirement for the plant to cease operating by the end of 2027.

This would leave open the possibility for the operator to seek a further extension of time beyond this as has historically occurred over the past 15 years, arguing that the closure of the plant would reduce the supply of concrete in Perth and an extension is essential for this to be maintained for the building industry and economic benefits.

The State Government has now granted the City a management order for a new works depot site in Mount Claremont. This has allowed the City to make its Osborne Park Works Depot site available for the Heidelberg (and Holcim) to relocate their Claisebrook operations and production to within the 2027 timeframe. The only reason that the expiry of the current approval in 2027 would lead to a reduction in supply, is if the operators decide to not progress its transition in a meaningful manner.

Heidelberg's justification relates to using the Transition Plan to identify an alternative site and to allow its acquisition of BGC to be finalised. While it is open for and would make sense for Heidelberg to pursue a Transition Plan as part of its own business operations, this could be completed without the need for modification to the existing conditions. This could occur through a development application(s), for the expansion in production at other plants that they operate, as is flagged in the applicant's justification.

- Canning Vale Alternative Site – Heidelberg's justification seeks flexibility to allow it to complete the acquisition of BGC and identifies that irrespective of whether this is received, it could lodge a development application to expand a current facility in Canning Vale.

The DPLH has confirmed to the City that Heidelberg have lodged an application to upgrade this facility at No. 37 Vulcan Road, Canning Vale site. This application would be determined by the Metro-Outer Joint Development Assessment Panel.

It is unclear what purpose the Transition Plan would serve with Heidelberg having now satisfied the first milestone under Condition 1.

#### **Condition 4 – Hours of Operation**

Condition 4 sets out that from 1 July 2025 the current 24 hour a day operations Monday to Saturday and to reduce to be between 6am and 10pm Monday to Saturday.

The applicant proposes to increase these to be between 3am and 10pm Monday to Saturday.

The proposed amendment to Condition 4 is not supported because:

- Amenity Impacts – The locality presently has a low level of amenity due to the Concrete Batching Plants. While the continued operation of Heidelberg (as well as Holcim) would not necessarily result in any new amenity impacts, existing detrimental impacts from traffic, noise, dust and concrete waste would likely continue to be experienced and continue to restrict further residential and mixed-use development in the precinct.

Allowing operations to start from 3am would not reduce these impacts and mean that there is a greater level of noise and traffic experienced from loading and truck movements than what would be expected under the current terms of the WAPC approval.

As redevelopment of the area continues to occur, consistent with the State and local planning framework, there will also be a continued increase in the number of sensitive uses surrounding the plants. This would increase the impact of the amenity disturbances from the plant, particularly between the 3am and 6am when residents are resting, irrespective of whether compliance with the *Environment Protection (Noise) Regulations 1997* (Noise Regulations) is achieved.

- Updated Noise Report – The amended Noise Report confirms that compliance with the Noise Regulations would be achieved during the nighttime period if agitator loading is restricted to loading bays with doors fitted and closed between 10pm and 7am. If the WAPC is to approve the amendment to allow operations from 3am, these restrictions should be required in order to limit amenity impacts on existing residents.
- Complaints – Since the WAPC's approval in June 2024 the City has received a total of 11 complaints in relation to Heidelberg's operations. The nature of these related to dust, storage of materials, employee behaviour and compliance with conditions requiring the implementation of cycle markings on the road. No complaints were received by the City in relation to noise.

Because the WAPC granted the approval, the DPLH has taken responsibility for undertaking compliance and investigating any complaints rather than the City.



**Conditions 11 & 12 – Contamination**

Conditions 11 and 12 set out that an investigation into any soil and groundwater contamination is to occur within 6 months of the use ceasing, and for any necessary remediation to be carried out with 6 months of this to ensure that the site is suitable for a future residential or sensitive land use.

The applicant proposes to delete Conditions 11 and 12.

The proposed deletion of Conditions 11 and 12 are not supported because:

- **Potential Contamination** – While the subject site is not listed as Contaminated by DWER, the site has been occupied by intensive concrete manufacturing operations for over 30 years. Previous discussions with DWER have confirmed that this is a potentially contaminating activity and contamination investigations would be necessary to ensure it is suitable for residential or other sensitive uses.

It is acknowledged that Heidelberg has an obligation under the *Contaminated Sites Act 2003* to report any suspected contamination and a regime exists for this to be managed by DWER. However, the contamination investigation and remediation of any contamination would not be required by the *Contaminated Sites Act 2003* unless the site was being redeveloped.

b)

c) Without Conditions 11 and 12, the site could simply be left in a potentially contaminated state in perpetuity, with the risk and cost of developing the site too high for any residential development to occur on the site. This would have a long-term impact on the amenity of the area and would not support the delivery of much needed housing and mixed-use development in the area or on the site itself, as set out in the State and local planning framework.

It is in the public interest for the operators of the plants to assess the potential contamination their operations may have created on the site and to remediate that contamination as soon as their operations cease.

- **Future Redevelopment** – The local and State planning framework have a clear intent to deliver high density residential and mixed development within Claisebrook. The retention of Conditions 11 and 12 would provide a clear public benefit by ensuring that the site is left in state that can be developed to realise this vision as soon as is possible.

**Conditions 13 & 14 – Decommissioning**

Conditions 13 and 14 require the submission of a Decommissioning Plan for the WAPC's approval, following advice from DWER, within 6 months of the use ceasing, and for this to be implemented within 6 months of it being approved.

The applicant proposes to amend Conditions 13 and 14 to require the Decommissioning Plan to be submitted to the WAPC by 31 December 2027, remove the requirement for DWER to be consulted, and for this to be implemented by 31 December 2028.

The proposed amendment of Conditions 13 and 14 is not supported because:

- **DWER Advice** – While DWER's role is governed by the *Environmental Protection Act 1986* and *Contaminated Sites Act 2003*, it provided advice to the City during the previous DA that remediation requirements on decommissioning would be dependent on the nature and extent of any contamination.

The retention of Conditions 11 and 12 would ensure these investigations and any necessary works are carried out. Because the extent of this is not yet known, it may be appropriate for DWER's advice to be sought to inform the acceptability of the Decommissioning Plan.

- **Decommissioning Works** – The intent of this condition is to ensure that all structures are removed from the site, reducing the amenity impact of the industrial structures on site, potential for antisocial behaviour and cost of redeveloping the site. All of these would improve the potential for the site to be developed in line with the high-density mixed-use vision for the site set by the State and local planning framework.

The proposed modification of this condition would enable structures to be retained after the use ceases and would not be supported. It would be the applicant's responsibility to ensure that any noise, dust and stormwater is managed on the site, but this could be achieved in other ways which does not require some of the on-site industrial infrastructure to be retained.

- Decommissioning Timeframe – The intent of this condition is to ensure that decommissioning works are carried out once the use has ceased to enable the site to be redeveloped consistent with the intent of the State and local planning framework at the earliest opportunity. This condition should be retained to ensure that this outcome is achieved.

The current condition wording would provide adequate flexibility for this to occur after 31 December 2027 if this is when the use was to cease. Condition 13 requires the Decommissioning Plan to be submitted within 6 months of the use ceasing and be implemented 6 months after it has been approved by the WAPC.

## **HOLCIM SAT RECONSIDERATION**

### **Conditions 11-12 – Contamination**

Conditions 11 and 12 set out contamination requirements consistent with Heidelberg (above).

The applicant proposes to amend Condition 11 to make available annual dust monitoring reports as well as any reports required for the discharge of treated wastewater into the onsite slump, and to delete Condition 12.

The proposed amendment of Condition 11 and deletion of Condition 12 are not supported because:

- Potential Contamination – While the subject property is not listed as Contaminated by DWER, the site has been occupied by intensive concrete manufacturing operations for over 30 years. Previous discussions with DWER have confirmed that this is a potentially contaminating activity and contamination investigations would be necessary to ensure it is suitable for residential or other sensitive uses.

It is acknowledged that Holcim has an obligation under the Contaminated Sites Act 2003 to report any suspected contamination and a regime exists for this to be managed by DWER. However, the contamination investigation and remediation of any contamination would not be required by the Contaminated Sites Act 2003 unless the site was being redeveloped.

Without Conditions 11 and 12, the site could simply be left in a potentially contaminated state in perpetuity, with the risk and cost of developing the site too high for any residential development to occur on the site. This would have a long-term impact on the amenity of the area and would not support the delivery of much needed housing and mixed-use development in the area or on the site itself, as set out in the State and local planning framework.

It is in the public interest for the operators of the plants to assess the potential contamination their operations may have created on the site and to remediate that contamination as soon as their operations cease.

- Future Redevelopment – The local and state planning framework have a clear intent to deliver high density residential and mixed development within Claisebrook. The retention of Conditions 11 and 12 would provide a clear public benefit by ensuring that the site is left in state that can be developed to realise this vision as soon as is possible.
- Monitoring – The applicant's proposed condition for dust monitoring to be provided to the WAPC could be captured under Condition 6 of the existing approval. This requires an annual review of the Environmental Management Plan, with dust monitoring assessment included in this. The planned discharging of treated wastewater could also be reflected within this requirement.

### **Conditions 13-14 – Decommissioning**

Conditions 13 and 14 set out contamination and decommissioning requirements consistent with Heidelberg (above).

The applicant proposes to amend Conditions 13 and 14 to require a Holcim Closure Concept Plan to be submitted to the WAPC for approval by 31 December 2027, remove the requirement for DWER to be consulted, and for structures identified to be removed as part of this by 31 December 2028.

The proposed amendment of Conditions 13 and 14 is not supported because:

- **DWER Advice** – While DWER's role is governed by the *Environmental Protection Act 1986* and *Contaminated Sites Act 2003*, it provided advice to the City during the previous DA that remediation requirements on decommissioning would be dependent on the nature and extent of any contamination. The retention of Conditions 11 and 12 would ensure these investigations and any necessary works are carried out. Because the extent of this is not yet known, it may be appropriate for DWER's advice to be sought to inform the acceptability of the Decommissioning Plan.
- **Closure Concept Plan** – It is acknowledged that the decommissioning of the subject site has some complications in relation to managing off-site impacts due to the extent of the works required. These off-site impacts were all specified within Condition 13 as being items to be addressed through a Decommissioning Plan to provide certainty to the applicant, WAPC and community about what is to be addressed. The draft Closure Concept Plan does not address these matters but identifies that these could be included before it is submitted to the WAPC for approval.

It would be expected that the City and any other relevant stakeholders are consulted with to inform the preparation of this. The applicant's proposed approach to the draft Closure Concept Plan could be managed through the current framework of Condition 13.

- **Decommissioning Works** – The intent of this condition is to ensure that all structures are removed from the site, reducing the amenity impact of the industrial structures on site, potential for antisocial behaviour and cost of redeveloping the site, all of which would improve the potential for the site to be developed in line with the high density mixed use vision for the site set by the State and local planning framework.

The proposed modification of this condition would enable industrial structures to be retained after the use ceases and would not be supported. It would be the applicant's responsibility to ensure that any noise, dust and stormwater is managed on the site, but this could be achieved in other ways which does not require some of the on-site industrial infrastructure to be retained.

- **Decommissioning Timeframe** – The intent of this condition is to ensure that decommissioning works are carried out once the use has ceased to enable the site to be redeveloped consistent with the intent of the State and local planning framework at the earliest opportunity. This condition should be retained to ensure that this outcome is achieved.

The current condition wording would provide adequate flexibility for this to occur after 31 December 2027 if this is when the use was to cease. Condition 13 requires the Decommissioning Plan to be submitted within 6 months of the use ceasing and be implemented 6 months after it has been approved by the WAPC.

### **ALTERNATIVE CONDITIONS**

Should the WAPC be of the view to support all or part of the respective applications, recommended alternative conditions are included in **Attachment 1**.

These conditions would make some adjustments to these previously imposed by the WAPC based on the additional information provided in these application, but do not propose any substantial modifications to the intent of the current approvals. This ensures that the vision of the State and local planning framework can be realised to the broader benefit of the public once Heidelberg and Holcim have transitioned out of the area.

**IMPROVEMENT PLAN & NEXT STEPS**

The Improvement Plans over both sites were endorsed by the WAPC at the request of the City in July 2024 to progress the transition of Heidelberg and Holcim out of Claisebrook and to realise the vision for the area under both the State and local planning frameworks.

The Improvement Plans provide high level objectives to advance the planning of both sites. This includes to guide the preparation of an Improvement Scheme for both sites and reflect the vision of the NCPF.





Improvement Schemes operate in a similar manner to LPS2 in that they provide development control provisions. The WAPC would be the decision-maker for applications in areas where Improvement Schemes apply.

The City and State Government have been working collaboratively to provide opportunities for Heidelberg and Holcim to transition out of Claisebrook within the 2027 timeframe. This includes facilitating the relocation of the City's depot to Mt Claremont and releasing industrial zoned land in Osborne Park that could be used.

The relocation and ultimate redevelopment of both sites should be seen as a matter of State significance to deliver much need housing in close proximity to the Perth CBD and facilitate the creation of a genuine transit-oriented development precinct.

Because of this the WAPC should consider further options to progress planning for both sites to ensure this occurs within the 2027 timeframe and to minimise the threat of any further extensions of time being sought by either operator.

**5.4 ADVERTISING OF AMENDMENT NO. 14 TO LOCAL PLANNING SCHEME NO. 2 AND MODIFIED DRAFT LEEDERVILLE PRECINCT STRUCTURE PLAN**

- Attachments:
1. Amendment No. 14 to Local Planning Scheme No. 2 
  2. Draft Modified Leederville Precinct Structure Plan 
  3. SPC Modifications to Draft Leederville Precinct Structure Plan 
  4. Amendment No. 14 to Local Planning Scheme No. 2 - Administration Comments on Land Use Permissibility 

**RECOMMENDATION**

That Council:

1. **PREPARES** Amendment No. 14 to Local Planning Scheme No. 2 as included in Attachment 1 for the purposes of community consultation pursuant to section 75 of the *Planning and Development Act 2005*;
2. **CONSIDERS** Amendment No. 14 to Local Planning Scheme No. 2 to be a complex amendment pursuant to Part 5 Clause 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* as it is:
  - An amendment that would have an impact that is significant relative to development in the locality. This is because it seeks to prepare and implement a community benefit framework which requires developer contributions; and
  - Not considered a basic or standard amendment;
3. **AUTHORISES** the execution of Amendment No. 14 to Local Planning Scheme No.2 included in Attachment 1 accordance with the City's Execution of Documents Policy;
4. **SUBMITS** Amendment No. 14 to Local Planning Scheme No. 2 to the Western Australian Planning Commission for a recommendation to the Minister for Planning to approve the proposed amendment for advertising pursuant to Part 5 Clauses 37 and 37A of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
5. **REFERS** Amendment No. 14 to Local Planning Scheme No. 2 to the Environmental Protection Authority pursuant to Section 81 of the *Planning and Development Act 2005*;
6. Subject to receiving approval from the Minister for Planning and advice from the Environmental Protection Authority **PROCEEDS** to advertise Amendment No. 14 to Local Planning Scheme No. 2 pursuant to Part 5 Clause 38 of the *Planning and Development (Local Planning Scheme) Regulations 2015*; and
7. **NOTES** that:
  - The City has been directed to modify the draft Leederville Precinct Structure Plan by the Western Australian Planning Commission as included in Attachment 2 for the purposes of re-advertising. This would occur concurrently with the consultation for Amendment No. 14 to Local Planning Scheme No. 2;
  - The City would seek approval from Western Australian Planning Commission to advertise the modifications to the draft Leederville Precinct Structure Plan for a period of 60 days to be consistent with Amendment No. 14 to Local Planning Scheme No. 2; and
  - Any submissions received during the advertising period for Amendment No. 14 to Local Planning Scheme No.2 and the draft Leederville Precinct Structure Plan would be presented to Council for consideration.

**PURPOSE OF REPORT:**

For Council to:

- Consider Amendment No. 14 to Local Planning Scheme No. 2 (LPS2, **Attachment 1**) for the purposes of public consultation.
- Note that modifications have been made to the draft Leederville Precinct Structure Plan (LPSP, **Attachment 2**) as required by the Western Australian Planning Commission (WAPC) for the purposes of public consultation.

**DELEGATION:**

In accordance with Clause 35 of the *Planning and Development (Local Planning Scheme) Regulations 2015* (Regulations), a local government may make an amendment to a local planning scheme.

The *Local Government Act 1995* states the term 'local government' refers to the elected Council.

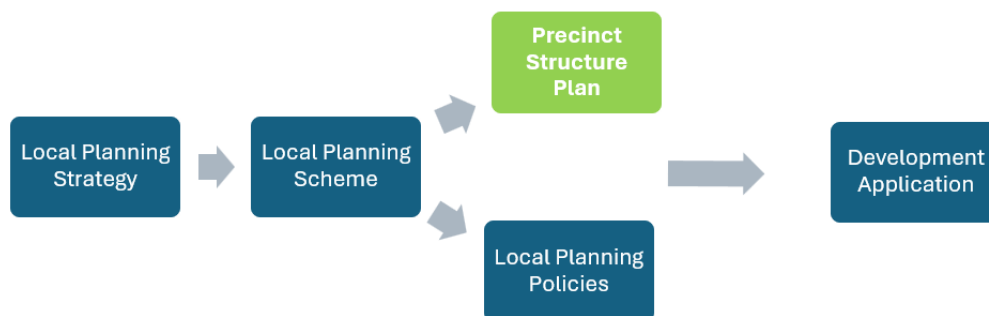
Council has not provided any delegation to Administration for amending LPS2.

In accordance with Clause 22(1) of the Regulations, the WAPC has directed the City to modify and readvertise the draft LPSP before submitting it for approval. There is no delegation applicable to this as a Council resolution is not required for the modifications to be made for the purposes of readvertising.

**BACKGROUND:**Requirement for a Precinct Structure Plan

Leederville is designated as a Secondary Centre under [State Planning Policy No. 4.2 – Activity Centres for Perth and Peel \(SPP4.2\)](#). The role of a Secondary Centre is to support increased employment, economic activity and residential development.

SPP 4.2 requires a Precinct Structure Plan is to be prepared for all Secondary Centres. The draft LPSP is a planning document which would guide the development of private land within and around the Leederville Town Centre for the next 10 years.

Leederville Precinct Structure Plan

The City commenced the preparation of the draft [LPSP](#) in 2019. This was developed through extensive engagement with the Vincent community and aligns with the City's [Strategic Community Plan](#).

The draft LPSP applies to the area bounded by Bourke Street to the north, Leederville Parade to the south, Loftus Street to the east, and the Mitchell Freeway to the west (**Figure 1**).

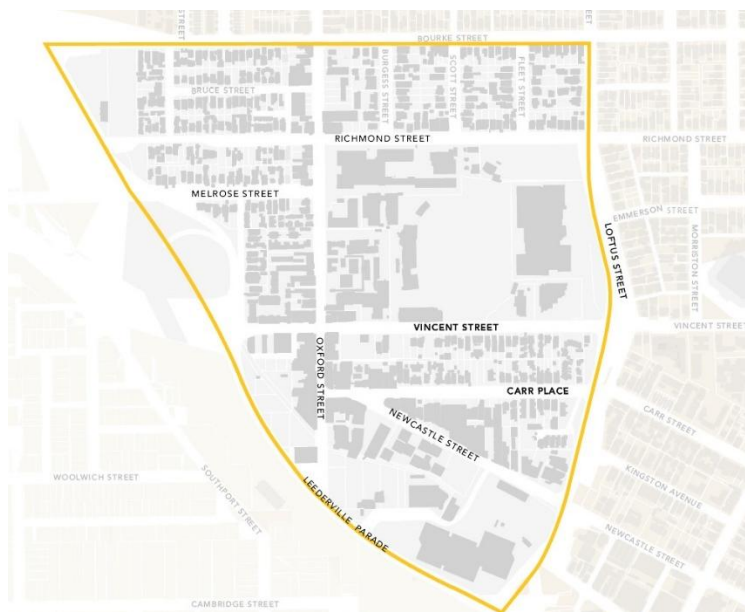


Figure 1: Draft Leederville Precinct Structure Plan Area

The draft LPSP has three parts:

- Part 1 – Contains the statutory provisions that future development applications (DA's) would be assessed against including objectives and development standards. It also includes maps showing zoning and sub-precincts.
- Part 2 – Provides background information and guidance to support the statutory provisions in Part 1 including context analysis, implementation and staging of the LPSP.
- Part 3 – Contains technical appendices and studies on traffic, servicing, economics and community needs.

#### Consideration of Leederville Precinct Structure Plan

At its meeting on [14 September 2021](#) Council recommended that the WAPC approve the draft LPSP.

The draft LPSP was then considered by the Statutory Planning Committee of the WAPC at its meeting on [28 May 2024](#) which resolved to require the City to:

1. *Prepare a Community Needs Analysis that identifies desired infrastructure items that may be appropriate to deliver through development incentives in the Leederville Precinct Structure Plan.*
2. *Modify the Leederville Precinct Structure Plan in accordance with the Schedule of Modifications and the outcomes of the Community Needs Analysis.*
3. *Readvertise the modified PSP.*
4. *Resubmit the modified plan to the Western Australian planning Commission for consideration.*

Administration has been undertaking the required modifications to the draft LPSP since the WAPC's decision.

#### **DETAILS:**

##### Modifications to Draft Leederville Precinct Structure Plan

The draft LPSP has been updated to address the modifications required by the WAPC for the purposes of re-advertising and is included in **Attachment 2**.

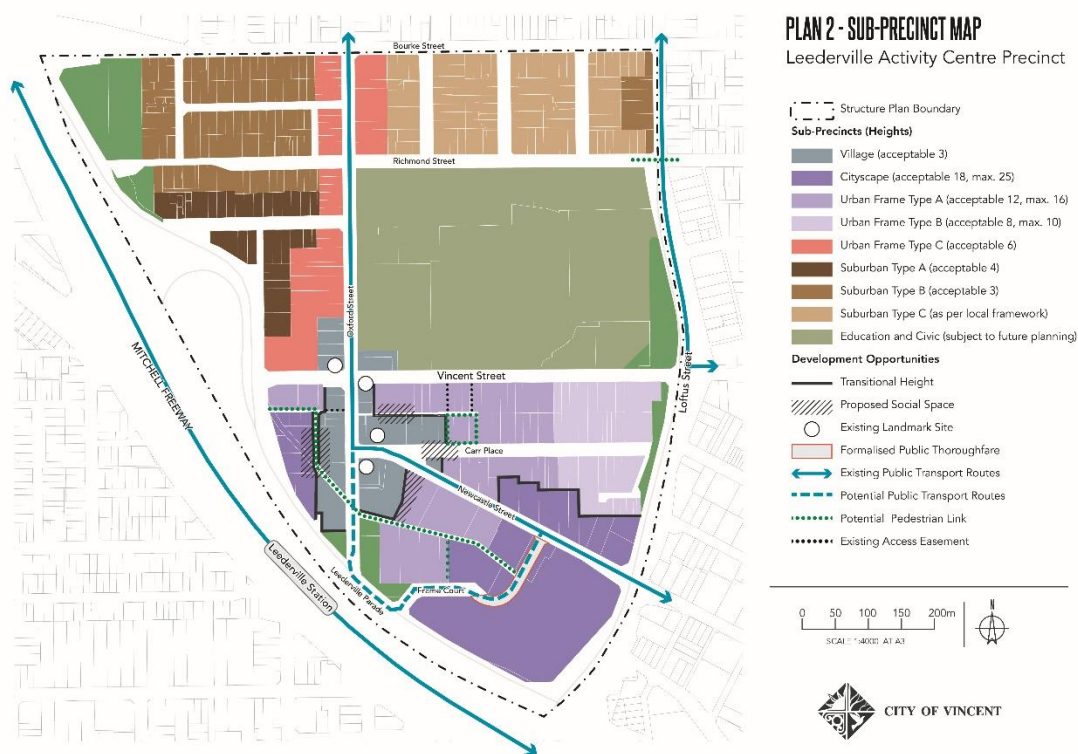
A schedule of modifications is included in **Attachment 3** and includes Administration's detailed comments.

The key requested modifications are summarised below.

##### *Increased Building Height*

The requested modifications increase some of the building height standards that were previously supported by Council. These changes to building heights are shown in the table below and a plan showing the sub-precincts is in **Figure 2**.

Draft LPSP Sub-Precinct	Change to Building Height Standards
Village	<ul style="list-style-type: none"> <li>• Increase acceptable height from two storeys to three storeys.</li> <li>• Delete maximum height of three storeys.</li> </ul>
Cityscape	<ul style="list-style-type: none"> <li>• Increase maximum height from 23 storeys to 25 storeys.</li> </ul>
Urban Frame Type A	<ul style="list-style-type: none"> <li>• Increase acceptable height from 10 to 12 storeys.</li> <li>• Increase maximum height from 14 to 16 storeys.</li> </ul>
Urban Frame Type B	<ul style="list-style-type: none"> <li>• Increase acceptable height from six storeys to eight storeys.</li> </ul>
Urban Frame Type C	<ul style="list-style-type: none"> <li>• Increase acceptable height from three storeys to six storeys.</li> <li>• Delete maximum height of five storeys.</li> </ul>



**Figure 2: Draft LPSP Sub-Precincts & Modified Building Heights**

### *Community Benefit Framework*

The draft LPSP includes acceptable and maximum height standards. In the Cityscape, and Urban Frame Type A and B sub-precincts, if a development is proposed above the acceptable height, the developer must provide a community benefit contribution for any extra height up to the maximum height standard.

The previous points-based community benefit system supported by Council has been replaced by a Community Benefit Framework (CBF). The requested modifications include:

- A 3 percent community benefit contribution which could be made up of a project contribution, a cash contribution, or a combination of both.
- Preparation of a Community Needs Analysis (CNA) to identify infrastructure projects that could be delivered through the CBF.

The CNA included as Appendix 1 to the draft LPSP (**Attachment 2**) was prepared to identify infrastructure that would be needed to address current and future gaps based on the City's existing strategies, plans and policies, and a demographic analysis undertaken.



Gaps identified include:

- New spaces for Arts and Culture such as an outdoor performance space.
- Streetscape upgrades including improvements to the cycling network.
- New Community and Civic spaces such as a library or community garden.
- Upgrades to existing play spaces.
- Additional public open space.

Preliminary engagement was undertaken with the community in August 2024 to rank the importance of the various projects to fill these gaps and to help refine and prioritise these.

These projects were further refined, with the final projects being costed and are included as 'offsite' projects within the CBF project list in Appendix 2 to the draft LPSP (**Attachment 2**). These projects include:

- Carr Place and Oxford Steet streetscape upgrades.
- A new purpose-built outdoor event space.
- Oxford Street Reserve upgrade.
- Leederville Skatepark upgrade.
- Cycling route upgrades on Oxford and Vincent Streets.

#### Amendment No.14 to Local Planning Scheme No. 2

Amendment No. 14 to LPS2 is included as **Attachment 1** and proposes to:

- Embed the LPSP's building height standards and the CBF into LPS2.
- Introduce a new land use permissibility table specific to the LPSP area.

#### *Building Heights & Community Benefit Framework*

Throughout the process of making the required modifications to the draft LPSP, officer level advice from the Department of Planning, Lands and Heritage (DPLH) has been that the building height standards and CBF should be embedded in LPS2. This is to ensure that maximum heights could not be exceeded and to ensure consistency with other local governments in implementing a CBF.

#### *Land Use Permissibility*

When Council endorsed the draft LPSP in 2021 it identified that land use permissibility was to be in accordance with LPS2. The draft LPSP identified a range of uses which would either 'usually meet' or 'would usually not meet' the objectives of the LPSP to guide the assessment of applications.

There is currently no land use permissibility for the draft LPSP area.

This is because Amendment No. 7 to LPS2 was gazetted in May 2024 and rezoned the area from Regional Centre to Centre to give effect to the draft LPSP once approved.

The DPLH progressed Amendment No. 7 ahead of the draft LPSP and means that currently there is no land use permissibility for the Centre zone. All land uses currently require development approval with no exemptions that were previously in place.

The proposed land use permissibility generally aligns with the corresponding LPS2 zones and the objectives of the draft LPSP. Administration's detailed comments on the proposed land use permissibility are included in **Attachment 4**.

#### **CONSULTATION/ADVERTISING:**

In accordance with the Regulations, public notice of a scheme amendment must be published in local newspapers and on the local government's website. Consultation would align with the City's [Community and Stakeholder Engagement Policy](#) that sets out for public consultation to occur for a minimum period of 60 days for a complex scheme amendment.

For the draft LPSP, the WAPC resolution from May 2024 requires the modified draft LPSP to be readvertised, but the Regulations or the Community Stakeholder Engagement Policy do not specify how this is to occur or for how long.

It is proposed that the modifications to the draft LPSP would be advertised concurrently with Amendment No. 14 to LPS2. Administration would seek approval from the WAPC for this which would ensure that there is adequate time to engage with the community and provide informed feedback on both given the size of the documents and matters they address.

Public consultation would be carried out in the following ways:

- Notices published on the City's website, social media, and in the Administration Building, Library and Local History Centre.
- Sign/s placed in visible locations within the Leederville Town Centre.
- A notice published in the local newspaper.
- Notification provided to current landowners and occupiers within the LPSP the Leederville Connect Town Team, and to previous submitters on the draft LPSP.
- Notice provided to relevant state government agencies, including the Water Corporation, Main Roads WA, Department of Transport and the Public Transport Authority.
- Notice provided to the Town of Cambridge as the adjoining local government to the LPSP area.

The *Planning and Development Act 2005* requires that once Council has resolved to prepare a scheme amendment, approval of the Minister for Planning is required before community consultation can commence. Should Council support the preparation of proposed Amendment No. 14 to LPS2, this will be forwarded to the WAPC for consideration. Through this process Administration would seek approval for the length of advertising for the draft LPSP.

The outcomes of community consultation, including any submissions received, will be presented at a future Council meeting for consideration of a recommendation to the WAPC on both Amendment No. 14 to LPS2 and the modified draft LPSP.



### Organisation Implementation

Engagement is used to both inform the community about the proposed policy, project or propositions, and to provide some input to the shape or execution of the policy, project or proposition.

**Tension:** People feel forced leading to an unresponsive process.

**Mitigation:** Increasing the level of influence, and implementing a transparent, robust process.

Required under regulations/legislation

**Communicate how community and stakeholder input has influenced the decision-making or implementation**

**LEGAL/POLICY:**Amendment No. 14 to LPS2

The *Planning and Development Act 2005* and the Regulations provide the process for undertaking scheme amendments.

Clause 35(2) of the Regulations requires the local government to specify whether a scheme amendment is basic, standard or complex.

Proposed Amendment No. 14 to LPS2 would be a complex amendment because it seeks to prepare and implement a CBF and would not be considered as either a basic or standard amendment. This would be consistent with how other local governments which have implemented CBF's have progressed scheme amendments.

Section 81 of the *Planning and Development Act 2005* requires a scheme amendment to be referred to Environmental Protection Authority (EPA) prior to the commencement of community consultation.

In accordance with *Planning and Development Act 2005*, should Council resolve to prepare the scheme amendment, approval of the Minister of Planning and review by the EPA is required before consultation can commence.

Draft Leederville Precinct Structure Plan

The *Planning and Development Act 2005* and the Regulations provide the criteria for creating and amending precinct structure plans.

The purpose of the LPSP is to guide the development of land within the Leederville precinct and has been prepared in accordance [State Planning Policy 7.2 – Precinct Design](#).

In accordance with Clause 22(1) of the Regulations, the WAPC has directed the City to modify and re-advertise the draft LPSP before re-submitting it for approval. Whilst the readvertising of the LPSP does not require Council approval, it should not be construed as support for the required modifications.

Following the conclusion of the advertising period, Administration will present a summary of submissions and its recommendations on the modifications to a future Council Meeting.

This would be Council's opportunity to consider the modifications, and any submissions received before it provides a recommendation to the WAPC on whether the draft LPSP should be approved or not.

Corporate Document Development Policy

Section 2.7(2)(b) of the *Local Government Act 1995* provides Council with the power to determine policies.

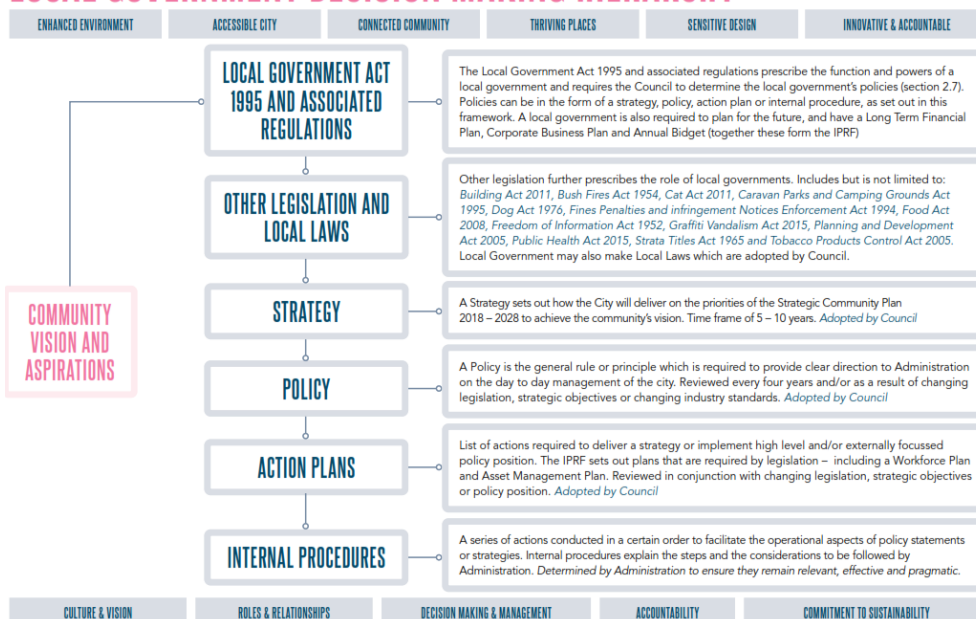
The City's [Corporate Document Development Policy](#) guide Council and Administration on the development, consultation requirements, implementation, review, amendment and repeal of Corporate Documents

In accordance with section 2.3 of the Policy Development and Review Policy Amendment No. 14 to LPS2 aligns with Other Legislation and Local Laws.

The draft LPSP would best align with a Policy:

*The purpose of a policy is to provide a general rule or principle to guide Administration and the community on the City's decision making and advocacy.*

## LOCAL GOVERNMENT DECISION MAKING HIERARCHY



### RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to prepare Amendment No. 14 to LPS2 and to undertake community consultation on the modified draft LPSP because:

- The WAPC resolution from May 2024 requires the City to undertake modifications to the draft LPSP and for these to be readvertised before it is presented back to the WAPC for a final decision.
- Amendment No. 14 to LPS2 would follow advice from the DPLH to address building heights and the CBF consistent with the modifications to the draft LPSP. Amendment No. 14 would also resolve an existing anomaly where there is no specified land use permissibility for the LPSP area.

### STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2022-2032*:

#### Sensitive Design

*Our built form is attractive and diverse, in line with our growing and changing community.*

*Our built form character and heritage is protected and enhanced.*

*Our planning framework supports quality design, sustainable urban built form and is responsive to our community and local context.*

*More people living in and working in or enjoying town centres*

### SUSTAINABILITY IMPLICATIONS:

The draft LPSP and Amendment No. 14 to LPS2 align with the sustainability goals of the City's Sustainable Environment Strategy 2019-2024. By focusing redevelopment within the LPSP area it helps reduce urban sprawl, make better use of land and infrastructure, and support sustainable practices like active transport and mixed-use development.

### FINANCIAL/BUDGET IMPLICATIONS:

The City's existing operating budget is sufficient to undertake the community consultation activities related to proposed Amendment No. 14 to LPS2 and the draft LPSP.

The draft LPSP sets out that monetary contributions can be provided as part of the CBF in exchange for additional building height in the Cityscape, and Urban Frame A and B sub-precincts.

Any monetary contribution received through this process would be held in a reserve account and can only be used by the City to fund upgrades identified by the LPSP.

The project list of the CBF has been refined based on preliminary cost estimates. This is to ensure these projects could be realistically funded through the CBF contributions.

The seven projects would have a total cost estimate of \$20 million. It is estimated that the City could receive between \$1.7 million and \$17.17 million over the life of the LPSP depending on the uptake of redevelopment in the applicable sub-precincts.

The CBF projects are not currently included in the City's Long Term Financial Plan (LTFP) and would be needed to be entirely funded through developer contributions for these to be delivered.

There are also triggers for the timing of when the City would intend to deliver these projects provided that adequate funding exists. Ongoing and maintenance costs would be factored into the LTFP as part of this.

Identified projects would only proceed where adequate funding through CBF contributions exists.

## COMMENTS:

### Modifications to Draft Leederville Precinct Structure Plan

The Statutory Planning Committee's resolution from May 2024 requires the City to make modifications to the draft LPSP and for these to be readvertised to the community before it is resubmitted for approval by the WAPC.

The outcome of community consultation would be presented back to Council to consider a final recommendation on the draft LPSP and whether it supports the required modifications.

### *Building Heights*

- DPLH Rationale – The DPLH has advised that the modifications to increase height standards align with current market conditions and would reflect recently constructed or approved developments. This includes a 25-storey development at No. 40 Frame Court, a 12-storey development at Nos. 194-200 Carr Place, and a six-storey development at No. 238 Oxford Street.
- Consistency with the Planning Framework – The building heights proposed within the draft LPSP align with the City's Local Planning Strategy, SPP 4.2, and Perth and Peel @ 3.5 Million which seek to locate density in established activity centres to avoid development in residential areas.

The increase in building height would contribute towards the City meeting its infill targets by encouraging high-density mixed-use development in Leederville which is near the CBD and well connected to public transport. It would also assist in minimising higher density infill development from occurring within the suburban precincts in the northern portion of the LPSP.

- Location of Building Height – The location of tallest developments is strategically position in the southern portion of Leederville along Newcastle Street and Leederville Parade near the Leederville Train Station and Mitchell Freeway. This ensures that high-density development is concentrated in locations that can sustain activity and achieve a suitable transition to lower density development in the northern portion of the LPSP.

Building heights in the suburban frame sub-precincts vary between two and four storeys. This is consistent with the current heights of the Built Form Policy and the R Codes and would mean that there is minimal change to these established residential areas.

### *Community Benefit Framework*

The revised approach to community benefits involves the preparation of a CBF and sets out how developers can contribute to community infrastructure in exchange for being allowed to build above the prescribed height limit. This is a move away from the points system that was previously supported by Council. The revised CBF approach would align with how community benefits have been delivered through recent precinct structure plans, including the South Perth Activity Centre Plan.

- Addressing Community Needs – A CNA was completed to identify gaps in service and infrastructure provision for the Leederville community both now and into the future. Preliminary engagement with the community was undertaken to help prioritise which projects should be included and that would be funded through the CBF.

The final CBF project list includes upgrades to streetscapes, cycle routes and the Leederville Skatepark, as well as a new future purpose-built event space within Leederville.

In addition to these off-site projects, the draft LPSP also includes on-site items that can be delivered by future developments. These include:

- Achieving a 6 Star Green Star rating for an improved sustainability outcome.
  - Providing alternative types of dwellings including universal access or community/affordable housing.
  - Providing additional public open space that is accessible and useable for the community.
  - Providing for pedestrian laneways to improve connectivity through the LPSP area.
- Developer Contribution – Offsite projects in the CBF would be delivered through a developer contribution in exchange for the additional building height proposed.

The DPLH has recommended the contribution rate to be 3 percent of the cost of the additional storeys sought. This is based on work it has completed to ensure that the contribution amount would be viable for proponents and is relevant to the Leederville context.

The CBF would be supported by a procedural guide in Appendix 3 to the draft LPSP (**Attachment 2**) to provide details how the City would receive, manage and spend any monetary contribution. This would ensure that clear external facing guidance is available to applicants for transparency and accountability.

#### Amendment No. 14 to LPS2

- Building Height & Community Benefits – The LPSP would be given due regard in decision making for development proposals. This would mean there is scope for decision makers to vary standards and consider building height that goes above the maximum height standards through future DA's or to not require community benefit to be provided.

Incorporating the building heights and CBF from the draft LPSP into LPS2 would mandate that community benefits are delivered where additional height is proposed through DAs and would ensure that the maximum height standards would not be exceeded. LPS2 provisions cannot be varied through a DA and would provide certainty to both the community and applicants for the expectations of future development in Leederville.

This method follows the State Government's approach towards developing planning frameworks for activity centres.

- Land Use Permissibility – The LPSP seeks to create a transport-oriented development precinct that supports a variety of vibrant and active land uses, provides for high-density mixed-use development which is inheritably walkable and is supported by a critical mass of residents, visitors and workers.

The proposed land use permissibility would align with similar zones in LPS2 and the objectives of the draft LPSP.

- Single House & Grouped Dwellings – The key change to land use permissibility would be to prohibit new Single Houses and Grouped Dwellings in the Cityscape and Urban Frame sub-precincts south of Vincent Street. These areas are envisioned for high-density mixed-use development.

Single Houses and Grouped Dwellings in these sub-precincts would result in low scale built form outcomes and land fragmentation, which would undermine the intent and objectives of the draft LPSP.

This change would mean that new Single Houses and Grouped Dwellings would not be capable of being approved in these sub-precincts. Existing Single Houses and Grouped Dwellings would be unaffected and would retain non-conforming use rights under LPS2. This would allow these properties to carry out alterations or extensions while they remain.

## 5.5 OUTCOME OF ADVERTISING AND ADOPTION OF AMENDED ART COLLECTION POLICY

- Attachments:**
1. Amended Art Collection Policy 
  2. Local Policy No. 3.10.7 - Art Collection 
  3. Local Policy No. 3.10.8 - Public Art 
  4. Local Policy No. 3.10.9 - Public Murals 

**RECOMMENDATION:**

That Council pursuant to Section 2.7(2)(b) of the *Local Government Act 1995* resolves to:

1. **APPROVE** the amended Art Collection Policy included in Attachment 1; and
2. **REVOKE** Policy No. 3.10.8 – Public Art included in Attachment 3, and Policy No. 3.10.9 – Public Murals included in Attachment 4.

**PURPOSE OF REPORT:**

For Council to consider the outcomes of community consultation on the draft Art Collection Policy (Policy, **Attachment 1** that consolidates the City's various existing policies on public art and murals.

This includes:

- Amending [Local Policy No. 3.10.7 – Art Collection](#) (Art Collection Policy, **Attachment 2**).
- Revoking [Local Policy No. 3.10.8 – Public Art](#) (Public Art Policy, **Attachment 3**).
- Revoking [Local Policy No. 3.10.9 – Public Murals](#) (Public Murals Policy, **Attachment 4**).

**DELEGATION:**

Section 2.7 of the *Local Government Act 1995* sets out the role of Council as being to 'determine the local government's policies.'

The *Local Government Act 1995* states the term 'local government' refers to the elected Council.

There is no delegation to Administration to make, amend or revoke policies.

**BACKGROUND:**

At its Ordinary Meeting on [8 April 2025](#), Council approved, for the purposes of advertising, one streamlined draft Policy that consolidated the City's current Art Collection, Public Art and Public Murals policies.

This draft Policy:

- Clarifies Council's objectives and position on managing the City's art collection.
- Simplifies guidance on the accessibility, acquisition, and management of artwork.
- Moves procedural details into supporting guidelines. These would provide further details and guidance on matters contained in the Policy, including the Art Collection, Murals and Mural Co-funding Program.

**DETAILS:**Community Consultation

The draft Policy was advertised for 21 days from 9 May 2025 to 30 May 2025 in accordance with the City's [Community and Stakeholder Engagement Policy](#). The methods of advertising included:

- Online survey via Imagine Vincent.
- Notices displayed at the City's Administration Building and Library.
- Notices published on the City's website, and in the Perth Voice on 10 May 2025.
- Emails sent to local arts groups and artists.
- Promotion in the City's fortnightly e-News distributed on 9 May 2025 and 22 May 2025.



Two submissions were received.

Both submissions supported the draft Policy, with one submission providing comments. The other submission did not provide any comments.

Key themes in support included:

- The simplified Policy would allow the City to be more responsive to art as it changes over time.
- Removing the requirement for artworks to be acquired only from artists living in Vincent opens opportunities for those who are impacted by the housing crisis and can no longer afford to live locally. This change would provide greater reach to artists in need of support.
- Reinstating the Vincent Art Awards could strengthen the acquisition process by uncovering local talent and building stronger links with the creative community.

Administration's responses to these are included in the Comments section of this report.

## LEGAL/POLICY:

Section 2.7(2)(b) of the *Local Government Act 1995* provides Council with the power to determine policies.

The City's [Corporate Document Development Policy](#) sets out the process for the development and review of the City's policy documents.

In accordance with section 2.3 of the Corporate Document Development Policy:

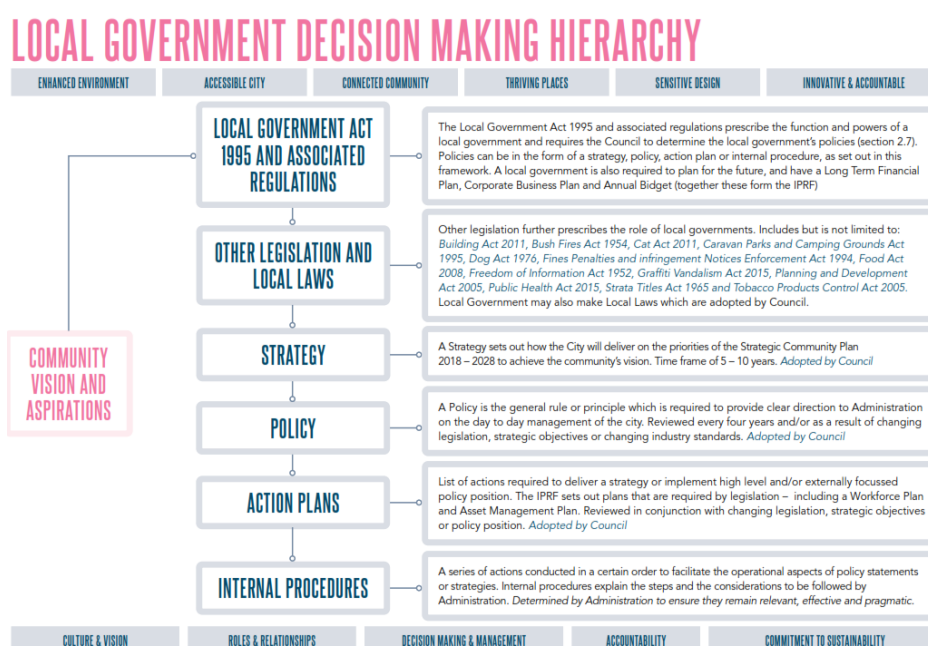
*The purpose of a policy is to provide a general rule or principle to guide Administration and the community on the City's decision making and advocacy.*

There is no statutory requirement for the City to have a policy in relation to its art collection.

Consistent with the Corporate Document Development Policy:

- The Policy would set out Council's approach and commitment to art and provide clear direction to Administration on how to develop and manage the City's artworks.
- Supporting guidelines and management practices would support Administration in applying the Policy and provide guidance to the community and artists. These would be updated as needed to ensure that they remain relevant, practical and effective.

The Policy has been prepared in accordance with the Corporate Document Development Policy.





**RISK MANAGEMENT IMPLICATIONS**

Low: It is low risk for Council to adopt the Policy. This is because the Policy would continue to provide Council's position on the management of its arts collection in a clearer and simplified manner. New external facing guidelines would be available on the City's website, ensuring clear guidance for applicants.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's *Strategic Community Plan 2022-2032*:

Connected and Healthy Community

*We have enhanced opportunities for our community to build relationships and connections with each other and the City.*

*Our many cultures are celebrated.*

*Our community facilities and spaces are well known and well used.*

Thriving Places

*We encourage innovation in business, social enterprise and imaginative uses of space, both public and private.*

*Art, history and our community's living cultures are evident in the public realm.*

*Efficiently managed and maintained City assets in the public realm.*

Innovative and Accountable

*Our decision-making process is consistent and transparent, and decisions are aligned to our strategic direction.*

**SUSTAINABILITY IMPLICATIONS:**

This does not contribute to any environmental sustainability outcomes.

**PUBLIC HEALTH IMPLICATIONS:**

This does not contribute to any public health outcomes in the *City's Public Health Plan 2020-2025*.

**FINANCIAL/BUDGET IMPLICATIONS:**

The acquisition and management of the art collection as well as the continued operation of the Mural Co-funding Program would be met through the existing operation budget. Funding allocation would be reviewed annually as part of the City's budget preparation.

**COMMENTS:**

The draft Policy has been developed in alignment with the objectives of the City's [Arts Plan 2023 - 2028](#) (Arts Plan) and informed by consultation with the City's Arts Advisory Group and the community.

Responses to Community Consultation Feedback

Administration's responses are included below.

- Simplified and More Responsive Policy - The Policy would give the City more flexibility in how it develops and manages its artworks, and support a more inclusive and responsive approach to contemporary art.

The Policy includes updated definitions to cover more types of art and new, evolving art forms. It also gives clear guidance to ensure new artworks reflect Vincent's social and cultural diversity.

The Policy would help make the City's art collection more visible and accessible by ensuring artworks are publicly displayed, integrated into public spaces, and promoted through an easy to access register. This would be consistent with Actions 2.2 and 5.2 of the Arts Plan.

The Policy would also be supported by detailed Guidelines that would be publicly available. These Guidelines would help applicants and allow the City to update the guidance as needed to remain current.

- Support for Artists – The Policy supports our creative economy through updated objectives which prioritise artists who reside in or have a connection to Vincent. This would guide the acquisition of new artworks and ensure the City continues to support artists who may no longer live locally due to housing costs but still contribute to our community's creative identity.
- Vincent Art Awards – The Policy strengthens the local creative economy by supporting, attracting and promoting artists at all stages of their careers. This aligns with the Arts Plan and supports the City's vision of '*embedding creativity in everything we do to make Vincent the arts capital of Perth.*'

The Arts Plan guides the City's priorities and investment in the arts through to 2028 and does not include the Vincent Art Awards as an action for this period. The Arts Plan is scheduled for review in 2028.



As an action of the current Arts Plan, an audit of the City's existing art collection is due to be completed by the end of 2025/26. This would provide an understanding of the type of artworks in the collection, which can then help guide acquisitions and to consider opportunities in future for programs like art awards.

#### Additional Change by Administration

In addition to feedback received, Administration has made an improvement to the formatting of the draft Policy by replacing bullet points within the Policy objectives with numbers. This would help with clarity and ease of reference for the reader.

## 6 INFRASTRUCTURE & ENVIRONMENT

### 6.1 REPEAL OF POLICY NO. 2.2.6 TRUNCATIONS

- Attachments:**
1. **Policy No. 2.2.6 Truncations** 
  2. **Assessment of Policy No. 2.2.6 Truncations** 

#### **RECOMMENDATION:**

**That Council REPEALS Policy No. 2.2.6 Truncations at Attachment 1.**

#### **PURPOSE OF REPORT:**

To repeal Policy No. 2.2.6 Truncations at **Attachment 1**.

#### **DELEGATION:**

Section 2.7 of the *Local Government Act 1995* sets out the Role of Council as being to 'determine the local government's policies.' There is no delegation to Administration to make, review or repeal policies.

#### **BACKGROUND:**

Council originally adopted the 'Visual Sight Line Truncations' Policy on 22 September 1997. This policy was most substantially reviewed and amended to reflect its current form [2.2.6](#) Truncations by Council 10 February 2012.

It is proposed that the policy be repealed, as the new Built Form Policy will incorporate the details within the Truncations policy, therefore combining the two Policies into one.

A review of the current policy provisions and impact of repealing has been provided in **Attachment 2**.

#### **DETAILS:**

##### **Requirement for a documented City position (including community need or legislative requirement):**

The details within the Policy No. 2.2.6 Truncations are relative to the Built Form Policy in nature and therefore is proposed to be incorporated into the amended Built Form Policy.

The original Policy No. 2.2.6 Truncations adopted in 1997 included content which in part, was already covered within the Built Form Policy, typically referring to the planning and building phases of a development application.

#### **CONSULTATION/ADVERTISING:**

No community consultation is required for the repeal of the policy.

#### **LEGAL/POLICY:**

The head of power for the Built form Policy is through the planning framework.

#### **RISK MANAGEMENT IMPLICATIONS**

Low: It is low risk for Council to repeal Policy No. 2.2.6 Truncations as the details within, will be covered within the amended Built Form Policy.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's *Strategic Community Plan 2022-2032*

Innovative and Accountable

*Our decision-making process is consistent and transparent, and decisions are aligned to our strategic direction.*

**SUSTAINABILITY IMPLICATIONS:**

This does not contribute to any environmental sustainability outcomes. This action/activity is environmentally neutral.

**PUBLIC HEALTH IMPLICATIONS:**

This does not contribute to any public health outcomes in the *City's Public Health Plan 2020-2025*.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

Nil.

**6.2 RFT IE430/2025 LITIS STADIUM FLOODLIGHTING UPGRADE**

**Attachments:** 1. Evaluation Worksheet RFT IE 430/2025 - Confidential

**RECOMMENDATION:**

**That Council:**

1. **NOTES** the outcome of the evaluation process for Tender IE430/2025; and
2. **ACCEPTS** the tender submission of Stiles Electrical & Communications Services Pty Ltd for Tender IE430/2025 Litis Stadium Floodlighting Upgrade.

**PURPOSE OF REPORT:**

For Council to consider and determine the outcome of Tender IE430/2025 Litis Stadium Floodlighting Upgrade.

**DELEGATION:**

The decision to accept or reject tenders with a value exceeding \$250,000 requires a decision of Council in accordance with Council's adopted register of delegations, authorisations and appointments.

**BACKGROUND:**

The floodlighting at Litis Stadium has deteriorated since its installation in 2002. The current lighting infrastructure is no longer compliant with standards set by Football West which prevents Floreat Athena Football Club (FAFC) being able to host night matches – including hosting home matches in the annual night series competition.

Since 2022 FAFC in consultation with the City has advocated to the State Government for support to upgrade the floodlighting to the 200 lux minimum requirement for night matches whilst also meeting relevant Australian Standards.

In 2024 FAFC were approached by Football Australia for Litis Stadium to be a potential training site for the AFC Asian Women's World Cup in February 2026. For Litis Stadium to be considered a training venue for this tournament 500 lux lighting would be required. The City then initiated a 200 lux lighting and electrical design that was upgradable to 500 lux should future investment eventuate.

In 2025 as part of a Cook-Labor Government election commitment this project received \$800,000 grant funding which has allowed the 500 lux upgrade to be delivered and ensure the project would be ready in preparation for the AFC Asian Women's World Cup in 2026.

The required works for this project is as follows:

- removal of:
  - 6 existing floodlighting poles; and
  - Metal halide lamps.
- Supply and installation of new:
  - Floodlighting poles
  - LED luminaries
  - Lighting system distribution board
  - All associated electrical cabling and conduits

The specification for these works were developed in collaboration with an independent lighting design consultant who has extensive experience in floodlighting. All design elements were considered in line with Football Australia guidelines.

The lighting design and increased pole height combined with new LED lighting technology will significantly reduce light spill (both glare and perceived glare) comparatively to the existing metal halide floodlights.

Administration staff worked closely with the design consultants to ensure the proposed design would limit obtrusive light as much as reasonably possible.

A procurement plan to develop and realise a public request for tender was approved 8 April 2025. A public request for tender was released 10 May 2025 and closed 9 June 2025.

## DETAILS:

### Tender Submissions

Submissions were received from seven (7) respondents. Two (2) respondents submitted conforming and alternate submissions making a total of nine (9) submissions. One (1) submission was deemed non-compliant and did not proceed to the evaluation stage.

### Evaluation Panel

The Evaluation Panel comprised of five (5) members, being:

- three with appropriate operational expertise and involvement (voting);
- one external consultant with expertise in the project specifications (non-voting); and
- one with tender preparation skills and probity advice provided by a Procurement and Contracts Officer (non-voting).

### Compliance Assessment

A compliance assessment was undertaken on all respondents. Six (6) respondents were deemed compliant and progressed to the qualitative assessment, one (1) was deemed non-compliant and did not progress to the qualitative assessment.

### Evaluation Method and Weighting

The qualitative weighting method of tender evaluation was selected to evaluate the offer. The qualitative criteria and weighting used in evaluating the submission received were as follows:

Qualitative Criteria		Weighting
1	Demonstrated understanding of the required service	22.5%
2	Demonstrated understanding of the project	22.5%
3	Experience and Product Compliance	20%
4	Capacity, Skills and Experience	15%
5	Warranty, Support and Proprietary Material	15%
6	Environmental & Social	5%

### Qualitative Assessment

Each submission was evaluated against the qualitative criteria outlined in the Request for Tender, which included demonstrated experience, capacity to deliver the services, understanding of the requirements, and commitment to environmental and social objectives. The results of the qualitative assessment are summarised below:

Respondent #	Weighted Percentage Score	Qualitative Ranking
Respondent 1	80.38%	2
Respondent 2 – Conforming Response	77.38%	3
Respondent 2 – Alternative Response	75.13%	4
Respondent 3	67.00%	7
Respondent 4	83.63%	1
Respondent 6 – Conforming Response	67.13%	6
Respondent 6 – Alternative Response	68.63%	5
Respondent 7	64.13%	8

Refer to **Confidential Attachment 1** for further details.

The Evaluation Panel shortlisted Respondent 1, Respondent 2 – Conforming Submission, Respondent 2 – Alternate Submission, and Respondent 4 to progress to the price assessment stage. While the remaining Respondents achieved a score above the minimum threshold, only the four highest-ranked submissions were shortlisted for further consideration.

**Price Assessment**

The panel carried out an assessment of the submitted pricing offered by the top four (4) ranked submissions. The total price breakdown is included in **Confidential Attachment 1**.

Respondent #	Fixed Price (excl GST)	Rank
Respondent 1	\$624,418.22	4
Respondent 2 - Conforming	\$621,189.00	3
Respondent 2 - Alternate	\$566,974.00	1
Respondent 4	\$572,079.48	2

Refer to **Confidential Attachment 1** for further details.

**Risk Assessment**

The evaluation panel conducted a comprehensive risk assessment of each submission, considering compliance with specifications, potential service delivery risks, and contractual risk exposure.

Respondent #	Compliance with RFT	Operational/Service Delivery Risk	Contractual Risk	Risk Rank
Respondent 1	Fully compliant with specifications and contractual terms.	<b>Low</b> – Clear methodology and sound capability; no critical assumptions raised.	<b>Low</b> – No contractual departures. Acceptable and industry-standard risk allocation.	1
Respondent 2 – Conforming	Fully compliant with specifications and contractual terms.	<b>Low</b> – Strong submission with relevant project experience and no critical assumptions.	<b>Low</b> – No contractual departures. Acceptable and industry-standard risk allocation.	2
Respondent 2 - Alternate	Fully compliant with specifications and contractual terms.	<b>Moderate</b> – Alternate offer introduces some risk regarding product comparability and compliance.	<b>Low</b> – No contractual departures. Acceptable and industry-standard risk allocation.	3
Respondent 4	Fully compliant with specifications and contractual terms.	<b>Medium</b> – Multiple critical assumptions identified; some may impact delivery if not managed closely.	<b>Moderate</b> – Assumptions impact scope, cost, and risk allocation. Several items would require contract variation if triggered.	4

### Value for Money Assessment

The Evaluation Panel undertook a comprehensive value for money assessment, considering the combined outcomes of the qualitative evaluation, pricing analysis, and risk assessment. This holistic approach ensured that the recommended submission offers the optimal balance of quality, cost-effectiveness, and low delivery and contractual risk to the City.

Respondent #	Qualitative Rank	Price Rank	Risk Rank	Value for Money Rank	Comment
Respondent 1	2	4	1	2	Submitted the highest priced offer, but demonstrated a comprehensive and high-quality response. The submission is considered good value for money despite the higher cost, given the strong qualitative and risk profile.
Respondent 2 – Conforming	3	3	2	3	Offered a competitive price and a well-considered submission with low risk. However, the qualitative submission was not as strong as the top-ranked Respondents. Represents reasonable value for money.
Respondent 2 - Alternate	4	1	3	4	Provided the lowest priced offer but received the lowest qualitative score among the shortlisted submissions. While the pricing is attractive, the overall value for money is reduced by the lower qualitative performance.
Respondent 4	1	2	4	1	Achieved the highest overall evaluation score, offered a competitive price, and was assessed as providing very good value for money. While critical assumptions were noted, the panel considered these to have limited impact on service delivery.

### Evaluation Summary

The panel concluded that the **Stiles Electrical & Communication Services Pty Ltd** tender provides the best overall value for money to the City and is recommended for the provision of IE430/2025 Litis Stadium Floodlighting Upgrade for the following reasons:

- Fully compliant with all submission and specification requirements;
- Ranked **1st** in the qualitative assessment, demonstrating a high level of capability, experience, and understanding of the project requirements;
- Ranked **2nd** in the pricing assessment, with a competitive submission that is within the City's approved budget;
- Submission demonstrates the best balance between quality and cost, with strong risk mitigation strategies and a detailed delivery methodology tailored to the project; and
- The company has a proven track record of delivering similar complex floodlighting projects at a comparable scale, providing confidence in their ability to deliver a high-quality outcome for the City.

While the submission included a number of critical assumptions, the evaluation panel carefully assessed these and determined they do not pose a significant risk to the delivery of the contract. The respondent has demonstrated a sound understanding of the site and the City's operational requirements, with the assumptions largely representing clarifications rather than exclusions.

Given the strong performance across all assessment criteria, it is therefore recommended that Council accepts the tender submitted by **Stiles Electrical & Communication Services Pty Ltd** for Request for Tender IE430/2025 Litis Stadium Floodlighting Upgrade.



**CONSULTATION/ADVERTISING:**

1. There has been extensive stakeholder engagement in scoping the floodlighting upgrade at Litis Stadium. FAFC members have maintained consistent and regular correspondence with the City through advocacy efforts. In turn this has ensured the City could build an appropriate scope to meet the needs of the club, whilst also recognising the City's Strategic Objectives. The Department of Local Government, Sport and Cultural Industries have been regularly consulted in the development of this project.
2. This matter is subject to a statutory advertising requirement.
3. The Request for Tender IE430/2025 Litis Stadium Floodlighting Upgrade was advertised in the West Australian on 10 May 2025 and on both the City's website and VendorPanel between 10 May 2025 and 9 June 2025
4. Subject to the outcome of this report, the City will undertake an inform campaign to advise neighbouring residents of the proposed project. In light of the election commitment and the constrained timeframe required to deliver the project in advance of the AFC Asian Women's World Cup in February 2026, an informing approach has been identified as the most appropriate and efficient method for communicating the project's delivery timeline and potential impacts to surrounding residents.

**LEGAL/POLICY:**

The Request for Tender was prepared and advertised in accordance with:

- Section 3.57 of the Local Government Act 1995;
- Part of the *Local Government (Function and General) Regulations 1996*; and
- City of Vincent Purchasing Policy.

Section 6.8 of the Local Government Act 199 provides that –

*(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –*

*(a) is incurred in a financial year before the adoption of the annual budget by the local government; or*

*(b) is authorised in advance by resolution\*; or*

*(c) is authorised in advance by the mayor or president in an emergency.*

*\* Absolute majority required.*

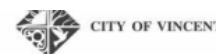
*(1a) In subsection (1) –*

**additional purpose** means a purpose for which no expenditure estimate is included in the local government's annual budget.

**RISK MANAGEMENT IMPLICATIONS**

Low: It is low risk for Council to accept the preferred Respondent as they have appropriate level of experience and financial capacity.

## RISK APPETITE & TOLERANCE STATEMENTS



Risk Category	Risk Appetite / Tolerance Statement	Descriptor /clarification
		festival. Other projects may include working with developers.
<i>3<sup>rd</sup> party Partner (Contractor) failure</i>	The City has a <b>low risk appetite</b> for third party partner (contractors) failure.	The City utilises many outside organisations in delivering on its mandate. This low appetite means that even minor or insignificant breaches in contracts or delays in delivery of products and services will be taken seriously. Accordingly, third party risk must be considered before entering into any contract, including reputation of third party, financial viability, audit clauses etc.
<b>Procurement</b>		
<i>Procurement failure</i>	The City has a <b>low risk appetite</b> for procurement failures that lead to poor value for money or financial loss, poor quality of service; incorrect or substandard products or delayed delivery; wastage of funds or services.	This ties into the above point; and thereby requires appropriate procedures in the procurement process to ensure the required outcomes for the City and appropriate enquiry and planning prior to purchases. Note, appropriate delegations must exist to support this.
	The City has <b>zero tolerance</b> for procurement decisions that endanger our staff and community.	Procurement decision making must consider the risk of injury or harm to the staff & community of Vincent. An example of this would be allowing the Beatty Park pool to use unregulated or unauthorised chemicals.

In accordance with the City of Vincent's adopted Risk Appetite and Tolerance Statements, the recommendation to award the contract for RFT IE430/2025 Litis Stadium Floodlighting Upgrade to Stiles Electrical & Communication Services Pty Ltd presents a low risk to the City and is consistent with the organisation's risk position in the following areas:

- **Third Party (Contractor) Failure**

The City maintains a low appetite for contractor failure, including risks such as delays, breaches of contract, or underperformance that could impact project delivery. The recommended contractor demonstrated the highest ranking in both qualitative and value for money assessments, evidencing strong capability, relevant experience, and a thorough understanding of the project requirements.

The contractor has a proven history of successful delivery on similar projects, including those in complex community settings, providing confidence in their capacity to meet the City's quality and timeliness expectations. Although the submission contained a number of critical assumptions, the Evaluation Panel concluded that these would not materially affect delivery or contractual obligations. Any potential risks identified are manageable through clear contract administration and pre-construction clarifications, ensuring continuity and minimising delivery risk.

- **Procurement Failure**

The City has a low risk appetite for procurement outcomes that result in poor value for money, substandard service, or financial loss. The recommended contractor offered the most competitive pricing combined with a compliant and high-quality submission, ranking highest in both qualitative and price evaluations. This outcome reflects a robust and transparent procurement process that aligns with the City's commitment to securing value, quality, and reliability in its contracts. The contractor's full compliance with specifications and contractual terms, with no departures identified, further mitigates procurement failure risks.

- **Zero Tolerance – Safety Risk**

The City has zero tolerance for any procurement decisions that could lead to harm to staff or the community. The recommended contractor has demonstrated adherence to relevant safety standards, regulatory compliance, and effective risk mitigation procedures. No safety concerns or risks to the City's workforce or community were identified in the evaluation process. This alignment with safety expectations supports the City's mandate to protect all stakeholders throughout the project duration.

- **Reputational and Strategic Risk**

In addition to operational and safety considerations, the contractor's submission supports the City's broader sustainability and reconciliation objectives. This alignment mitigates reputational risk by ensuring that the project is delivered in a manner consistent with the City's values and strategic goals, enhancing community confidence and stakeholder engagement.

Given the above, the recommended decision to award the contract to Stiles Electrical & Communication Services Pty Ltd is considered low risk, aligns with the City's risk appetite and tolerance statements, and ensures delivery of a critical community infrastructure project in a financially sound, safe, and operationally robust manner.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's *Strategic Community Plan 2022-2032*:

Enhanced Environment

*Our parks and reserves are maintained, enhanced and are accessible for all members of the community.*

Connected and Healthy Community

*Our community facilities and spaces are well known and well used.*

Thriving Places

*Efficiently managed and maintained City assets in the public realm.*

Innovative and Accountable

*Our decision-making process is consistent and transparent, and decisions are aligned to our strategic direction.*

**SUSTAINABILITY IMPLICATIONS:**

This is in keeping with the following key sustainability outcomes of the *City's Sustainable Environment Strategy 2019-2024*.

*Sustainable Energy Use/Greenhouse Gas Emission Reduction*

**PUBLIC HEALTH IMPLICATIONS:**

This is in keeping with the following priority health outcomes of the City's *Public Health Plan 2020-2025*:

*Increased mental health and wellbeing*

*Increased physical activity*

**FINANCIAL/BUDGET IMPLICATIONS:**

Funding for the Litis Stadium Floodlighting is as follows:

- State Government Election Commitment - \$800,000
- City of Vincent 2025/2026 Budget - \$140,000

**Total - \$940,000**

**COMMENTS:**

The tender submission from **Stiles Electrical & Communication Services Pty Ltd** complies fully with all tender requirements and was presented to a consistently high standard. The submission demonstrated a comprehensive and detailed understanding of the project requirements, responding to the specifications in a clear, thorough, and professional manner. The Evaluation Panel assessed the response as well-structured, credible, and closely aligned with the City's expectations regarding capability, capacity, and relevant experience.

**Stiles Electrical & Communication Services Pty Ltd** achieved the highest ranking in the qualitative assessment and submitted a competitive price that is below the City's approved budget. The submission presents an optimal balance between quality and cost, while maintaining strong risk mitigation strategies and a detailed delivery methodology tailored to the project.

While the tender included several critical assumptions, the Evaluation Panel carefully reviewed these and concluded that they do not pose a material risk to the successful delivery of the contract. These assumptions primarily reflect clarifications rather than exclusions and demonstrate the respondent's sound understanding of the site and the City's operational requirements.

Consistent with the City's low risk appetite for third-party and procurement failure, the submission presents a low level of contractual and operational risk.

Accordingly, the Evaluation Panel recommends the award of Request for Tender IE430/2025 Litis Stadium Floodlighting Upgrade to **Stiles Electrical & Communication Services Pty Ltd**.

## 7 COMMUNITY & BUSINESS SERVICES

### 7.1 FINANCIAL STATEMENTS AS AT 31 MAY 2025

Attachments: 1. Financial Statements as at 31 May 2025 

#### RECOMMENDATION:

- That Council **RECEIVES** the Financial Statements for the month ended 31 May 2025 as shown in Attachment 1.

#### PURPOSE OF REPORT:

To present the statement of financial activity for the period ended 31 May 2025.

#### DELEGATION:

*Regulation 34 (4) of the Local Government (Financial Management) Regulations 1996* requires the local government to prepare a statement of financial activity each month, which is to be presented to Council within 2 months after the end of the relevant month.

#### BACKGROUND:

Regulation 34 (1) of the *Local Government (Financial Management) Regulations 1996* requires a local government to prepare each month a statement of financial activity including the sources and applications of funds, as compared to the budget.

#### DETAILS:

The following documents, included as **Attachment 1**, comprise the statement of financial activity for the period ended **31 May 2025**:

Note	Description	Page
1.	Statement of Financial Activity by Nature or Type Report	1
2.	Net Current Funding Position	2
3.	Statement of Financial Position	3
4.	Summary of Income and Expenditure by Service Areas	4-6
5.	Capital Expenditure including Funding graph and Capital Works Schedule	7-12
6.	Cash Backed Reserves	13
7.	Receivables: Rates and Other Debtors	14
8.	Beatty Park Leisure Centre Financial Activity	15

#### Explanation of Material Variances

The materiality thresholds used for reporting variances are 10% and \$20,000, respectively. This means that variances will be analysed and separately reported when they are more than 10% (+/-) of the year-to-date budget and where that variance exceeds \$20,000 (+/-). This threshold was adopted by Council as part of the budget adoption for 2024/2025 and is used in the preparation of the statements of financial activity when highlighting material variance in accordance with *Financial Management Regulation 34(1) (d)*. In accordance with the above, all material variances as at 31 May 2025 have been detailed in the variance comments report in **Attachment 1**.

**Revenue by Nature or Type** (on page 1) is tracking higher than the YTD budgeted revenue by \$1,550,577 (2.0%). The following items materially contributed to this position:

- A favourable variance of \$1,225,008 in Fees and Charges mainly due to:
  - \$575,011 favourable Ranger Services fees and charges,
  - \$276,562 favourable Building Licences,
  - \$136,878 favourable Waste Management fees,
  - \$42,131 favourable Beatty Park membership fees,
  - \$36,266 favourable Works Operations License and Permits fees, and
  - \$35,333 favourable development application fees, and
- A favourable variance of \$719,898 in Other Revenue mainly due to:
  - \$405,790 higher reimbursements for Catalina Regional Council and Insurance claims,
  - \$118,765 timing variance for Perth Inner City Group reimbursements,
  - \$67,035 timing variance on variable outgoing recoups, and
  - \$34,444 higher recoups for City Buildings.
- A favourable variance in Interest earnings of \$427,243 mostly due to higher cash balances.
- An unfavourable timing variance in Operating grants, subsidies, and contributions of \$633,322.
- An unfavourable variance of \$85,838 in rates mainly due to lower interim rates.

**Expenditure by Nature or Type** (on page 1) is unfavourable, attributed by an over-spend of \$95,871 (0.1%). The following items materially contributed to this position:

- A favourable variance of \$616,030 in materials and contracts is primarily due to mainly due to:
  - \$590,336 favourable Housing Study Program consultant costs,
  - \$472,353 favourable Waste Service costs,
  - \$220,885 favourable Major Projects consulting costs, partially offset by;
  - \$862,113 unfavourable Park contractor costs.
- \$585,974 unfavourable other expenditure mainly due to timing variances and higher costs in parking ticket machine maintenance \$110k, plant maintenance at Beatty Park \$75,937 and debt write off \$40,444.
- \$404,638 favourable employee costs due to timing variances.
- \$402,972 unfavourable depreciation expense due to higher asset values.
- An unfavourable variance of \$132,570 in utility costs is primarily driven by higher electricity usage at Beatty Park and at various City Buildings.

### Surplus Position

The opening surplus position brought forward to 2024/25 is \$6,962,305. The closing surplus is \$2,497,745 favourable against budget as at May 2025.

### Content of Statement of Financial Activity

An explanation of each report in the Statement of Financial Activity (**Attachment 1**), along with some commentary, is below:

1. Statement of Financial Activity by Nature or Type Report (Note 1 Page 1)

This statement of financial activity shows revenue and expenditure classified by Nature or Type.

2. Net Current Funding Position (Note 2 Page 2)

'Net current assets' is the difference between the current assets and current liabilities, less committed and restricted assets.

3. Statement of Financial Position (Note 3 Page 3)

This statement of financial position shows the new current position and the total equity of the City.

4. Summary of Income and Expenditure by Service Areas (Note 4 Page 4-6)

This statement shows a summary of operating revenue and expenditure by service unit including variance commentary.

5. Capital Expenditure and Funding Summary (Note 5 Page 7-12)

The full capital works program is listed in detail in Note 5 in **Attachment 1**. The attachment includes a summary of the year-to-date expenditure of each asset category and the funding source associated to the delivery of capital works.

6. Cash Backed Reserves (Note 6 Page 13)

The cash backed reserves schedule provides a detailed summary of the movements in the reserve portfolio, including transfers to and from the reserve. The balance as at 31 May 2025 is \$27,652,549.

7. Receivables: Rating Information (Note 7 Page 14)

The notices for rates and charges levied for 2024/25 were issued on 25 July 2024. *The Local Government Act 1995* provides for ratepayers to pay rates by four instalments. The due dates for each instalment are:

	Due Date
First Instalment	30 August 2024
Second Instalment	1 November 2024
Third Instalment	3 January 2025
Fourth Instalment	7 March 2025

The outstanding rates debtors balance at 31 May 2025 was \$1,828,317. The outstanding rates percentage at 31 May 2025 was 2.04% compared to 3.11% for the same period last year.

8. Receivables: Other Debtors (Note 7 Page 14)

Total trade and other receivables at 31 May 2025 were \$4,604,415. Below is a summary of the significant items with an outstanding balance over 90 days:

- \$2,667,741 relates to unpaid infringements (plus costs) over 90 days. Infringements that remain unpaid for more than two months are referred to the Fines Enforcement Registry (FER), which then collects the outstanding balance on behalf of the City for a fee.
- \$139,692 relates to cash-in-lieu car parking debtors. In accordance with the *City's Policy 7.7.1 Non-residential parking*, Administration has entered into special payment arrangements with long outstanding cash in lieu parking debtors to enable them to pay their debt over a fixed term of five years.

9. Beatty Park Leisure Centre – Financial Activity report (Note 8 Page 15)

As at 31 May 2025, the Centre reported a net operating deficit of \$90,058, which is below the year-to-date budgeted surplus of \$166,297. In addition, capital expenditure of \$1.1 million and loan repayments of \$1.9 million have contributed to a closing deficit position of \$1,393,884.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

*Section 6.4 of the Local Government Act 1995* requires a local government to prepare an annual financial report for the preceding year and other financial reports as prescribed.

*Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996* requires the local government to prepare a statement of financial activity each month, reporting on the source and application of funds as set out in the adopted annual budget.

A statement of financial activity and any accompanying documents are to be presented at an Ordinary Meeting of the Council within two months after the end of the month to which the statement relates. *Section 6.8 of the Local Government Act 1995* specifies that a local government is not to incur expenditure from its Municipal Fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority decision of Council.

**RISK MANAGEMENT IMPLICATIONS:**

Low: Provision of monthly financial reports to Council fulfils relevant statutory requirements and is consistent with good financial governance.

**STRATEGIC IMPLICATIONS:**

Reporting on the City's financial position is aligned with the City's *Strategic Community Plan 2022-2032*:

Innovative and Accountable

*Our resources and assets are planned and managed in an efficient and sustainable manner.*

*Our community is aware of what we are doing and how we are meeting our goals.*

*Our community is satisfied with the service we provide.*

*We are open and accountable to an engaged community.*

**SUSTAINABILITY IMPLICATIONS:**

Expenditure within this report facilitates various projects, programs, services and initiatives that contribute to protecting/enhancing the City's built and natural environment and to improving resource efficiency.

**PUBLIC HEALTH IMPLICATIONS:**




Expenditure within this report facilitates various projects, programs and services that contribute to the priority health outcomes within the City's *Public Health Plan 2020-2025*.

**FINANCIAL/BUDGET IMPLICATIONS:**

As contained in this report.



**7.2 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 01 MAY 2025 TO 31 MAY 2025**

- Attachments:**
1. May 2025 - Payments by EFT and Payroll 
  2. May 2025- Payments by Direct Debits 
  3. May 2025- Payments by Fuel Cards 

**Recommendation:**

That Council RECEIVES the list of accounts paid under delegated authority for the period 01 May 2025 to 31 May 2025 as detailed in Attachments 1, 2 and 3 as summarised below:

EFT payments, including payroll	\$10,601,605.71
Direct debits, including credit cards	\$114,063.12
<b>Total payments for May 2025</b>	<b>\$10,715,668.83</b>

**PURPOSE OF REPORT:**

To present to Council the list of expenditure and accounts paid for the period 01 May 2025 to 31 May 2025.

**DELEGATION:**

Regulation 13(1) and (3) of the *Local Government (Financial Management) Regulations 1996* requires that a list of accounts A list prepared under sub regulation (1) is to be presented to Council at the next ordinary meeting of Council after the list is prepared.

**BACKGROUND:**

Council has delegated to the Chief Executive Officer (Delegation No. 2.2.18) the power to make payments from the City's Municipal and Trust funds.

In accordance with *Regulation 13(1)* of the *Local Government (Financial Management) Regulations 1996* a list of accounts paid by the Chief Executive Officer is to be provided to Council, where such delegation is made.

The list of accounts paid must be recorded in the minutes of the Council Meeting.

**DETAILS:**

The Schedule of Accounts paid for the period 01 May 2025 to 31 May 2025, covers the following:

<b>FUND</b>	<b>CHEQUE NUMBERS/ BATCH NUMBER</b>	<b>AMOUNT</b>
<b>Municipal Account (Attachment 1, 2 and 3)</b>		
EFT Payments	3194-3204	\$8,904,997.27
Payroll by Direct Credit	May 2025	\$1,696,608.44
<b>Sub Total</b>		<b>\$10,601,605.71</b>
<b>Direct Debits (including Credit Cards)</b>		
Lease Fees		\$23,424.98
Loan Repayments		\$54,063.78
Bank Charges – CBA		\$20,917.09
Credit Cards		\$15,657.27
<b>Sub Total</b>		<b>\$114,063.12</b>
<b>Total Payments</b>		<b>\$10,715,668.83</b>

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

Regulation 12(1) and (2) of the *Local Government (Financial Management) Regulations 1996*:

*“12. Payments from municipal fund or trust fund, restrictions on making*

*(1) A payment may only be made from the municipal fund or the trust fund —*

- if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*
- otherwise, if the payment is authorised in advance by a resolution of Council.*

*(2) Council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to Council.”*

Regulation 13(1) and (3) of the *Local Government (Financial Management) Regulations 1996*:

*“13. Lists of Accounts*

*(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*

- the payee’s name;*
- the amount of the payment;*
- the date of the payment; and*
- sufficient information to identify the transaction.*

*(2) A list prepared under sub regulation (1) is to be —*

- presented to Council at the next ordinary meeting of Council after the list is prepared; and*
- recorded in the minutes of that meeting.”*

**RISK MANAGEMENT IMPLICATIONS**

**Low:** Management systems are in place that establish satisfactory controls, supported by the internal and external audit functions. Financial reporting to Council increases transparency and accountability.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's *Strategic Community Plan 2022-2032*:

Innovative and Accountable

*Our resources and assets are planned and managed in an efficient and sustainable manner.*

*Our community is aware of what we are doing and how we are meeting our goals.*

*Our community is satisfied with the service we provide.*

*We are open and accountable to an engaged community.*

**SUSTAINABILITY IMPLICATIONS:**

Expenditure covered in this report includes various projects, programs, services and initiatives that contribute to protecting/enhancing the City's built and natural environment and to improving resource efficiency.

**PUBLIC HEALTH IMPLICATIONS:**

Expenditure covered in this report includes various projects, programs and services that contribute to the priority health outcomes within the City's *Public Health Plan 2020-2025*.

**FINANCIAL/BUDGET IMPLICATIONS:**

All municipal fund expenditure included in the list of payments is in accordance with Council's annual budget.

**7.3 INVESTMENT REPORT AS AT 31 MAY 2025**

**Attachments:** 1. Investment Report as at 31 May 25 

**RECOMMENDATION:**

That Council **NOTES** the Investment Statistics for the month ended 31 May 2025 as detailed in Attachment 1.

**PURPOSE OF REPORT:**

To advise Council of the nature and value of the City's Investments as at 31 May 2025 and the interest amounts earned YTD.

**DELEGATION:**

*Regulation 34 (4) of the Local Government (Financial Management) Regulations 1996* requires the local government to prepare a statement of financial activity each month, which is to be presented to Council within two months after the end of the relevant month.

**BACKGROUND:**

The City's surplus funds are invested in bank term deposits for various terms to facilitate maximum investment returns in accordance with the City's Investment Policy (No. 1.2.4).

Details of the investments are included in **Attachment 1** and outline the following information:

- Investment performance and policy compliance charts;
- Investment portfolio data;
- Investment interest earnings; and
- Current investment holdings.

**DETAILS:****Summary of Key Investment Decisions in this Reporting Period**

Total funds invested in the month of May 2025 were \$6.0m and \$7.0m of funds matured during the period.

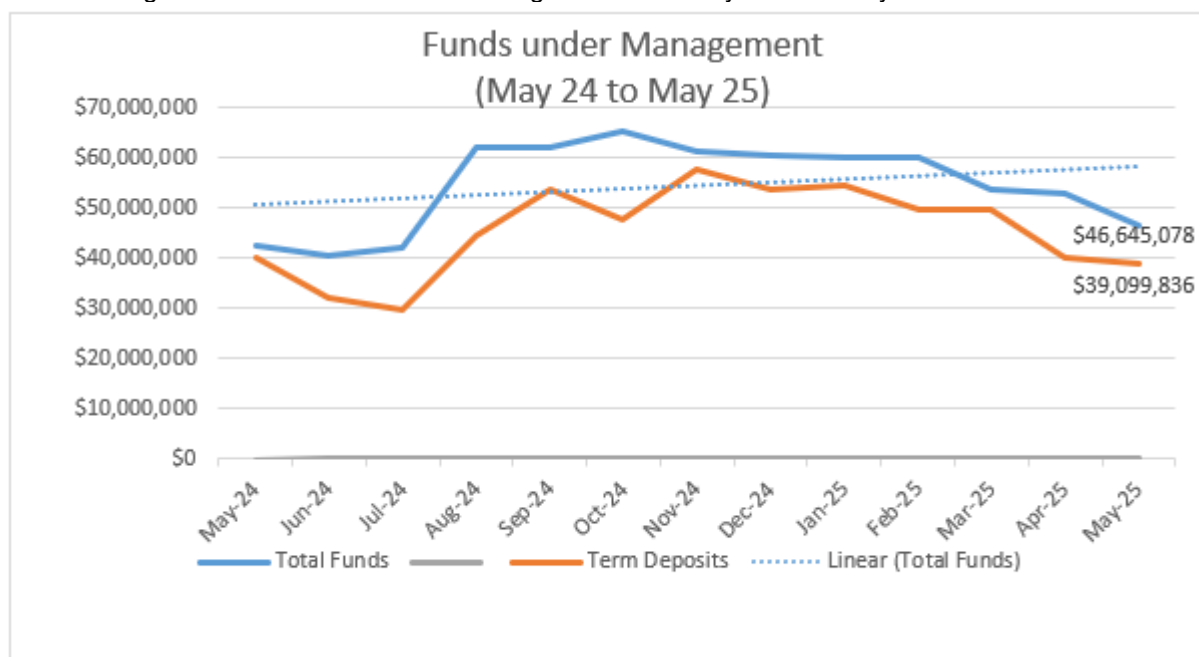
**Investment Status**

The City's investment portfolio is diversified across several accredited financial institutions.

As at 31 May 2025, the total funds held in the City's operating accounts (including on call) was \$46,645,078 compared to \$42,642,055 for the period ended 31 May 2024. All funds are interest bearing as at 31 May 2025.

The total term deposit investments for the period ended 31 May 2025 were \$39,099,836 compared to \$40,196,954 for the period ended 31 May 2024.

The following chart shows funds under management from May 2024 to May 2025:



### Interest Status

Total accrued interest earned on investments as at 31 May 2025 is:

Total Accrued Interest Earned on Investment	Budget Annual	Budget YTD	Actual YTD	% of YTD Budget	FY23/24 Actual
Municipal	980,000	968,249	1,196,831	123.61%	1,385,886
Reserve	1,100,000	1,027,370	1,117,464	108.77%	887,673
<b>Subtotal</b>	<b>2,080,000</b>	<b>1,995,619</b>	<b>2,314,295</b>	<b>115.97%</b>	<b>2,273,559</b>
Leederville Gardens Inc. Surplus Trust*	0	0	180,791	N/A	193,472
<b>Total</b>	<b>2,080,000</b>	<b>1,995,619</b>	<b>2,495,086</b>	<b>125.03%</b>	<b>2,467,031</b>

\*Interest estimates for Leederville Gardens Inc. Surplus Trust were not included in the 2024/25 Budget as actual interest earned is restricted.

The City has a weighted average interest rate of 4.62% for current investments compared to the Reserve Bank 90 day accepted bill rate for May 2025 of 3.78%.

### Sustainable Investments

The City's investment policy requires that in the first instance, the City considers rate of return of the fund. All things being equal, the City then prioritises funds with no current record of funding fossil fuels. The City can increase the number of non-fossil fuel investments but will potentially result in a lower rate of return.

Administration utilises a platform called 'Yield Hub' to ascertain the level of exposure banks have in fossil fuel activities and to determine daily interest rates published by banks.

The investment guidelines which is the supplementary document to the Council Investment Policy sets the maximum exposure limits to financial institutions at 90% as reflected in the below table. The majority of financial institutions lie within A-2 and A-1+ categories.

Short Term Rating (Standard & Poor's) or Equivalent	Direct Investments Maximum %with any one institution		Maximum % of Total Portfolio	
	Guideline	Current position	Guideline	Current position
A-1+	30%	24.8%	90%	46.5%
A-1	25%	0%	90%	0%
A-2	20%	19.1%	90%	53.5%

Administration will continuously explore options to ascertain if a balanced investment strategy can be developed where investments in divested banks can be increased with a minimal opportunity cost of loss in interest rate returns for instances when banks not divested in fossil fuel activities offer a higher rate of return.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

Section 19(2)(b) of the *Local Government (Financial Management) Regulations 1996* requires that a local government establish and document procedures to enable the identification of the nature and location of all investments.

**RISK MANAGEMENT IMPLICATIONS**

**Low:** Administration has developed effective controls to ensure funds are invested in accordance with the City's Investment Policy. This report enhances transparency and accountability for the City's investments.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's Strategic Community Plan 2023-2032:

Innovative and Accountable

*Our resources and assets are planned and managed in an efficient and sustainable manner.*

*Our community is aware of what we are doing and how we are meeting our goals.*

*Our community is satisfied with the service we provide.*

*We are open and accountable to an engaged community.*

**SUSTAINABILITY IMPLICATIONS:**

This does not contribute to any specific sustainability outcomes of the City's Sustainable Environment Strategy 2019-2024, however focussing on non-fossil fuel investments contributes to a sustainable environment.

**PUBLIC HEALTH IMPLICATIONS:**

This does not contribute to any public health outcomes of the City's Public Health Plan 2020-2025.

**FINANCIAL/BUDGET IMPLICATIONS:**

The financial implications of this report are as noted in the details section of the report. Administration is satisfied that appropriate and responsible measures are in place to protect the City's financial assets.

## 8 CHIEF EXECUTIVE OFFICER

### 8.1 OUTCOME OF ADVERTISING AND ADOPTION OF REVISED EXECUTION OF DOCUMENTS POLICY

- Attachments:
1. Execution of Documents Policy 
  2. Amended Delegation 2.2.18 

#### RECOMMENDATION:

##### That Council:

1. Pursuant to Section 2.7(2)(b) of the *Local Government Act 1995* APPROVES the amended Execution of Documents Policy included in Attachment 1; and
2. APPROVES BY ABSOLUTE MAJORITY amendments to the local government functions listed in the Council Delegated Authority Register included in Attachment 2, being:
  - The amendment of delegation 2.2.18; and
  - The deletion of delegation 2.2.30.

#### PURPOSE OF REPORT:

##### For Council to:

- Consider the outcome of community consultation and approve the amended Execution of Documents Policy (Policy, **Attachment 1**).
- Approve administrative amendments to the City's Delegated Authority Register to reflect the amended Policy.

#### DELEGATION:

Section 2.7 of the *Local Government Act 1995* sets out the role of Council as being to 'determine the local government's policies.'

The *Local Government Act 1995* states the term 'local government' refers to the elected Council.

There is no delegation to Administration to make, amend or revoke policies.

#### BACKGROUND:

At its meeting on [11 March 2025](#) Council approved the amended Policy for the purposes of community consultation. The Policy:

- Clarifies existing responsibilities and streamlines the execution process to reduce any potential risk to the City associated with the execution of documents; and
- Ensures the City is complying with the provisions of the *Local Government Act 1995* while promoting consistency, efficiency and transparency.

Resulting from the proposed amendments to the Policy changes were also identified to the City's Delegated Authority Register. These were outlined in the [11 March 2025](#) Council meeting agenda.

**DETAILS:**Community Consultation

In accordance with the City's [Community and Stakeholder Engagement Policy](#), community consultation was undertaken between 9 May 2025 and 30 May 2025. The methods of advertising included:

- A survey hosted on Imagine Vincent for the duration of consultation.
- Notices displayed at the City's Administration Building and Library.
- Notices published on the City website on 9 May 2025 and to the City's social media.
- Inclusion in the fortnightly e-News distributed on 9 May 2025 and 22 May 2025.

At the conclusion of the consultation period no submissions were received.

**LEGAL/POLICY:**

Section 2.7(2)(b) of the *Local Government Act 1995* provides Council with the power to determine policies.

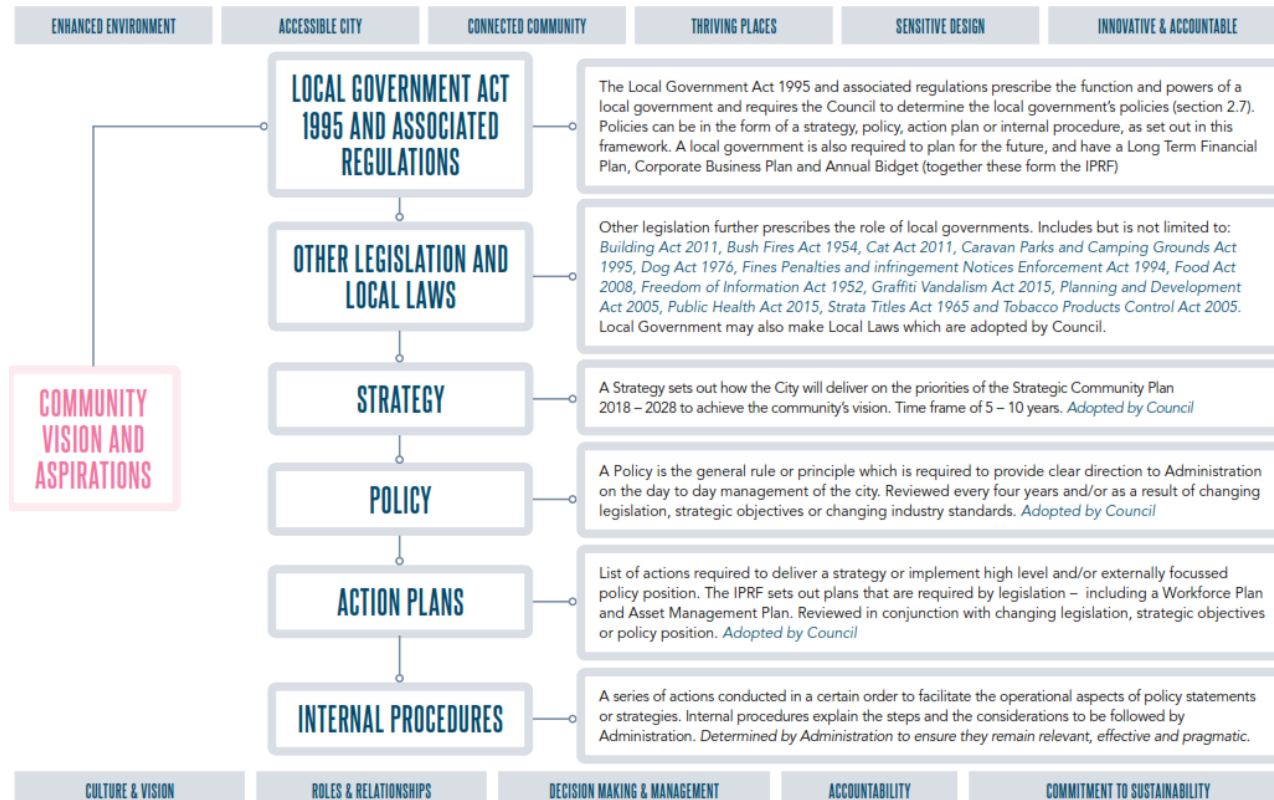
The City's [Corporate Document Development Policy](#) sets out the process for the development and review of the City's policy documents.

In accordance with section 2.3 of the Corporate Document Development Policy:

*The purpose of a policy is to provide a general rule or principle to guide Administration and the community on the City's decision making and advocacy.*

The purpose of the Policy is to ensure that the City is executing documents in a consistent and transparent manner in accordance with the requirements of the *Local Government Act 1995*.

## LOCAL GOVERNMENT DECISION MAKING HIERARCHY





## RISK MANAGEMENT IMPLICATIONS

Risk Category	Risk Appetite/ Tolerance Statement	Descriptor/clarification
<i>Less than better practice for Governance, Due diligence, Accountability and Sustainability</i>	The City has a <b>low risk tolerance</b> for less than better practice decision making for governance, due diligence, accountability, and sustainability, as measured by accepted industry standards and practices.	The City's Governance Framework (Framework) supports this tolerance level by defining the systems, policies, processes, and a methodology for ensuring accountability and openness in the conduct of City business. The Framework describes the principles and key roles that guide Council in its decision-making and demonstrates to the community the processes which the City uses to achieve its strategic priorities and undertake its service delivery.
<i>A breach in Delegated Authority</i>	The City has a <b>very low risk tolerance</b> for breach in delegated authority.	

Low: It is low risk for Council to adopt the Policy as it more appropriately captures administrative decisions that would require the execution of documents. This review aligns with Council's Adopted Appetite and Tolerance Statements.

## STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2022-2032*:

Innovative and Accountable

*Our decision-making process is consistent and transparent, and decisions are aligned to our strategic direction.*

## SUSTAINABILITY IMPLICATIONS:

This does not contribute to any environmental sustainability outcomes.

## PUBLIC HEALTH IMPLICATIONS:

This does not contribute to any public health outcomes in the *City's Public Health Plan 2020-2025*.

## FINANCIAL/BUDGET IMPLICATIONS:

Nil.

## COMMENTS:

The Policy has been reviewed in line with the City's Corporate Document Development Policy and did not receive any submissions during consultation.

It is recommended that the Policy and consequential amendments to the City's Delegated Authority Register be approved with no further changes required:

- Execution of Documents Policy – [Section 9.49A](#) of the *Local Government Act 1995* outlines how local governments can execute documents, both with and without their common seal. It also allows local governments to delegate the authority to sign documents to specific individuals, including the Chief Executive Officer or other authorised persons.

The Policy provides a necessary documented position to set out how these functions are required to be exercised and who has authority for signing various documents.

- Amendments to Delegated Authority Register – As a result of the Policy there are administrative updates required to the Delegated Authority Register. These are necessary for consistency and accuracy with the Policy and to ensure that the execution of documents by the City occurs consistent with the *Local Government Act 1995* requirements.

## 8.2 DISPOSITION OF PORTIONS OF MOUNT CLAREMONT MUNICIPAL DEPOT

- Attachments:**
1. **Batching Plants Relocation Plan** 
  2. **Market Rent Valuation - Confidential**
  3. **Recommended Proposed Changes to Delegation 2.2.18** 

### RECOMMENDATION:

**That Council DELEGATES BY ABSOLUTE MAJORITY to the Chief Executive Officer its power to lease (sub-lease or licence) portions of the Mount Claremont Municipal Depot, No. 11 John XXIII Avenue, Mount Claremont as set out in Attachment 3.**

### PURPOSE OF REPORT:

For Council to delegate to the Chief Executive Officer the power to approve leases, other dispositions, licences and other agreements with third parties over portions of the Mount Claremont Municipal Depot, No. 11 John XXIII Avenue, Mount Claremont, consistent with the recent Management Order granted to the City of Vincent for the land by the Minister for Lands.

### DELEGATION:

Section 3.58(3) of the *Local Government Act 1995* sets out the requirements for disposal of property. Delegation 2.2.18 - Disposing of Property by Leases and Licences of Council's adopted Register of Delegations, Authorisations and Appointments does not extend to disposal on a commercial basis. The delegations also do not extend to licencing or entering into other agreements with third parties to utilise property.

### BACKGROUND:

Council, at its meeting of [14 November 2023 \(Item 9.7\)](#), endorsed a plan, illustrated in **Attachment 1**, for the two temporarily approved concrete batching plants located in Claisebrook to be relocated out of the City of Vincent. That relocation plan showed Holcim's plant moving to an expanded Holcim operation in Carlisle and Hanson (now Heidelberg)'s plant relocating to the City of Vincent's current Depot site at No. 1 Linwood Court, Osborne Park, which is Industrial zoned land in the City of Stirling. Under the relocation plan, the City of Vincent's Depot operations in Osborne Park would relocate to Western Power's recently vacated Depot site in Mount Claremont, which is Crown land and located in the City of Nedlands. Council also Authorised the Chief Executive Officer (CEO), among other things, to:

- accept a Management Order for Western Power's Mount Claremont Crown Reserve to facilitate the relocation plan;
- progress discussions with Heidelberg in relation to the relocation of Heidelberg's Claisebrook Concrete Batching Plant to the City's Depot site in Osborne Park; and
- sign an application for development approval (DA) for Heidelberg's relocation.

The Western Australian Planning Commission (WAPC), at its meeting of [27 June 2024 \(Item 7\)](#), granted Holcim and Heidelberg approval to continue operating their plants in Claisebrook for a maximum of three and a half years, until the end of 2027, while they relocated their plants from Claisebrook. Both operators were required to meet set relocation milestones during this period, including:

- lodging a DA for their relocated concrete batching plants by 30 June 2025;
- lodging an application for building approval within 6 months of that DA being approved;
- substantially commencing their relocation within 12 months of the building approval being issued; and
- decommissioning and decontaminating their sites within 12 months of closing their plants, being the end of 2028 at the latest.

Following these decisions the City sort to:

1. Progress the development of a Major Land Transaction with Heidelberg that would see their Claisebrook Concrete Batching Plant relocated to the City's Osborne Park Depot site; and
2. Secure an offer for a Management Order over the necessary portion of Western Power's Mount Claremont Depot site that could accommodate a relocated Works Depot for the City of Vincent.

*Major Land Transaction*

The City sort to progress discussions with Heidelberg regarding a Major Land Transaction that would enable the City's relocation to the Mount Claremont site and their relocation to the City's 1 Linwood Court, Osborne Park site. This included providing Heidelberg with the market value of the Osborne Park site, based on a valuation, and the costs associated with the City's relocation to Mount Claremont.

Heidelberg have not progressed these discussions and instead have advised that together with Cement Australia and Holcim, they have purchased BGC Cementitious, and that they will likely seek to utilise their existing and these newly acquired assets as the alternative to Claisebrook. The purchase of BGC is under review by the Australian Competition and Consumer Commission (ACCC), who raised preliminary concerns with the transaction. In response, Cement Australia, Holcim and Heidelberg have put forward a restructured proposed transaction that incorporates Adbri Pty Ltd, which owns Cockburn Cement Limited, as a party. Initially Heidelberg and Holcim were to each receive four of BGC's nine concrete batching plants as part of the transaction. The restructured proposed transaction now sees Heidelberg receiving just one of BGC's concrete batching plants, being their Bassendean plant, located less than 8 kilometres from Heidelberg's Claisebrook concrete batching plant. The ACCC have advised that the provisional date for announcement of their findings is 25 July 2025. Heilderberg have advised that if the transaction is not approved, they would look to proceed with modifications to their concrete batching plant at Canning Vale as a replacement plant for Claisebrook. Heidelberg have lodged a development application to upgrade this facility at No. 37 Vulcan Road, Canning Vale, which is to be determined by the Metro-Outer Joint Development Assessment Panel.

Both Holcim and Heidelberg currently have applications out for community consultation that seek to modify the conditions of their development approvals from the WAPC. These are the subject of a separate report in this Agenda.

At this stage Heidelberg are not pursuing a Major Land Transaction with the City of Vincent for the Osborne Park Works Depot site and are instead seeking to expand their Canning Vale site and take over operation of BGC's Bassendean site.

*Management Order for Western Power's Mount Claremont Depot*

At the same time as progressing the potential for a Major Land Transaction with Heidelberg, the City also worked to secure a Management Order for a portion of Western Power's Mount Claremont Depot that could potentially accommodate the City's Depot operations. The City worked with the Department of Planning, Lands and Heritage (DPLH), who set out the process for granting the City with a Management Order for the Crown Land. The City also worked with Western Power to determine the area being relinquished and gather information for its due diligence assessment.

There were three other local governments, the City of Subiaco (Subiaco), the Town of Claremont (Claremont) and the Western Metropolitan Regional Council (WMRC), who had also expressed an interest in the site and in order to secure a Management Order for any part of the Mount Claremont site, the City was required to work with those parties to determine how the relinquished land would be split or shared amongst those parties.

Together with those other local governments a split of the site was determined as follows:

- Claremont proposed to be granted the hardstand area in the north west corner of the site;
- Subiaco proposed to be granted the communications buildings and shed along the western side of the site; and
- Vincent proposed to be granted the three main administration buildings and front carpark, central hardstand area, washdown area and sheds along the northern boundary and the main sheds along the eastern boundary.

The Minister for Planning: Lands; Housing; Homelessness granted the City of Vincent a Management Order for this 1.65 hectare portion of the site on 18 March 2025. The Management Order was for the purpose of 'Depot and Municipal Purposes' with the power to lease (sub-lease or licence) for this purpose for up to 21 years, subject to the consent of the Minster for Lands.

The WMRC were not looking for a Management Order over land but rather a lease for office accommodation.

The Department of Health (DoH) were granted the eastern car park of the Mount Claremont Depot site by the State, to accommodate the relocation of the adjacent Therapeutic Riding Centre to the south and the expansion of the Graylands Hospital on to the current Riding Centre land.

#### DETAILS:

Following a valuation, the City considers the buildings on its new Mount Claremont Management Order to be worth \$2.5 million. An Operational Budget for maintenance, services and insurance of \$75,000 per annum is estimated to be required to manage the site in its current state. A 4 Year Capital Budget of \$750,000 has been budgeted to maintain the buildings at the site over the next 4 years, including the refurbishment of one of the three administration buildings. The majority of this has been allocated in the 25/26 financial year in order to set the site up for revenue generating uses that can fund this renewal.

The City is not currently looking to relocate its Osborne Park Depot operation to the new Mount Claremont Municipal Depot site. Rather, there are a number of opportunities that can be explored for the site that would cover the costs of maintaining and refurbishing the site and ensure its use for municipal purposes is maximised for the State, but that at the same time would not compromise on the ability for the City to relocate its full depot operations to the site if it was deemed advantageous.

The City has carried out a market rent valuation, included at **Confidential Attachment 2**, and following consideration of this valuation considers the commercial rental value of the hardstand area and one of the three administration buildings to be in the order of \$350,000 per year.

For the City, there is potential for the City's FOGO waste trucks to park at the site, which empty at WMRC's facility in Mount Claremont around the corner from the site. This would save time, fuel costs and reduce emissions by removing the need for the final trip each day from Mount Claremont back to the Osborne Park Works Depot.

The City has also discussed potential leases and licences over portions of the new Mount Claremont Municipal Depot site with various parties including:

- WMRC, who have expressed interest in leasing over the long term, the front western administration building and car parking;
- City of Perth, who have expressed interest in licencing part of the hardstand to store a number of sea containers carrying their new FOGO bins, which they are scheduled to roll out this financial year, and to use the space to help their roll out;
- City of Subiaco regarding various lease and licence opportunities including for office floorspace, hardstand and parking;
- Public Transport Authority regarding the potential for the hard stand for bus parking when the existing bus fleet is transitioned to more environmentally friendly models; and
- Waste truck operators regarding the potential for parking on the site.

It is recommended that Council delegate authority to the CEO to negotiate and enter into leases (sub-leases and licences) for portions of the Mount Claremont Municipal Depot site, subject to conditions of the Management Order, and based on the valuation included at **Confidential Attachment 2**. The proposed delegation is set out in **Attachment 3**.

#### CONSULTATION/ADVERTISING:

Leasing (sub-leasing or licencing) property to another local government or State Government or licencing for a period of less than 2 years is exempt from the public notice requirements of the *Local Government Act 1995*. Leases (sub-leases or licences) granted to government bodies for portions of the Mount Claremont Municipal Depot site and short-term licences would not be subject to community consultation.

#### LEGAL/POLICY:

Sections 5.42 and 5.43 of the *Local Government Act 1995* allows Council to delegate some powers or duties to the CEO, including the disposition of property.

**RISK MANAGEMENT IMPLICATIONS**

There are minimal risks to Council and the City's business function when Council grants delegation to the Chief Executive Officer to enter into leasing arrangements.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's *Strategic Community Plan 2022-2032*:

Innovative and Accountable

*We deliver our services, projects and programs in the most inclusive, efficient, effective and sustainable way possible.*

**SUSTAINABILITY IMPLICATIONS:**

This is in keeping with the following key sustainability outcomes of the *City's Sustainable Environment Strategy 2019-2024*.

*Sustainable Energy Use/Greenhouse Gas Emission Reduction*


**PUBLIC HEALTH IMPLICATIONS:**

This does not contribute to any public health outcomes in the *City's Public Health Plan 2020-2025*.

**FINANCIAL/BUDGET IMPLICATIONS:**

It is anticipated that the City could receive adequate lease and licence revenue to fund some of the City's costs associated with the site as well as the refurbishment and renewal of at least one the three administration buildings and some or all of the car parking as well as ongoing maintenance, services and insurance costs for those portions of the site leased or licenced.

**8.3 INFORMATION BULLETIN**

- Attachments:**
1. Minutes of the Sustainability and Transport Advisory Group Meeting 13 March 2025 
  2. Minutes of the Mindarie Regional Council Meeting held on 24 April 2025 
  3. Minutes of the Mindarie Regional Special Council Meeting held on 8 May 2025 
  4. Unconfirmed Minutes of the Catalina Regional Council Meeting held on 19 June 2025 
  5. Statistics for Development Services Applications as at the end of June 2025 
  6. Register of Legal Action and Prosecutions Monthly - Confidential
  7. Register of State Administrative Tribunal (SAT) Appeals - Progress Report as at 27 June 2025 
  8. Register of Applications Referred to the Metro Inner-North Joint Development Assessment Panel - Current 
  9. Register of Applications Referred to the Design Review Panel - Current 
  10. Register of Petitions - Progress Report July 2025 
  11. Register of Notices of Motion - Progress Report - July 2025 
  12. Register of Reports to be Actioned - Progress Report - July 2025 
  13. Council Workshop Items since 14 May 2025 
  14. Council Briefing Notes - 10 June 2025 
  15. 2025 National General Assembly Communique 

**RECOMMENDATION:**

That Council RECEIVES the Information Bulletin dated July 2025.

**9        MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**10       REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

**11       CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE  
CLOSED**

**12       CLOSURE**