

MINUTES

ORDINARY COUNCIL MEETING

**COUNCIL CHAMBERS
LEVEL 2, 388 HAY STREET, SUBIACO**

TUESDAY 27 MAY 2025

**COMMENCEMENT: 5:33PM
CLOSURE: 7:40PM**

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member declared the Ordinary Council Meeting of 27 May 2025 held in Council Chambers at Level 2, 388 Hay Street Subiaco, open at 5:33pm.

The Presiding Member welcomed those present at the meeting and gave an Acknowledgement of Country on behalf of the City of Subiaco.

2. ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Elected Members Present

Mayor David McMullen	Presiding Member
Cr Rosemarie de Vries	North Ward
Cr Russell Jones	North Ward
Cr Nicola Johnston <i>(via Zoom)</i>	Central Ward
Cr Penny O'Connor	Central Ward
Cr Mark Burns	East Ward
Cr Rick Powell	South Ward
Cr Simon White	South Ward

*In accordance with section 14C(2)(b) of the Local Government (Administration) Regulations 1996, **Cr Nicola Johnston** was authorised to attend the meeting by electronic means by the Mayor, having declared that they could maintain confidentiality during the meeting.*

Staff Members Present

Colin Cameron	Chief Executive Officer
Emma Woolaston	Director Corporate Services
Linnet Solomons	Director Business Improvement
Adam Cousins	A/Director Development Services
Randhir Karma	A/Director Technical Services
Anthony Denholm	Manager Planning Services
Giles Pickard	Manager Parks and Environment Services
Joel Guest	Manager Commercial Services and Property
Haylee Edwards	Manager Governance and Strategy
Charlie Darlington	Senior Communications Officer
Esther Reidy	Climate Change Officer
Anthea Astone	Governance Officer
Lorraine Edwards	Governance Officer

Apologies

Nil

Leave of Absence

Cr Garry Kosovich	East Ward
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Observers

1 media

22 members of the public

3. DISCLOSURE OF INTEREST

Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Greg Righton, Darbon Crescent, Subiaco asked the following questions:

Question 1

The following properties were impacted upon by noise issues on the weekend of 26th to 28th April:

- 21 Darbon Crescent, Subiaco (next door to 19 Darbon Crescent)
- 3 Atkinson Road, Subiaco
- 1 Meters Lane, Subiaco

Why weren't these properties listed in the Agenda Briefing Forum and why are they not to be provided with an approved Management Plan for 19 Darbon Crescent and what is your advertising strategy for provision of such plans in the immediate residential area of an unhosted STRA?

Question 2

If a development application for a maximum 8 guests Unhosted Short Term Residential Accommodation for 19 Darbon Crescent is not approved by the City, then can the property continue to operate as a maximum 6 guest Unhosted STRA?

The A/Director Development Services provided the following response:

Question 1

The exclusion of 21 Darbon Crescent in recommended condition 3 was an administrative error in the drafting of the condition. Elected Members have been made aware of this. Recommended condition 3 seeks only to provide the approved management plan to owners and occupiers of adjoining properties. No's. 3 Atkinson Road and 1 Meters Lane are not considered to be adjoining so have not been included.

Question 2

Before answering your question, there is some important context to consider. The City's Local Planning Strategy was endorsed by the Western Australian Planning Commission in February 2020. The Strategy includes an action to reduce red tape for landowners to provide short-term accommodation to tourists. This is supported by the City's Local Planning Scheme No. 5 (LPS 5). Since LPS 5 was gazetted and became operational in February 2020, short stay dwellings allowing up to 6 guests for short-term accommodation type uses has been exempt from requiring development approval.

So to answer your question, in the event this application is not approved, then yes, 19 Darbon Crescent could continue to operate up to 6 guests as a short stay dwelling

(hosted or unhosted) into the future – without any regulatory intervention through the *Planning and Development Act 2005* – without the need to submit and/or comply with a management plan.

6. PUBLIC STATEMENT TIME

Michael Plumbly, Redfern Street, Subiaco read a statement in relation to Item C1.

Marc Stephan, Redfern Street, Subiaco read a statement in relation to Item C1.

Graham Hannington, Redfern Street, Subiaco read a statement in relation to Item C1.

Kim and Nicola Grey, Metters Lane, Subiaco read a statement in relation to Item C2.

David Taylor, Darbon Crescent, Subiaco read a statement in relation to Item C2.

Phil Dight, Atkinson Road, Subiaco read a statement in relation to Item C2.

Greg Righton, Darbon Crescent, Subiaco read a statement in relation to Item C2.

Ann Righton, Darbon Crescent, Subiaco read a statement in relation to Item C2.

Simon Neale, Darbon Crescent, Subiaco read a statement in relation to Item C2.

7. PETITIONS AND APPROVED DEPUTATIONS

Nil

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

8.1 Ordinary Council Meeting – 29 April 2025

COUNCIL DECISION

Moved Cr Jones / Seconded Cr White

The Minutes of the City of Subiaco Ordinary Council Meeting held on Tuesday 29 April 2025 are confirmed as a true and correct record.

CARRIED 8/0

6:03pm

9. ANNOUNCEMENTS BY THE PRESIDING MEMBER

I will take the opportunity to say a few words about the 2025 National Awards for Planning Excellence because the City of Subiaco is a finalist in the Climate Change and Resilience category. The City's entry was entitled "Empowering Sustainable Development: Insights from Local Planning Policy 1.3". This entry won its category at the Planning Institute of Australia's State Awards late last year, which is why we now find ourselves as nominees for a National Award.

If you cast your mind back to LPP 1.3, it's all about sustainable development. It introduced sustainability requirements to new single houses, group dwellings and significant alterations and additions. It allows proponents who wish to undertake a development to choose from a combination of sustainability measures to satisfy the requirements of the policy. Through these policy measures, we're helping to deliver the sustainable built form objectives identified in the City's Local Planning Strategy and Local Planning Scheme.

We think it's a pretty good policy and others in local government think it's pretty good also. We know this because they've asked us about it. The judging panel for the State Awards thought the policy was a great initiative as well.

But I digress, the National Awards will be announced at a presentation this Thursday 29 May as part of PIA's Planning Congress which is being held in Darwin. In PIA's words: "The nominations bring together the best projects teams and people, they overcome challenges and bring about change, and they shape our communities for the better".

So, I think it will be a big honour if the City brings home the national prize, but regardless of the outcome, I think the City of Subiaco's planning team deserves a big congratulations for striving for excellence and innovation in everything they do. So, all the best to all the planning team at the City of Subiaco and we'll have something to report one way or another come Thursday evening.

10. REPORTS OF COMMITTEES AND OFFICERS

COUNCIL DECISION

Moved Cr O'Connor / Seconded Cr de Vries

Items C5, C6, C7, C8, C10, 13.1 and 13.2 contained in the Agenda of the Ordinary Council Meeting of 27 May 2025 be adopted en bloc.

CARRIED 8/0

6:08pm

10.1 OFFICER REPORTS

C1 6 REDFERN STREET SUBIACO – CHANGE OF USE FROM SINGLE HOUSE TO RESIDENTIAL BUILDING (SHORT TERM RENTAL ACCOMMODATION)*

REPORT FROM DIRECTOR DEVELOPMENT SERVICES

Authors: A/Manager Planning Services, Brendan Philipps
Planning Officer, Liam Page

Date: 23 May 2025

File Reference: A/7984

Voting Requirements: Simple - more than half elected members present required to vote in favour

COUNCIL DECISION

Moved Cr Burns / Seconded Cr Jones

In accordance with the provisions of Local Planning Scheme No. 5, the application submitted by Matthew Whiting dated received 22 December 2024 for a change of use from Single House to Residential Building (Short Term Rental Accommodation) at No. 6 (Lot: 28 D/P: 938) Redfern Street, Subiaco as shown on amended development plans dated received 18 April 2025 (Plans 1 - 25; of 25), be REFUSED for the following reasons.

- The proposed land use does not satisfy the provisions of the City of Subiaco Local Planning Scheme No. 5 and is inconsistent with Objective (e) of the Residential Zone, as set out in Clause 16(2) of Local Planning Scheme No. 5:**

Objective (e) – The proposed land use is considered incompatible with the residential area and will result in adverse amenity impacts on surrounding properties.

CARRIED 8/0

6:42pm

OFFICER RECOMMENDATION

In accordance with the provisions of Local Planning Scheme No. 5, the application submitted by Matthew Whiting dated received 22 December 2024 for a change of use from Single House to Residential Building (Short Term Rental Accommodation) at No. 6 (Lot: 28 D/P: 938) Redfern Street, Subiaco as shown on amended development plans dated received 18 April 2025 (Plans 1 - 25; of 25), be APPROVED subject to the following conditions:

- The development is to be carried out in accordance with the plans, drawings and documentation dated received 18 April 2025 (Plans 1 - 25; of 25), included with the application for development approval, unless otherwise approved by the City. The development shall be substantially commenced within two (2) years of the date of

- this decision. The development shall be substantially commenced within this time, the approval shall lapse and be of no further effect.
2. The approved Management Plan dated 18 April 2025 shall be implemented in its entirety and adhered to at all times, to the satisfaction of the City of Subiaco. In the event the owner and/or operator changes, the approved Management Plan shall be updated to the satisfaction of the City of Subiaco.
 3. Prior to commencement of the use, the approved Management Plan dated 18 April 2025 shall be provided to the owners and occupiers of the following properties:
 - 187 Hamersley Road, Subiaco
 - 185 Hamersley Road, Subiaco
 - 181 Hamersley Road, Subiaco
 - 10 Redfern Street, Subiaco
 - 9 Redfern Street, Subiaco
 - 8 Redfern Street, Subiaco
 - 6 Redfern Street, Subiaco
 - 5 Redfern Street, Subiaco
 - 4 Redfern Street, Subiaco
 - 2 Redfern Street, Subiaco
 - 1 Redfern Street, Subiaco

The applicant is to provide evidence to demonstrate they have delivered the Management Plan to the specified properties, to the satisfaction of the City of Subiaco. Should the Management Plan be updated as required by condition 2, the approved Management Plan shall be redistributed to the specified properties.

4. The Residential Building (Short Term Rental Accommodation) use hereby approved shall not:
 - a) Permit more than 10 occupants on the premises at any one time; and
 - b) Allow an occupant to occupy the dwelling, or part of the dwelling, for a period or periods exceeding a total of 3 months in any 12-month period.

Advice notes:

- i. *This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency.*
- ii. *In relation to the Management Plan dated 18 April 2025, any changes to the landowner and/or manager associated with the operation of the use and management plan, shall be provided to the City of Subiaco for endorsement.*
- iii. *In relation to the Complaint Procedure contained within the Management Plan dated 18 April 2025, the applicant is strongly encouraged to provide direct contact details for the Property Manager to surrounding residential properties.*
- iv. *In relation to condition 3, the applicant may elect to use registered post to verify the delivery of the Management Plan to surrounding properties. Should any of the owners and/or occupiers of properties require access to the approved Management Plan, a copy can be made available by contacting the City of Subiaco's Planning Services on 9237 9222.*
- v. *It is the responsibility of the operator to comply with the obligations under the Short-Term Rental Accommodation Act 2024 (STRA Act). The applicant is advised that under the STRA Act, the City reserves the right to issue a s.29 certificate recommending cancellation or suspension of the STRA in the event that there are systemic compliance issues relating to the land use which are not resolved in a reasonable timeframe.*

- vi. *The applicant and owner are advised that the City's Compliance Services have reviewed the proposal and will not issue parking permit(s) for this property. Please contact the City's Compliance Support Services on 9237 9222 for further information.*
 - vii. *The applicant is to ensure noise emissions from the site comply with the Environmental Protection (Noise) Regulations 1997 (as amended).*
 - viii. *In relation to Building Matters:*
 - a. *Notification of the Building Code change of classification must be provided to the City at least 10 business days before the proposed change. The written notice must include or be accompanied by evidence that the building complies with the applicable technical aspects of the construction of a building's proposed classification*
- Please contact Building Services on 9237 9222 for further information.*
- ix. *In relation to Waste Matters:*
 - a. *Clear and concise instructions will need to be present within the property regarding the 3 bin system within Subiaco. Short stay residents will need to adhere to the Waste Local Laws 2025.*
 - b. *The collection day for this property is a Monday in Area 2 so the correct bins will need to be presented prior to 7am on this day. Additional information regarding the collections and sorting waste is available on either the City's website or the Waste Sorted website. If there are constant contaminations in any of the 3 bins, they risk being removed.*
 - c. *The property will only be entitled to 1 bulk waste tip pass for both Hard and Green bulk waste per financial year.*

Please contact Waste Services on 9237 9222 for further information.

LAPSED FOR WANT OF A MOVER

ALTERNATIVE

Moved Cr Burns / Seconded Cr Jones

In accordance with the provisions of Local Planning Scheme No. 5, the application submitted by Matthew Whiting dated received 22 December 2024 for a change of use from Single House to Residential Building (Short Term Rental Accommodation) at No. 6 (Lot: 28 D/P: 938) Redfern Street, Subiaco as shown on amended development plans dated received 18 April 2025 (Plans 1 - 25; of 25), be REFUSED for the following reasons.

1. The proposed land use does not satisfy the provisions of the City of Subiaco Local Planning Scheme No. 5 and is inconsistent with Objective (e) of the Residential Zone, as set out in Clause 16(2) of Local Planning Scheme No. 5:

Objective (e) – The proposed land use is considered incompatible with the residential area and will result in adverse amenity impacts on surrounding properties.

CARRIED 8/0

6:42pm

Cr Burns provided the following reasons:

PLANNING SCHEME CONSIDERATION

Below is an extract from the City's Local Planning Scheme No. 5 (LPS5) that deals with how use permissibility is dealt with in the scheme zoning table. You will note that the 'A' and 'D' designations both include the words 'the use is not permitted unless the local government has exercised its discretion by granting development approval'. The use not being permitted should be the assessment starting point and the Council should

need to be convinced to exercise its discretion based on the facts of the application. The applications going to Council on 27 May is being dealt with as residential building (short term rental accommodation) which means it is an ‘A’ use.

18. Interpreting zoning table

- (1) The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.
 - (2) The symbols used in the zoning table have the following meanings —

P	means that the use is permitted if it complies with any relevant development standards and requirements of this Scheme;
I	means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme;
D	means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
A	means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions;
X	means that the use is not permitted by this Scheme.
- Note: 1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the carrying out of works on, and the use of, land. For development on land that does not require development approval see clause 61 of the deemed provisions.

PLANNING LAW CONSIDERATION

The nature of this non-residential use is incompatible with the residential amenity experienced by landowners and residents in this solely residential locality in terms of potential deterioration and disruption caused to their amenity.

The State Administrative Tribunal (SAT) clearly supported this position (above) as a proper planning reason for refusal in many of their Decisions.

By way of one such example:

[2022] WASAT 36 - Lawrence and the City of Rockingham

SAT Member Ross Povey wrote as a part of his Decision to dismiss the Appeal

“It is, therefore, reasonable to expect that visitors and short term occupants of the site would use the outdoor entertaining area more intensively and at more unpredictable hours than if the property were being resided in on a permanent basis, thus resulting in more noise and disturbance to neighbours.”

Additional Information

Following the Agenda Briefing Forum, minor changes have been made as follows:

- Correction of typographical errors from ‘Hammersley’ changed to ‘Hamersley’ in the recommended conditions; and
- Removal of reference to availability of verge parking within the report as the proposal includes sufficient off-street parking.

Executive Summary

- This application seeks development approval for a change of use from an existing Single House to a Residential Building (Short Term Rental Accommodation) located at 6 Redfern Street, Subiaco. The property is currently operating as a Short Stay Dwelling and the City has received no complaints to date.
- During the consultation period for the application, more than five objections were received on valid planning grounds. As such, the application must be presented to Council for determination in accordance with the Register of Delegations and Authorisations from Council to CEO 2024/2025.
- The proposed development is generally consistent with the planning framework:
 - Local Planning Scheme No.5 (LPS 5);
 - Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions); and
 - State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes).
- Officers recommend that the application be approved subject to relevant conditions to manage potential amenity impacts.

Background

The application seeks development approval for a change of land use from an existing Single House to a Residential Building (Short Term Rental Accommodation) at 6 Redfern Street, Subiaco (refer to **Attachment 1** for the development plans). There are no works associated with the application.

The applicant has provided the following information relating to the proposal:

- There will be a maximum of 10 guests at any one time.
- The maximum length of stay for any guest is 30 consecutive days.
- No structural works are proposed.
- A Management Plan has been submitted including details relating to a complaints management procedure, guest check-in and check-out procedure, health and safety protocols, parking management plan and waste management plan.
- There are two on site car parking spaces in the double garage.

Landowner:	Olivia Peggy MacVie
Applicant:	Matthew Whiting
Conflict of Interest:	N/A
Application Date:	22/12/2024
DA Reference:	DA 7.2024.177.1
Lot size:	440m ²
Zoning:	Residential R20
Precinct:	West Subiaco Sub-Precinct 1
Land Use:	Residential Building
Land Use Permissibility:	A
Existing Development:	Single House
Heritage Background:	Rawson Street Heritage Area – Some/Moderate Contribution

Site Context and Development History

- The subject site is located within the street block bound by Redfern Street to the south, Hensman Road to the west, Hamersley Road to the north and Union Street to the east. The block is intersected by a 3m wide right-of-way (**Figure 1** – Location Plan).
- The site is improved with a single dwelling and detached garage and studio.

- The property is currently operating as a Short Stay Dwelling and the City has received no complaints to date.



Figure 1 – Location Plan

Consultation

Public Submissions

The application is a standard application in accordance with clause 4.1 of *Local Planning Policy 7.3: Public Consultation for Planning Proposals* (LPP 7.3) and was advertised to surrounding landowners and occupiers.

Public Consultation (Formal Advertising)

Formal public consultation occurred between 21 January 2025 and 4 February 2025, and 8 submissions were received: 5 objecting; Nil supporting; and 3 with comments only. **Table 1** below provides a summary of the key concerns raised in submissions and officer responses. The full schedule of submissions is provided as **Attachment 3**.

Table 1: Summary of Key Concerns raised in submissions	
Summary of Concerns	Officer comment
The number of occupants is excessive	The STRA application for 6 Redfern Street proposes a maximum of 10 guests to stay within the 5 bedroom and 2 bathroom dwelling. This means that there would be a maximum of 2 people per bedroom which is an adequate living arrangement aligned with most residential dwellings. A condition restricting the maximum number of occupants is recommended. In this regard the number of guests is considered acceptable, as a standard residential dwelling is able to accommodate for the same number of occupants without requiring approval. Furthermore, not all bookings are likely to be a maximum of 10 and this is simply a limit on the number of guests that can be accommodated

	within the premises.
The application will result in parking issues	<p>There are two car parking bays available on site in a double garage which sufficiently serves the STRA. In addition to that the Car Parking Station 77 – Theatre Gardens is located 200m~ from the property, where there are 64 paid car parking bays available including 3 ACROD bays. As such there are ample parking provisions within and proximate to the site. The Management Plan (within the amended development plans – Attachment 1) also specifically states that guests will be made aware of parking arrangements on site.</p> <p>The City's Compliance Services would respond to and manage any complaints relating to availability of on-street parking. In the event that concerns relating to on-street parking were ongoing and directly attributable to the Residential Building (STRA) land use, then the City could recommend to the Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) that the registration of the STRA is either suspended or cancelled through section 29 of the <i>Short-Term Rental Accommodation Act 2024</i> (STRA Act).</p>
The proposal will result in increased noise	<p>The transient and temporary nature of occupation for STRA developments is likely to generate less noise compared to a permanently occupied residential dwelling, especially as the property will be continuously noise monitored as outlined within the Management Plan (within the amended development plans – Attachment 1).</p> <p>An advice note relating to compliance with the <i>Environmental Protection (Noise) Regulations 1997</i> (Noise Regs), has been recommended. Under section 29 of the STRA Act, the City can recommend to DEMIRS that the registration of the STRA is either suspended or cancelled if noise concerns are ongoing or if non-compliance with the Noise Regs is systemic.</p>
Increased Anti-Social Behaviour and Safety Concerns	The Management Plan (within the amended development plans – Attachment 1) outlines specific security and noise monitoring measures for the proposed STRA. Additionally, the host's responsibilities, noise management, operational management and complaints management procedure is also set out. A guest code-of-conduct and terms of conditions are also provided to guests to ensure that expectations of behaviour during their stay is clearly set out.
Impact on character of area and property values	The application does not propose any works to the building and therefore there will not be an impact on the physical characteristics of the property and its contribution to the heritage area. Impacts on property values are not a valid

	planning consideration.
Waste management concerns	Following consultation, the applicant submitted a Waste Management Plan as an annexure to the Management Plan which will be enforced through condition 2 recommended. The City's Waste Services also supported the proposed waste collection arrangements for the land use, noting it is comparable to a Single House.

Internal Referrals

The proposal was referred to relevant internal departments and conditions and advice notes have been included as appropriate. The referral comments are summarised in **Attachment 4** and further discussed in the planning compliance section of this report

Comment

Local Planning Scheme No. 5

Clause 17 – Land Use Permissibility

LPS 5 includes two land use definitions relating to short term accommodation – ‘bed and breakfast’ and ‘short term dwelling’ as follows:

bed and breakfast means a dwelling —

- (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and*
- (b) containing not more than 2 guest bedrooms;*

short stay dwelling means an approved dwelling that provides accommodation for a maximum of six occupants for no more than three consecutive months;

The proposal is most consistent with the land use for ‘Residential Building’, defined within the R-Codes as follows as it exceeds the maximum number of people in the Short Stay Dwelling definition:

Residential Building – a building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation: - temporarily by two or more persons; or

- permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school. [additional emphasis added]*

An assessment of the proposal has been conducted with the provisions of LPS 5, clause 67 of the Deemed Provisions, and the R-Codes. A full planning assessment against the relevant considerations is contained in **Attachment 2**.

Table 2 contains an assessment of the Residential Building (Short Term Rental Accommodation) against the relevant objectives of the Residential zone in LPS 5.

Table 2: Clause 16(2) – Objectives of the Residential Zone	
Objective	Proposed Residential Building (Short Term Rental Accommodation)
(a) To provide for a range of housing and a choice of residential densities housing	The short term rental accommodation is considered to meet the needs of the

types to meet the needs of the community.	community as it provides accommodation for visitors and tourists.
(b) To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.	The proposal does not externally alter the existing building.
(c) To provide for a range of non-residential uses, which are compatible with and complementary to residential development.	The activities and occupant responsibilities conducted within a short term rental accommodation will operate similarly to a residential dwelling. Conditions are recommended to ensure the land use is compatible and complementary to residential development.
(d) To maintain the compatibility with the general streetscape for all new buildings in terms of human scale, height, style, materials, street alignment and design of facades.	No external alteration proposed, the existing dwelling is compatible and contributes to the streetscape.
(e) To ensure that the amenity of residential areas is protected from incompatible uses and disproportionate or excessive development.	The application includes a Management Plan, which as a condition of approval, will ensure that the amenity of the residential area is protected. No external alterations proposed.
(f) To enhance established neighbourhood character by ensuring that new development is respectful of, and responds to, the key features of the surrounding area.	The application proposes a change of use only, reverting the internal layout to reflect a typical household. The removal of signage is considered to enhance the established neighbourhood character.
(g) To recognise and enhance places of cultural heritage significance which are affected by development.	No external alterations to the building are proposed, which will retain the character and scale of dwelling which is identified as being of some contribution to the Rawson Street Heritage Area.

The Management Plan is imposed through a condition of approval. It is considered that the potential amenity impacts can be appropriately mitigated. With the Management Plan regulating occupant behaviour and conduct, and setting out a process for complaint management, the short-term rental accommodation will function in a comparable way to that of a Single House land use. In regard to amenity, LPS 5 defines ‘amenity’ as:

‘amenity – the liveability, comfort or quality of a place which makes it pleasant and agreeable to be in for individuals and the community. Amenity is important in the public, communal and private domains and includes the enjoyment of sunlight, views, privacy and quiet. It also includes protection from pollution and odours.’

Table 3 provides a summary with consideration of amenity in relation to the proposed Short Term Rental Accommodation land use.

Table 3: Amenity Assessment Summary	
Amenity	Proposed Short Term Rental Accommodation
Liveability, comfort, pleasant and agreeable	The Short Term Rental Accommodation includes a Management Plan to preserve the amenity of the property, and proposes to function similarly to a residential household. In the event of approval, conditions are recommended to ensure compliance with the Management Plan.
Enjoyment of sunlight	N/A – no external alterations to the building proposed.

Enjoyment of views	N/A – the existing building does not impact any views.
Enjoyment of privacy	N/A – the existing building does not impact on privacy of adjoining dwellings.
Enjoyment of quiet	The development proposes a Management Plan to control noise levels, particularly at night time. A complaint management process has been outlined. The City’s Environmental Health Services have not raised concern in relation to noise levels from the use.
Protection from pollution and odours	N/A – There are no known pollution or odours which would be generated from the Short Term Rental Accommodation.

For the reasons outlined in this report, the proposed land use satisfies all the relevant aims of LPS 5 and matters for consideration outlined in clause 67 of the Deemed Provisions. A detailed assessment has been provided within **Attachment 2**.

Local Planning Policy 3.8 Union and Redfern Heritage Area

The proposed change of use maintains the existing building, with no physical works proposed. As the proposal has no impact on the contributory building, this maintains the heritage character of the site.

Deemed Provisions – Clause 67 Matters for the Consideration Management Plans

The Position Statement – Tourism and Short-term Rental Accommodation was released in November 2023 and is based on the recommendations of the 2019 Parliamentary Inquiry – ‘Levelling the Playing Field: Managing the impact of the rapid increase of short-term rentals in Western Australia’. The position statement provides guidance on how to consider STRA proposals. Section 4.4.2 provides guidance on management plans to inform assessment against the applicant’s submission, contained in **Table 4** below.

Table 4 – Planning for Tourism and Short-term Rental Accommodation Guidelines	
4.4 Management Plans	
Provision	Comments
<p><i>Mitigation Plan</i> To control anti-social behaviour, noise and any other potential conflicts a mitigation plan may be appropriate. Anti-social behaviour should be dealt with by local government/police in the same manner as a property being used as a residential dwelling.</p>	The updated Management Plan includes a complaints management procedure as well as outlines the noise monitoring that will occur at the property. The devices shall alert the property manager should noise exceed above acceptable levels. The contact details of the property manager will be provided to neighbours to assist with escalating complaints directly.
<p><i>Complaints Management Procedure</i> The manager of short-term rental accommodation should be contactable in the event that a complaint is made. The guest should have 24-hour access to the manager via phone, email or an online app. Some local governments may want the operator to provide a record of complaints made against short-term rentals and this should be reflected/included in the complaints management procedure.</p>	A complaints management procedure is included within the updated Management Plan. The process sets out how complaints are dealt with and the proper avenues on how and who to raise concerns to. Contact details of the property manager will be available to guests. Neighbours will also be able to contact the property manager directly.
<p><i>Guest check-in and check-out procedures</i> Clear check-in and check-out procedures should be outlined in the management plan.</p>	The guest check-in and check-out procedure is within the Management Plan. All guests will be notified of the process within the relevant booking platform, prior to arrival.

<p><i>Health and Safety Protocols</i> Other legislation and standards govern the need to provide and maintain appropriate health and safety requirements in short-term rental accommodation. Local government may wish to advise short-term rental operators of these requirements in the management plan.</p>	<p>Health and safety protocols are included within the Management Plan. Details relating to cleaning of the premises are provided within the Management Plan to ensure this occurs without disruptions to guests or neighbours. Additionally, a fire extinguisher and fire blanket are provided within the property, and this is reinforced through the Management Plan.</p>
<p><i>Management and Provision of Car Parking</i> On-site parking provision should be considered to accommodate additional vehicles within the property boundary and should align with existing local government parking policies.</p>	<p>The property allows the parking of 2 vehicles onsite within the garage. The applicant will also be advised that no parking permits will be given to guests as they are considered temporary residents.</p>
<p><i>Waste Management</i> Must specify the requirements of general waste and recycling, bin collection days and location of bins for collection.</p>	<p>Waste collection is outlined within the Management Plan. Information on bin types, collection times and bin locations are provided. It is noted that waste management of STRA is comparable to that of a permanent residential dwelling.</p>

Parking

The proposal does not change the two on-site vehicle parking bays that were approved for the current Single House, and which comply with the R-Codes. While some guests may not require vehicle parking on site (as they may be guests from overseas or another state arriving without a vehicle). The provision of two car bays would cater for the likely target user group(s) being two separate families or groups. The vehicle parking provision is supported for the following reasons:

- The site is located 650m east of Darglish train station (approximately a ten minute walk), which provides services every 6 minutes between Claremont and Bayswater stations in both directions at peak times.
- The site is 600m north of the 27 bus route, which arrives every 15 minutes.
- The site is within a highly walkable location and located approximately 300m away from a variety of commercial, entertainment and retail land uses on Rokeby Road.

Sustainability considerations

The sustainability considerations for the proposal do not change as no works are proposed and the dwelling will continue as a residence.

Strategic Considerations

Strategic Community Plan

The recommendation contributes to the following Council strategies:

Strategic Community Plan – Objective 3.1.2

Work towards establishing the City of Subiaco as a destination of choice.

Strategic Community Plan – Objective 3.2.3

Advocate for living, working and playing in the city.

Local Planning Strategy

The City's Local Planning Strategy seeks to encourage tourist accommodation. This is reflected in the aim to “*promote the City as a unique, attractive, and well-serviced destination for visitors*”. One of the implementation actions to meet this objective is to “*investigate means of reducing red tape for landowners to provide short-term accommodation to tourists.*”

Social Infrastructure Plan

The proposed short term rental accommodation is considered to align with the Social Infrastructure Strategy as it will enable a diverse range of visitors to participate in the community and contribute to local businesses.

Statutory and Policy Considerations

The application for development approval is considered in accordance with the *Planning and Development Act 2005*, LPS 5 and relevant planning policies as detailed in the report.

Planning Compliance

Short-Term Rental Accommodation Act 2024 (the STRA Act)

Section 29 of the STRA Act enables a designated local government officer to present a case to the Commissioner for Consumer Protection (the Commissioner) for consideration. Through this process a Local Government can request the cancellation or suspension of a STRA registration for a variety of reasons which are set out in section 29 of the STRA Act. These reasons include:

- (a) operating without appropriate development approval;
- (b) operating in a zone that does not permit STRA;
- (c) breaching conditions of the premises development approval;
- (d) contravening a prescribed Act, local law or regulation regardless of whether the accommodation provider is prosecuted for the contravention; and/or
- (e) failure to meet specified building standards applicable to the premises.

An advice note has been recommended to inform the applicant that the City may take compliance action and potentially issue a section 29 certificate under the STRA Act in the event the compliance matters are not adequately resolved.

The City receives very few complaints relating to STRA uses. Although short stay dwellings have been exempt from the need to obtain planning approval, they have typically operated without impacting the amenity of neighbouring properties.

Resource Considerations

There are no financial implications for this report.

Risk Considerations

Any decision on a planning application includes the risk of an applicant seeking a review of the decision at the State Administrative Tribunal (Tribunal). This is a right afforded to all applicants and is best mitigated by a thorough planning assessment based on sound planning principles and the applicable planning framework

This application has exceeded the statutory timeframe for consideration, and the applicant is able to seek a review through the Tribunal. Should this occur, the City will not be able to consider the application unless expressly invited by the Tribunal to do so, or with the consent of the applicant.

Options

It is up to Council to determine this development application in one of three different ways:

1. Approve the application unconditionally; or
2. Approve the application with conditions as per the Officer Recommendation or as otherwise amended by Council; or
3. Refuse the application, giving reasons for its decision.

City officers do not recommend Option 1, as conditions are needed to moderate the development and resolve issues raised in the planning assessment.

A different opinion may be formed on the merits of the proposal as assessed and additional planning conditions can be imposed to address concerns (Option 2).

Should it be deemed that the imposition of additional planning conditions is insufficient or otherwise inappropriate in addressing concerns, the application may be refused (Option 3) based on the following element(s):

- Land use and amenity concerns.

Should Council consider that the proposal (being used in accordance with the management plan) will unduly impact the amenity of the locality, it may determine that the proposed application be refused.

The premises can continue to be used as a Short Stay Dwelling if it does not house more than six occupants (over three consecutive months). As Short Stay dwelling is exempt from the need for approval, this use will not be governed by a management plan or associated conditions of approval.

Attachments

1. Amended Development Plans
2. Planning Report
3. Schedule of Submissions
4. Schedule of internal referral comments

C2 19 DARBON CRESCENT SUBIACO – CHANGE OF USE FROM SINGLE HOUSE TO RESIDENTIAL BUILDING (SHORT TERM RENTAL ACCOMMODATION)*

REPORT FROM DIRECTOR DEVELOPMENT SERVICES

Author: A/Manager Planning Services, Brendan Philipps
Planning Officer, Aurland Baluyot

Date: 13 May 2025

File Reference: A/7984

Voting Requirements: Simple - More than half elected members present required to vote in favour.

COUNCIL DECISION

Moved Cr Jones / Seconded Cr de Vries

In accordance with the provisions of Local Planning Scheme No 5, the application submitted by Cozystays Pty Ltd dated received 10 December 2024 for Change of use to Residential Building (Short Term Rental Accommodation) at No. 19 (Lot: 366 D/P: 48284) Darbon Crescent, Subiaco as shown on amended development plans dated received 1 May 2025, is REFUSED for the following reasons.

- 1. The proposed land use does not satisfy the provisions of the City of Subiaco Local Planning Scheme No. 5 and is inconsistent with Objective (e) of the Residential Zone, as set out in Clause 16(2) of Local Planning Scheme No. 5:**

Objective (e) – The proposed land use is considered incompatible with the residential area and will result in adverse amenity impacts on surrounding properties.

CARRIED 8/0

6:50pm

OFFICER RECOMMENDATION

In accordance with the provisions of Local Planning Scheme No 5, the application submitted by Cozystays Pty Ltd dated received 10 December 2024 for Change of use to Residential Building (Short Term Rental Accommodation) at No. 19 (Lot: 366 D/P: 48284) Darbon Crescent, Subiaco as shown on amended development plans dated received 1 May 2025, is APPROVED subject to the following conditions:

1. The development is to be carried out in accordance with the plans, drawings and documentation dated received 1 May 2025 (Plans 1 - 34; of 34), included with the application for development approval, unless otherwise approved by the City. The development shall be substantially commenced within two (2) years of the date of this decision. Should the development not be substantially commenced within this time, the approval shall lapse and be of no further effect.
2. The approved Management Plan dated 1 May 2025 shall be implemented in its entirety and adhered to at all times, to the satisfaction of the City of Subiaco. In the event the owner and/or operator changes, the approved Management Plan shall be updated to the satisfaction of the City of Subiaco.
3. Prior to commencement of the use, the approved Management Plan dated 1 May 2025 shall be provided to the owners and occupiers of the following properties:
 - 3 Centro Avenue, Subiaco
 - 5 Centro Avenue, Subiaco
 - 6 Darbon Crescent, Subiaco

- 15 Darbon Crescent, Subiaco
- 17 Darbon Crescent, Subiaco
- 1 Atkinson Road, Subiaco

The applicant is to provide evidence to demonstrate they have delivered the Management Plan to the specified properties, to the satisfaction of the City of Subiaco. Should the Management Plan be updated as required by condition 2, the approved Management Plan shall be redistributed to the specified properties.

4. The Residential Building (Short Term Rental Accommodation) use hereby approved shall not:
 - a) Permit more than 8 occupants on the premises at any one time; and
 - b) Allow an occupant to occupy the dwelling, or part of the dwelling, for a period or periods exceeding a total of 3 months in any 12-month period.

Advice notes:

- i. *This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency.*
- ii. *In relation to the Management Plan dated 1 May 2025, any changes to the landowner and/or manager associated with the operation of the use and management plan, shall be provided to the City of Subiaco for endorsement.*
- iii. *In relation to the Complaint Management Procedure contained within the Amended Development Plans dated 1 May 2025, the applicant is strongly encouraged to provide direct contact details for the Property Manager to surrounding residential properties.*
- iv. *In relation to condition 3, the applicant may elect to use registered post to verify the delivery of the Management Plan to surrounding properties. Should any of the owners and/or occupiers of properties require access to the approved management plan, a copy can be made available by contacting the City of Subiaco's Planning Services on 9237 9222.*
- v. *It is the responsibility of the operator to comply with the obligations under the Short-Term Rental Accommodation Act 2024 (STRA Act). The applicant is advised that under the STRA Act, the City reserves the right to issue a s.29 certificate recommending cancellation or suspension of the STRA in the event that there are systemic compliance issues relating to the land use which are not resolved in a reasonable timeframe.*
- vi. *The applicant and owner are advised that the City's Compliance Services have reviewed the proposal and will not issue parking permit(s) for this property. Please contact the City's Compliance Support Services on 9237 9222 for further information.*
- vii. *The applicant is to ensure noise emissions from the site comply with the Environmental Protection (Noise) Regulations 1997 (as amended).*
- viii. *In relation to Building Matters:*
 - a. *Notification of the Building Code change of classification must be provided to the City at least 10 business days before the proposed change. The written notice must include or be accompanied by evidence that the building complies with the applicable technical aspects of the construction of a building's proposed classification*
Please contact Building Services on 9237 9222 for further information.
- ix. *In relation to Waste Matters:*
 - a. *Clear and concise instructions will need to be present within the property regarding the 3 bin system within Subiaco. Short stay residents will need to adhere to the Waste Local Laws 2025.*

- b. *The collection day for this property is a Monday in Area 2 so the correct bins will need to be presented prior to 7am on this day. Additional information regarding the collections and sorting waste is available on either the City's website or the Waste Sorted website. If there are constant contaminations in any of the 3 bins, they risk being removed.*
- c. *The property will only be entitled to 1 bulk waste tip pass for both Hard and Green bulk waste per financial year.*

Please contact Waste Services on 9237 9222 for further information.

LAPSED FOR WANT OF A MOVER

ALTERNATIVE

Moved Cr Jones / Seconded Cr de Vries

In accordance with the provisions of Local Planning Scheme No 5, the application submitted by Cozystays Pty Ltd dated received 10 December 2024 for Change of use to Residential Building (Short Term Rental Accommodation) at No. 19 (Lot: 366 D/P: 48284) Darbon Crescent, Subiaco as shown on amended development plans dated received 1 May 2025, is REFUSED for the following reasons.

1. The proposed land use does not satisfy the provisions of the City of Subiaco Local Planning Scheme No. 5 and is inconsistent with Objective (e) of the Residential Zone, as set out in Clause 16(2) of Local Planning Scheme No. 5:

Objective (e) – The proposed land use is considered incompatible with the residential area and will result in adverse amenity impacts on surrounding properties.

CARRIED 8/0

6:50pm

Cr Burns provided the following reasons:

PLANNING SCHEME CONSIDERATION

Below is an extract from the City's Local Planning Scheme No. 5 (LPS5) that deals with how use permissibility is dealt with in the scheme zoning table. You will note that the 'A' and 'D' designations both include the words 'the use is not permitted unless the local government has exercised its discretion by granting development approval'. The use not being permitted should be the assessment starting point and the Council should need to be convinced to exercise its discretion based on the facts of the application. The applications going to Council on 27 May is being dealt with as residential building (short term rental accommodation) which means it is an 'A' use (see below).

18. Interpreting zoning table

- (1) The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.
- (2) The symbols used in the zoning table have the following meanings —
- P means that the use is permitted if it complies with any relevant development standards and requirements of this Scheme;
- I means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme;
- D means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
- A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions;
- X means that the use is not permitted by this Scheme.
- Note: 1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the carrying out of works on, and the use of, land. For development on land that does not require development approval see clause 61 of the deemed provisions.

PLANNING LAW CONSIDERATION

The nature of this non-residential use is incompatible with the residential amenity experienced by landowners and residents in this solely residential locality in terms of potential deterioration and disruption caused to their amenity.

The State Administrative Tribunal (SAT) clearly supported this position (above) as a proper planning reason for refusal in many of their Decisions.

By way of one such example:

[2022] WASAT 36 - Lawrence and the City of Rockingham

SAT Member Ross Povey wrote as a part of his Decision to dismiss the Appeal

“It is, therefore, reasonable to expect that visitors and short term occupants of the site would use the outdoor entertaining area more intensively and at more unpredictable hours than if the property were being resided in on a permanent basis, thus resulting in more noise and disturbance to neighbours.”

Executive Summary

- This application seeks development approval for a change of use from an existing Single House to a Residential Building (Short Term Rental Accommodation) located at 19 Darbon Crescent, Subiaco. The property is currently operating as a Short Stay Dwelling and the City has received no complaints to date.
- During the consultation period for the application, more than five objections were received on valid planning grounds. As such, the application must be presented to Council for determination in accordance with the Register of Delegations and Authorisations from the Council to CEO 2024/2025.
- The proposal is generally consistent with the planning framework listed below:

- Local Planning Scheme No.5 (LPS 5);
- Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions); and
- State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes).
- Officers recommend that the application be approved subject to relevant conditions to manage potential amenity impacts.

Background

The application seeks development approval for a change of land use from an existing Single House to a Residential Building (Short Term Rental Accommodation) at 19 Darbon Crescent, Subiaco (refer to **Attachment 1** for the development plans). There are no works associated with the application.

Details of the proposed operation are summarised below:

- No structural works are proposed as part of this development.
- A maximum of 8 guests can stay at the property at any given time.
- An updated Management Plan has been submitted including details relating to a complaints management procedure, guest check-in and check-out procedure, health and safety protocols, parking management procedure and waste management procedure.
- There are two off-street car parking bays within the tandem garage.

Landowner:	R H Kuan
Applicant:	Cozystays Pty Ltd
Conflict of Interest:	N/A
Application Date:	10/12/2024
DA Reference:	DA 7.2024.165.1
Lot size:	293m ²
Zoning:	Residential R60
Precinct:	Centro Sub-Precinct 5
Land Use:	Land Use
Land Use Permissibility:	A
Existing Development:	Single House
Heritage Background:	N/A

Site Context and Development History

- The subject site is located within the street block bound by Darbon Crescent south-east and south-west, Carter Lane to the north-west and Metters Lane to the north-east (**Figure 1** – Location Plan).
- The site is improved with a single dwelling (4-bedroom/3-bathroom) with 2-bay tandem garage.
- The property is currently operating as a Short Stay Dwelling and the City has received no complaints to date.



Figure 1 – Location Plan

Consultation

Public Submissions

The application is a standard application in accordance with clause 4.1 of *Local Planning Policy 7.3: Public Consultation for Planning Proposals (LPP 7.3)* and was advertised to surrounding landowners and occupiers from 4 February until 18 February 2025.

During consultation, 8 submissions were received with 6 raising objections and 2 providing comments. **Table 1** below provides a summary of the key concerns raised in submissions and officer responses. The full schedule of submissions is provided as **Attachment 3**.

Table 1: Summary of Key Concerns raised in submissions	
Matters raised	Officer Comment
The No. of occupants is excessive.	The STRA application for 19 Darbon Crescent proposes a maximum of 8 people to stay within the 4 bedroom and 3-bathroom dwelling. There would be a maximum of 2 people per bedroom which is an adequate living arrangement for a short-term stay. Additionally, there are 3 bathrooms to cater for the proposed 8 guests. The proposed maximum number of guests (8) is considered acceptable for the land use. Furthermore, it should be noted that not all bookings are likely to be a maximum of 8 and this is simply a limit on the number of guests that can be accommodated within the premises.
The application will result in parking issues	There are two car parking bays available (within the double tandem car bay) on site which sufficiently serves the proposed STRA. In addition to that Car Parking Station 68 – Metters Lane is 10m away from the property, where there are 12 paid car parking bays available including 1

	<p>ACROD bay. There are ample parking bays within and near the site. The Management Plan (within the amended development plans – Attachment 1) also specifically states that guests will be made aware of parking arrangements on site.</p> <p>It is reasonable to expect that some guests may stay at the STRA without a vehicle and do not require a parking bay. In this regard, the dwelling is located 350m away from the Subiaco Train Station. With cycle paths on Roberts Road, the site is also well served by active transport options.</p> <p>The City’s Compliance Services would respond to and manage any complaints relating to availability of on-street parking. In the event that concerns relating to on-street parking were ongoing and directly attributable to the Residential Building (STRA) land use, then the City could recommend to the Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) that the registration of the STRA is either suspended or cancelled through section 29 of the <i>Short-Term Rental Accommodation Act 2024</i> (STRA Act).</p>
<p>Increased Noise</p>	<p>The transient and temporary nature of occupation for STRA developments is likely to generate less noise compared to a permanently occupied residential dwelling, especially as the property will be continuously noise monitored as outlined within Management Plan (within the amended development plans – Attachment 1).</p> <p>An advice note, relating to compliance with the <i>Environmental Protection (Noise) Regulations 1997</i> (Noise Regs), has been recommended. Under section 29 of the STRA Act, the City can recommend to DEMIRS that the registration of the STRA is either suspended or cancelled if noise concerns are ongoing or if non-compliance with the Noise Regs is systemic.</p>
<p>Increased Anti-Social Behaviour and Safety Concerns</p>	<p>The Management Plan (within the amended development plans – Attachment 1) outlines specific security measures for the proposed STRA. Additionally, the host’s responsibilities, noise management, operational management and complaints management procedure are also set out. A code-of-conduct is provided to guests to ensure that expectations of behaviour during their stay is clearly set out.</p>

Internal Referrals

The proposal was referred to relevant internal departments and conditions and advice notes have been included as appropriate. The referral comments are summarised in **Attachment 4** and further discussed in the planning compliance section of this report.

Comment

Local Planning Scheme No. 5

Clause 17 – Land Use Permissibility

LPS 5 currently includes two land use definitions relating to short term accommodation – ‘bed and breakfast’ and ‘short term dwelling’ as follows:

bed and breakfast means a dwelling —

- (c) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and*
- (d) containing not more than 2 guest bedrooms;*

short stay dwelling means an approved dwelling that provides accommodation for a maximum of six occupants for no more than three consecutive months;

The proposal is most consistent with the land use for ‘Residential Building’, defined within the R-Codes as follows as it exceeds the maximum number of people in the Short Stay Dwelling definition:

Residential Building – a building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation: - temporarily by two or more persons; or
-permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school. [additional emphasis added]

An assessment of the proposal has been conducted with the provisions of LPS 5, clause 67 of the Deemed Provisions, and the R-Codes. A full planning assessment against the relevant considerations is contained in **Attachment 2**.

Table 2 contains an assessment of the Residential Building (Short Term Rental Accommodation) against the relevant objectives of the Residential zone in LPS 5.

Table 2: Clause 16(2) – Objectives of the Residential Zone	
Objective	Proposed Residential Building (Short Term Rental Accommodation)
(a) To provide for a range of housing and a choice of residential densities housing types to meet the needs of the community.	The short-term accommodation is considered to meet the needs of the community as it provides accommodation for visitors and tourists.
(b) To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.	The proposal does not externally alter the existing building.
(c) To provide for a range of non-residential uses, which are compatible with and complementary to residential development.	The use of a short term rental accommodation will be comparable to that of a Single House. Conditions are recommended to ensure the land use is complementary to surrounding

	residential development.
(d) To maintain the compatibility with the general streetscape for all new buildings in terms of human scale, height, style, materials, street alignment and design of facades.	No external alterations are proposed. The existing dwelling is compatible and contributes to the streetscape.
(e) To ensure that the amenity of residential areas is protected from incompatible uses and disproportionate or excessive development.	The application includes a Management Plan, which as a condition of approval, will ensure that the amenity of the residential area is protected. No external alterations are proposed.
(f) To enhance established neighbourhood character by ensuring that new development is respectful of, and responds to, the key features of the surrounding area.	The application proposes a change of use only and does not modify the built form on the site. With appropriate conditions of approval, the land use will operate in a comparable manner to a Single House.
(g) To recognise and enhance places of cultural heritage significance which are affected by development.	No external alterations to the building are proposed, which will retain the character and scale of dwelling. The dwelling itself and the surrounding area do not have heritage value.

The amended Management Plan (within **Attachment 1**) is imposed through a condition of approval. It is considered that the potential amenity impacts can be appropriately mitigated. With the Management Plan regulating occupant behaviour and conduct, and setting out a process for complaint management, it is considered that the short-term rental accommodation would function in a comparable way to that of a Single House land use. Concerning the amenity of the proposal, LPS 5 defines ‘amenity’ as follows:

‘amenity – the liveability, comfort or quality of a place which makes it pleasant and agreeable to be in for individuals and the community. Amenity is important in the public, communal and private domains and includes the enjoyment of sunlight, views, privacy and quiet. It also includes protection from pollution and odours.’

Table 3 provides a summary with consideration of amenity in relation to the proposed Residential Building land use.

Table 3: Amenity Assessment Summary	
Amenity	Proposed Short Term Rental Accommodation
Liveability, comfort, pleasant and agreeable	The Short Term Rental Accommodation includes a Management Plan to preserve the residential amenity, and proposes to function similarly to a residential household. In the event of approval, conditions are recommended to ensure compliance.
Enjoyment of sunlight	N/A – no external alterations to the building proposed.
Enjoyment of views	N/A – the existing building does not impact any views.
Enjoyment of privacy	N/A – the existing building does not impact on privacy of adjoining dwellings.
Enjoyment of quiet	The development proposes a Management Plan to control noise levels, particularly at nighttime. A complain management process has been outlined. The City’s Environmental Health Services have not raised concern in relation to noise levels from the proposed use.
Protection from pollution and odours	N/A – There are no known pollution or odours which would be generated from the Short-Term Rental Accommodation.

Deemed Provisions – Clause 67 Matters for Consideration

Management Plans

The Position Statement – Tourism and Short-term Rental Accommodation was released in November 2023 and is based on the recommendations of the 2019 Parliamentary Inquiry – ‘Levelling the Playing Field: Managing the impact of the rapid increase of short-term rentals in Western Australia’. The position statement provides guidance on how to consider STRA proposals. Section 4.4.2 provides guidance on management plans to inform assessment against the applicant’s submission, contained in **Table 4** below.

Table 4 – Planning for Tourism and Short-term Rental Accommodation Guidelines	
4.4 Management Plans	
Provision	Comments
<p><i>Mitigation Plan</i> To control anti-social behaviour, noise and any other potential conflicts a mitigation plan may be appropriate. Anti-social behaviour should be dealt with by local government/police in the same manner as a property being used as a residential dwelling.</p>	<p>The Amended Development Plans (Attachment 1) includes a complaints management procedure as well as information on where the noise detection devices will be installed within the property to monitor noise levels. If alerted by the device, the property manager can contact the guests for compliance actioning in accordance with the Management plan. In addition, the contact details of the property manager will be provided to neighbours to assist with escalating complaints directly.</p>
<p><i>Complaints Management Procedure</i> The manager of short-term rental accommodation should be contactable in the event that a complaint is made. The guest should have 24-hour access to the manager via phone, email or an online app. Some local governments may want the operator to provide a record of complaints made against short-term rentals and this should be reflected/included in the complaints management procedure.</p>	<p>A complaints management procedure is included within the Amended Development Plans package (Attachment 1). The process sets out how complaints are dealt with and the proper avenues on how and who to raise concerns to. Contact details of the property manager will be available to guests. Neighbours will also be able to contact the property manager directly.</p>
<p><i>Guest check-in and check-out procedures</i> Clear check-in and check-out procedures should be outlined in the Management plan.</p>	<p>The guest check-in and check-out procedure is within the Management Plan. All guests will be notified of the process within the relevant booking platform, prior to arrival.</p>
<p><i>Health and Safety Protocols</i> Other legislation and standards govern the need to provide and maintain appropriate health and safety requirements in short-term rental accommodation. Local government may wish to advise short-term rental operators of these requirements in the Management plan.</p>	<p>Health and safety protocols are included within the Management Plan. Details relating to cleaning of the premises are provided within the Management Plan to ensure this occurs without disruptions to guests or neighbours. Additionally, a fire extinguisher and fire blanket are provided within the property, and this is reinforced through the Management Plan.</p>
<p><i>Management and Provision of Car Parking</i> On-site parking provision should be considered to accommodate additional vehicles within the property boundary and should align with existing local government parking policies.</p>	<p>The property features a tandem garage which allows the parking of 2 vehicles. The applicant will also be advised that no parking permits will be given to guests as they are considered temporary residents.</p>
<p><i>Waste Management</i> Must specify the requirements of general waste and recycling, bin collection days and</p>	<p>Waste collection is outlined within the Management Plan. Information on bin types, collection times and bin locations are provided. It</p>

location of bins for collection.	is noted that waste management of STRA is comparable to that of a permanent residential dwelling.
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Parking

The proposal does not change the provision of two on site vehicle parking bays that were approved for the current Single House, and which comply with the R-Codes. Many guests using STRAs do not require vehicle parking on site (as they may be guests from overseas or another state arriving without a vehicle). The provision of two car bays would cater for the likely target user group(s) being two separate families or groups. Additionally, the vehicle parking provision is supported for the following reasons:

- The site is located approximately 300m west of Subiaco train station (approximately a seven-minute walk), which provides services every 6 minutes via the Fremantle – Midland Line and the Airport line, in both directions at peak times.
- The site is within a highly walkable location and located 250m away from a variety of commercial, entertainment and retail land uses on Rokeby Road.

Sustainability considerations

The sustainability considerations for the proposal do not change as no works are proposed and the dwelling will continue as a residence.

Strategic Considerations

Strategic Community Plan

The recommendation contributes to the following Council strategies:

Strategic Community Plan – Objective 3.1.2

Work towards establishing the City of Subiaco as a destination of choice.

Strategic Community Plan – Objective 3.2.3

Advocate for living, working and playing in the city.

Local Planning Strategy

The City's Local Planning Strategy seeks to encourage tourist accommodation. This is reflected in the aim to “*promote the City as a unique, attractive, and well-serviced destination for visitors*”. One of the implementation actions to meet this objective is to “*investigate means of reducing red tape for landowners to provide short-term accommodation to tourists.*”

Statutory and Policy Considerations

The application for development approval is considered in accordance with the *Planning and Development Act 2005*, LPS 5 and relevant planning policies as detailed in the report.

Planning Compliance

Short-Term Rental Accommodation Act 2024 (the STRA Act)

Section 29 of the STRA Act enables a designated local government officer to present a case to the Commissioner for Consumer Protection (the Commissioner) for consideration. Through this process a Local Government can request the cancellation or suspension of a STRA registration for a variety of reasons which are set out in section 29 of the STRA Act. These reasons include:

- operating without appropriate development approval;
- operating in a zone that does not permit STRA;
- breaching conditions of the premises development approval;

- (d) contravening a prescribed Act, local law or regulation regardless of whether the accommodation provider is prosecuted for the contravention; and/or
- (e) failure to meet specified building standards applicable to the premises.

An advice note has been recommended to inform the applicant that the City may take compliance action and potentially issue a section 29 certificate under the STRA Act in the event the compliance matters are not adequately resolved.

The City receives very few complaints relating to STRA uses. Although short stay dwellings have been exempt from the need to obtain planning approval, they have typically operated without impacting the amenity of neighbouring properties.

Resource Considerations

There are no financial implications for this report.

Risk Considerations

Any decision on a planning application includes the risk of an applicant seeking a review of the decision at the State Administrative Tribunal (Tribunal). This is a right afforded to all applicants and is best mitigated by a thorough planning assessment based on sound planning principles and the applicable planning framework

This application has exceeded the statutory timeframe for consideration, and the applicant is able to seek a review through the Tribunal. Should this occur, the City will not be able to consider the application unless expressly invited by the Tribunal to do so, or with the consent of the applicant.

Options

It is up to Council to determine this development application in one of three different ways:

1. Approve the application unconditionally; or
2. Approve the application with conditions as per the Officer Recommendation or as otherwise amended by Council; or
3. Refuse the application, giving reasons for its decision.

City officers do not recommend Option 1, as conditions are needed to moderate the development and resolve issues raised in the planning assessment.

A different opinion may be formed on the merits of the proposal as assessed and additional planning conditions can be imposed to address concerns (Option 2).

Should it be deemed that the imposition of additional planning conditions is insufficient or otherwise inappropriate in addressing concerns, the application may be refused (Option 3) based on the following element(s):

- Land use and amenity concerns.

Should Council consider that the proposal (being used in accordance with the management plan) will unduly impact the amenity of the locality, it may determine that the proposed application be refused.

The premises can continue to be used as a Short Stay Dwelling if it does not house more than six occupants (over three consecutive months). As Short Stay dwelling is exempt from the need for approval, this use will not be governed by a management plan or associated conditions of approval.

Attachments

1. Amended Development Plans
2. Assessment and Recommendation Report
3. Schedule of Submissions
4. Schedule of internal referral comments

C3 CLIMATE CHANGE RESPONSE PLAN – ENDORSEMENT FOR COMMUNITY CONSULTATION*

REPORT FROM DIRECTOR DEVELOPMENT SERVICES

Author: A/Manager Planning Services, Brendan Philipps
Climate Change Officer, Esther Reidy

Date: 13 May 2025

File Reference: A/7984

Voting Requirements: Simple - More than half elected members present required to vote in favour.

*Cr Burns left the meeting at 6:50pm and returned to the meeting at 6:51pm.
Cr Burns left the meeting at 6:54pm.*

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Powell / Seconded Cr de Vries

The draft Climate Change Response Plan (Attachment 1) is released for community consultation for a minimum of 28 days.

CARRIED 7/0
6:56pm

Executive Summary

- The City's Corporate Carbon Reduction Plan 2020-2030 (endorsed by Council in 2020) sought to reduce corporate greenhouse gas (GHG) emissions from City operations and committed the City to carbon neutral certification.
- Since endorsement, the City has achieved carbon neutral certification through Climate Active for four years, progressed a transition of its light fleet to electric vehicles, procured renewable electricity and reduced energy consumption. As a result, total corporate emissions of the City have reduced.
- The CCRP has been comprehensively reviewed and updated targets and actions have been prepared. The review presents an opportunity to consider an overarching response to climate change, which includes corporate and community mitigation and adaptation.
- The reviewed CCRP forms the first section (corporate greenhouse gas emissions reduction) of an overarching City of Subiaco Climate Change Response Plan, developed through a phased approach:
 - Corporate greenhouse gas emissions reduction
 - Corporate adaptation
 - Community greenhouse gas emissions reduction
 - Community adaptation
- It is recommended that the overarching structure of the City of Subiaco Climate Change Response Plan and the first section (corporate GHG emissions reduction) are released for community consultation.

Background

The purpose of this report is to seek Council endorsement to release the draft Climate Change Response Plan (Plan) for community consultation.

The review of the Corporate Carbon Reduction Plan 2020-2030 (CCRP) includes revised targets and forms the first section of the draft Plan (**Attachment 1**).

Corporate Carbon Reduction Plan

The current CCRP was endorsed at the Ordinary Council Meeting (OCM) on 17 March 2020 (Item C6). The CCRP includes targets and actions to reduce corporate greenhouse gas (GHG) emissions and achieve certified carbon neutral emissions as an organisation. The targets and actions within the CCRP were established using financial year (FY) 2018/2019 baseline data and were informed by the City's Sustainability and Resilience Strategy 2016-2021.

The six targets in the current CCRP are:

- Target 1: Obtain and maintain certified carbon neutral status 2020–2030
- Target 2: 100 per cent renewable energy by 2025
- Target 3: Energy consumption reduced by 20 per cent by 2025
- Target 4: Fleet vehicles meet Climate Change Authority's standard by 2025
- Target 5: Reduce operational greenhouse gas emissions by 45 per cent by 2030
- Target 6: Transparency and reporting.

Since 2020 the City has made progress towards the six targets, with reductions in corporate GHG emissions through:

- adoption of energy efficient systems
- uptake of electric light fleet vehicles, and
- phasing-out natural gas from City sites.

The City's progress towards each of the six current targets is explained in more detail in **Table 1**, in the comment section below.

Corporate GHG emission profile

As of FY 2023/24, the City has reduced total emissions (scope 1, 2, and 3) by 39.9% since the FY 2018/19 baseline. The City's FY 2023/24 emissions data has been submitted to Climate Active and is awaiting certification.

The City's emission sources are categorised by three scopes, defined below:

- **Scope 1:** direct emissions that occur from sources that are owned or controlled by the reporting organisation; for example, emissions from fuel combustion in owned or controlled vehicles or other equipment.
- **Scope 2:** indirect emissions from the generation of purchased electricity that is consumed by the organisation. Scope 2 emissions physically occur at the facility where electricity is generated.
- **Scope 3:** all other indirect emissions that are a consequence of the organisation's activities, but occur from sources not owned or controlled by the organisation. Examples include the extraction and production of purchased materials, transportation of purchased fuels, and use of sold products and services.

The City's most significant corporate emissions sources are currently electricity (21%), construction materials and services (21%), and land and sea transport (31%). The City's main emissions sources by financial year are shown in **Figure 1** below.

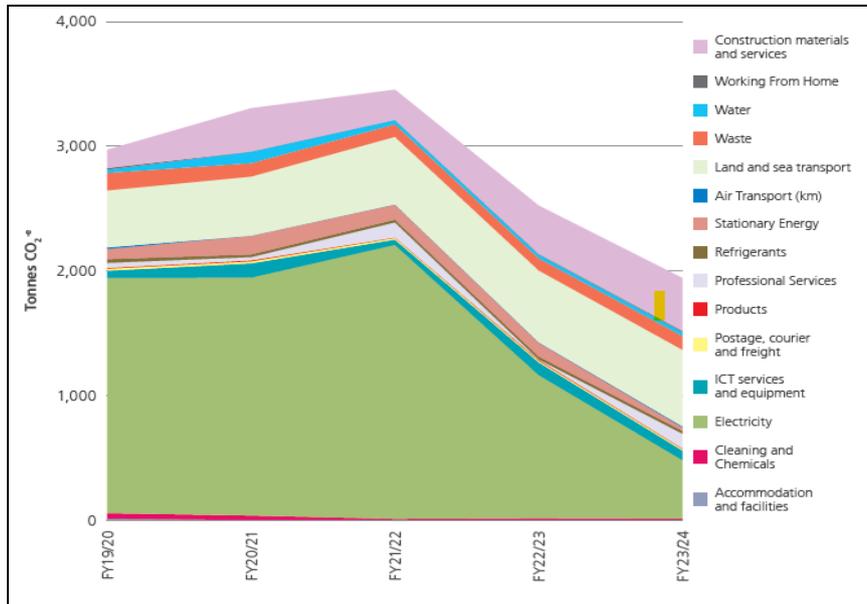


Figure 1: Corporate GHG emissions by financial year and source.

Comment

The CCRP includes an action that requires it to be reviewed every four years. It is proposed that the reviewed CCRP forms the first section (Corporate GHG emissions reduction) of the overarching Plan.

The overarching Plan would include four key sections with tangible actions to mitigate and adapt to climate change. The four sections are:

- Corporate greenhouse gas emissions reduction
- Corporate adaptation
- Community greenhouse gas emissions reduction
- Community adaptation

Undertaking mitigation and adaption together will enable the City to address climate effectively.

Mitigation refers to reducing or preventing the emission of greenhouse gases into the atmosphere and directly addressing the root causes of human-caused climate change. Some examples of mitigation include, transitioning to renewable energy, improving energy efficiency, and reducing waste.

Adaptation involves adjusting systems and infrastructure to cope with the impacts of climate change. These might include measures such as planting drought and fire-resistant native vegetation.

Should Council endorse the Plan, additional sections (corporate adaptation, community greenhouse gas emissions reduction, and community adaptation) will be developed in a phased approach over the next few years.

CCRP review

The key changes resulting from the review of the CCRP include:

- A revised Standard for the City’s carbon accounting.

- A revised baseline year for corporate emissions reporting from FY 2018/19 to FY 2019/20, aligning with the City's baseline reporting year for Climate Active certification.
- Inclusion of Traditional Knowledge.
- Revised targets and actions.

Baseline emissions reporting year

The City's baseline emissions for reporting year (FY 2018/19) were prepared using the National Carbon Offset Standard for Organisations (NCOS-ORG), and the six targets included in the CCRP were set using this data. The City has achieved carbon neutral certification through Climate Active for four consecutive years since FY 2019/20.

Climate Active introduced the Climate Active Carbon Neutral Standard for Organisations to be used instead of the NCOS-ORG Standard in 2019, following a rebranding of the program. Revising the City's baseline emissions reporting year to FY2019/20 will align the methodology and Standard used in FY 2019/20 to the City's current carbon accounting methodology. The City's updated carbon accounting methodology is included in **Attachment 1**.

The City's total emissions as an organisation were 3,279 t CO₂^e in FY 2018/19 and 3,226 t CO₂^e in FY 2019/20. The analysis for the updated targets and actions has been undertaken using the City's FY 2019/20 emissions data. Despite the FY 2019/20 having fewer total emissions, the updated emissions reduction target is modelled to be ambitious and achievable. The City's FY 2018/19 carbon account does not include a number of scope 3 emission sources, such as construction materials, that have since been included in the City's emissions data. Updating the emissions baseline year to FY 2019/20, allows more meaningful comparisons to be made between the City's current emission sources and the baseline year.

Baseline year for Target 3

While the baseline year for emissions reporting is proposed to be revised to FY 2019/20, it is recommended that the City maintains the current baseline year of FY 2018/19 for Target 3 *Reduce total energy consumption (electricity and natural gas) by 25 percent by 2030 compared to a FY 2018/19 baseline*, as the City's total energy consumption was 12.9% lower in FY 2019/20, attributed to COVID restrictions across City facilities, such as Lords Recreation Centre, and modified working patterns.

Traditional Knowledge

The Noongar peoples have lived in the south-west region of Western Australia for tens of thousands of years. The Noongar peoples have a deep connection and understanding of Country, which is integral to their cultural and spiritual life. Recognising and incorporating Traditional Knowledge, and involving Noongar Elders in environmental discussions, honours their environmental stewardship and increases our collective understanding of the environment.

In line with the City's Reconciliation Action Plan (RAP), the City has engaged with Noongar Elders and artists, for the inclusion of Traditional Knowledge in the Plan.

The following Traditional Knowledge has been included in the Plan:

- Noongar artwork inspired by themes in the Dreaming, and
- The Noongar Six Seasons.

While the first section of the Plan, corporate GHG emissions reduction, focuses on reducing the City’s organisational emissions through Western Science-based approaches, future sections, particularly those related to adaptation, are expected to be developed with further engagement with Traditional Owners and the integration of Traditional Knowledge.

Revised targets

City staff contributed to updated goals and actions which are based on typical operations and considered planned efforts to reduce emissions. The new targets aim to be both ambitious and realistically achievable:

1. Maintain certification as a carbon neutral organisation annually from 2020–2035.
2. Achieve 100% electrification of all City-owned facilities by 2035 and maintain 100% renewable electricity in all City owned sites (excluding leased properties).
3. Reduce total energy consumption (electricity and natural gas) by 25 percent by 2030, compared to a FY 2018/19 baseline.
4. Reduce fuel consumption from heavy fleet vehicles by 10% by 2030 compared to a FY 2019/20 baseline and maintain an average of 50 g CO₂^e per km or lower for the light fleet.
5. Reduce total corporate emissions by 50% by 2030 compared to a FY 2019/20 baseline of 3,225.81 t CO₂^e and achieve net zero corporate emissions by 2040.

The City’s current six targets included in the CCRP, progress made towards them, and proposed revised targets are explained in more detail in **Table 1** below.

Target	Current target	Status	Progress update	Proposed targets	Reasoning for change
1	Obtain and maintain certified carbon neutral status 2020–2030	Achieved	<p>The City has achieved carbon neutral certification through Climate Active for the past four consecutive years since FY 2019/2020. The City has completed the carbon accounting for FY 2023/24 but is awaiting review and certification from Climate Active.</p> <p>In the initial release of the CCRP, the City set FY 2018/19 as the baseline emissions reporting year. The data used for corporate emissions reporting has since improved, due to enhanced reporting methodologies and better data availability.</p>	Maintain certification as a carbon neutral organisation annually from 2020–2035.	<p>The wording change in the target clarifies that the certification applies to the City’s corporate emissions, rather than the total emissions of Subiaco.</p> <p>As part of this revision, it is proposed that the baseline year for emissions reporting is revised to FY 2019/20. This aligns with the baseline year for the City’s carbon neutral certification through Climate Active. Aligning baseline years will enhance comparability between emission reporting years and targets.</p>
2	100 per cent renewable energy by 2025	Not achieved (will be mostly achieved when all remaining sites are	The City’s seven contestable sites (sites that use more than 50,000 kilowatt-hours of electricity per year) are signed on to Phase Two of the WALGA renewable energy agreement, utilising 100% GreenPower for the next	Achieve 100% electrification of all City-owned facilities by 2035 and maintain 100% renewable electricity in all City owned	It is proposed that the City focuses on phasing out the use of remaining natural gas, to achieve 100% electrification of all City owned sites. While also aiming to increase the amount of solar used on City

Table 1: Current targets in the CCRP and proposed revisions					
Target	Current target	Status	Progress update	Proposed targets	Reasoning for change
		signed on to renewable electricity agreements at the beginning of the FY 2025/26).	<p>three years (renewable electricity).</p> <p>All remaining non contestable sites (sites that use less than 50,000 kilowatt-hours of electricity per year), and Western Power streetlights will be signed on to 100% NaturalPower with Synergy at the beginning of the FY 2025/26, which will result in all City-owned and managed facilities utilising 100% renewable electricity.</p> <p>City-owned leased facilities and City-leased facilities will not be utilising 100% renewable electricity. The current target in the CCRP does not clearly define which properties are included in the target.</p> <p>City owned sites still collectively used 537.112GJ of natural gas, as of FY 2023/24.</p>	sites (excluding leased properties).	<p>facilities, to decrease reliance on grid electricity.</p> <p>Once the City's remaining non contestable sites and streetlights are signed on to 100% NaturalPower through Synergy (in June 2025), all City-owned and managed sites (excluding leased properties), will be utilising renewable electricity. Although it is assumed that targets will be maintained once achieved, it is proposed that the commitment to 100% renewable electricity is retained in the target, to reinforce long-term accountability.</p>
3	Energy consumption reduced by 20 per cent by 2025	Not achieved (A further 2% reduction required to achieve target)	<p>The City has currently reduced overall energy consumption (electricity and natural gas usage) by 18% in comparison to the current baseline year FY 2018/19. While the City has not met this target, only a further 2% reduction in energy consumption is required. Therefore, it is proposed that the target is extended to 2030, and the level of ambition is increased.</p> <p>Some actions that have contributed towards this target include, upgrading City streetlights and lighting in facilities to energy efficient light emitting diode (LED) luminaires, and upgrading the hot water system at Lords for a more efficient system.</p>	Reduce total energy consumption (electricity and natural gas) by 25 percent by 2030, compared to a FY 2018/19 baseline.	While the baseline year for emissions reporting is proposed to be revised to FY 2019/20, it is recommended that the City maintains the current baseline year of FY 2018/19 for this target as a more accurate representation of the City's energy consumption; due to the lower energy consumption experienced in FY 2019/20, attributed to COVID restrictions.
4	Fleet vehicles meet Climate Change Authority's standard by 2025	Achieved	<p>The City's light fleet has been progressively transitioned to a predominantly electric fleet, and currently comprises of:</p> <ul style="list-style-type: none"> • 11% hybrids (3 	Reduce fuel consumption from heavy fleet vehicles by 10% by 2030 compared to a FY 2019/20	The previous wording of this target was unclear about whether each fleet vehicle needed to meet the 105 g CO ₂ ^e per km, or if the target applied to the fleet's

Table 1: Current targets in the CCRP and proposed revisions					
Target	Current target	Status	Progress update	Proposed targets	Reasoning for change
			<p>vehicles)</p> <ul style="list-style-type: none"> • 70% electric (18 vehicles) • 19% petrol (5 vehicles). <p>The City's light fleet is modelled to currently produce a collective 47.115 g CO₂^e per km, which is significantly lower than the current target of 105 g CO₂^e per km for the fleet.</p>	baseline, and maintain an average of 50 g CO₂^e per km or lower for the light fleet.	<p>overall average. Additionally, the 105 g CO₂^e per km recommendation for light fleet vehicles was never a Standard, it was a recommendation. The target has now been updated to make it clear that the target is to achieve an average of 50 g CO₂^e per km across the entire light fleet, not for each individual vehicle.</p> <p>Although light fleet emissions are on a downward trajectory, diesel fuel consumption has been increasing over the past four years. Therefore, it is proposed that a heavy fleet target be incorporated into the revision of this target, with the same baseline year as the emissions reporting FY 2019/20 baseline.</p>
5	Reduce operational greenhouse gas emissions by 45 per cent by 2030	Achieved	<p>The current target in the CCRP aims to achieve a 45% reduction in operational emissions by 2030. Operational emissions in the current CCRP include the following emission sources: purchased electricity, fuel used in fleet vehicles, stationary energy (natural gas), water, and waste. The City's FY 2023/24 (currently uncertified) data shows the City has already achieved a ~60% decrease in operational emissions compared to the FY 2018/19 baseline year.</p>	Reduce total corporate emissions by 50% by 2030 compared to a FY 2019/20 baseline of 3,225.81 t CO₂^e and achieve net zero corporate emissions by 2040.	<p>It is recommended that this target is revised to include all emission sources (scope 1, 2, and 3) for the near-term emissions reduction target, as the City has made significant progress towards this already (currently reduced total emissions by 38% compared to a FY 2019/20 baseline). The actions within the revised plan have been modelled to result in a 50% reduction in total emissions by 2030.</p> <p>It is also recommended that the City includes a long-term emission reduction net zero target (covering all scope 1, 2, and 3 emissions), to show long term commitment to reducing corporate emissions.</p>
6	Transparency and reporting	Achieved	<p>The City has maintained annual reporting on progress towards the above targets and maintained records in such a way that they are easily</p>	No target (deleted).	<p>It is proposed that the City continues to report annually on progress towards the above targets. It is recommended that this</p>

Table 1: Current targets in the CCRP and proposed revisions

Target	Current target	Status	Progress update	Proposed targets	Reasoning for change
			accessible for auditing and accreditation as carbon neutral from 2020.		target be integrated as a key action under Target 1 in this revision, rather than being treated as an individual target.

Consultation

City Officers undertook engagement with Noongar Elders and received endorsement to include Traditional Knowledge in the Plan.

Should Council resolve to release the draft Plan for community consultation it will be advertised for a minimum 28 days. The draft Plan will be advertised in Subi Scene, the City's website, social media, and e-newsletters.

In addition to making the Plan available to the public for comment, the Plan will also be shared with organisations and individuals, with expert knowledge in Noongar Traditional Knowledge, and climate science mitigation and adaptation.

Sustainability Considerations

Economic

Each of the proposed five targets has a range of economic benefits, some include:

- Reducing total corporate emissions results in less expenditure required to achieve carbon neutral certification, as less carbon offsets will be required to be purchased.
- Improving the energy efficiency of City sites (e.g. LED street lighting) directly reduces utility costs.
- Transitioning to renewable electricity can reduce the financial risk from future increases in grid energy prices.
- Climate adaptation planning and infrastructure investment can reduce climate-related financial risks, such as damage from extreme weather, insurance cost increases, and asset depreciation.

Social

Social benefits from this plan include:

- Supporting staff to use healthy, active modes of transport for work related travel and commuting.
- A healthier local environment can reduce some health-related risks.
- Demonstrating leadership and encouraging the local community to further engage in carbon reduction initiatives and supporting the community to adapt to the impacts of climate change.

Environmental

Paris Agreement

Australia ratified the Paris Agreement in November 2016. This agreement sits within the United Nations Framework Convention on Climate Change and commits signatories to significantly reduce their greenhouse gas emissions by 2030 to keep global temperatures well below 2 degrees above pre-industrial levels. For Australia to meet its commitments under this agreement, local governments can demonstrate leadership to the communities they serve by actively working to reduce emissions.

Local benefits

There are local environmental benefits of implementing the actions outlined in this plan, including reductions in:

- Local pollution from vehicle exhausts and power generation.
- Water use within our buildings, parks and reserves.
- Reliance on fossil fuels, with less emissions generated from the City's energy sources.
- Encourages collective action to mitigate climate change.

Strategic Considerations

The proposed Plan, is consistent with the following strategic documents:

Reconciliation Action Plan 2024 – 2025***Our RAP (page 12)***

3. Promoting the inclusion and participation of Aboriginal and Torres Strait Islander peoples in local government decision-making processes and ensuring their voices are heard and respected.

6. Providing economic and social support to Aboriginal and Torres Strait Islander peoples to address disparities and promote health, safety, security and wellbeing.

Sustainability and Resilience Strategy 2016 – 2021

Develop and implement a Climate Change Adaptation Strategy.

Strategic Community Plan 2017– 2027

Be proactive and innovative in its approach to environmental, sustainability and climate change.

Draft Council Plan – Endorsed by Council for advertising at the April OCM.

This draft Plan remains consistent with the draft Council Plan, in particular, *Green canopy, tree-lined streets and open spaces define our identity and are essential for climate resilience, biodiversity and wellbeing. Their future management and growth is an ongoing priority.*

Statutory and Policy Considerations**Local Government Act 1995**

The *Local Government Act 1995* was amended on 1 July 2023 to include climate change considerations. Local governments must now consider climate change in all decision making.

Section 3.1 of the *Local Government Act 1995* sets out the general function of local government and states:

“3.1(1) General function

(1A) Without limiting subsection (1), the general function of a local government must be performed having regard to the following —

(a) the need —

(i) to promote the economic, social and environmental sustainability of the district; and

(ii) to plan for, and to plan for mitigating, risks associated with climate change; and

(iii) in making decisions, to consider potential long-term consequences and impacts on future generations...”

Resource Considerations

The GHG emission reduction section of the Plan is focused on reducing corporate emissions internally within the organisation. City Branch Managers have been consulted and advised of the revised targets and actions, and the additional works can be integrated within the City’s current work programs.

Risk Considerations

Federal Regulations

If the Australian Government imposes regulations for Local Governments to reduce their corporate emissions in the future, having a reduced emissions profile, and a higher proportion of renewable energy usage, allows the City to be well positioned to respond to these changes without significant financial risk.

Climate change impacts

The City’s current CCRP includes actions to reduce corporate emissions from City operations. The proposed overarching Plan includes mitigation and adaptation at the corporate and community levels, ensuring a comprehensive approach to address climate change. The inclusion of adaptation in the Plan is essential to ensuring the City is prepared for the impacts of climate change. Failure to do so could increase the City’s exposure to climate-related risks, such as localised flooding that damages infrastructure, and broader economic consequences including reduced insurability of assets.

Options

1. The draft Climate Change Response Plan is released for community consultation for a minimum of 28 days, in accordance with the officer recommendation.
2. The draft Climate Change Response Plan is released for community consultation for a minimum of 28 days, with amendments.
3. The draft Climate Change Response Plan is not released for community consultation.

It is recommended that Council adopts the Officer recommendation (Option 1) and endorses the draft Plan for community consultation.

If Option 2 is selected, Council must specify the modifications to be made before proceeding with community consultation. Depending on the nature of modifications, this may result in a delay for consultation and Council consideration post consultation.

It is open for Council to not proceed to advertise the update Climate Change Response Plan (option 3). It is not recommended that the Plan be put on hold for a significant time/indefinitely as the City has taken significant steps in becoming carbon neutral certified. The measures undertaken by the City have environmental benefits (through emissions reduction), financial benefits (through reducing the cost of energy consumption) and social benefits through demonstrated leadership in our community.

Indefinitely delaying the project could pose reputational risk for the City, as the CCRP was endorsed in 2020 and is now due for review.

The overarching Plan structure includes both corporate and community, and mitigation and adaptation, to ensure that the City addresses climate change comprehensively.

Failing to produce a clear plan to mitigate and adapt to climate change, could cause various risks for the City, as outlined in the *Risk Considerations* section of this report.

The City has maintained certified carbon neutral emissions as an organisation through the Climate Active program for the past four consecutive years. Climate Active does not currently require organisations to reduce their emissions to achieve carbon neutral certification. In 2023, Climate Active conducted public consultation on a series of proposed reforms aimed at strengthening certification requirements, following public concern regarding 'greenwashing'. Among the proposed changes was the inclusion of mandatory near-term and long-term gross emissions reduction targets. While final decisions on the reforms are yet to be confirmed, the absence of a long-term emissions reduction target could place the City's carbon neutral certification at risk, should these reforms be implemented.

Attachments

1. Draft Climate Change Response Plan.

C4 PROPOSAL TO AMEND THE LEVEL OF SIGNIFICANCE OF NO. 260-262 CHURCHILL AVENUE, SUBIACO ON THE LOCAL HERITAGE SURVEY*

REPORT FROM DIRECTOR DEVELOPMENT SERVICES

Author: A/Manager Planning Services, Brendan Philipps
Coordinator Heritage & Climate Change, Sofia Boranga

Date: 13 May 2025

File Reference: A/7984

Voting Requirements: Simple - more than half elected members present required to vote in favour

Cr Burns returned to the meeting at 6:57pm.

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Jones / Seconded Cr White

1. Pursuant to Part 8, Section 103 of the Heritage Act 2018:

- a) The submission received on the proposal to amend the level of significance of No. 260-262 (S/L 1 & 2 S/P 6539) Churchill Avenue, Subiaco on the Local Heritage Survey is noted.
- b) The level of significance of No. 260-262 (S/L 1 & 2 S/P 6539) Churchill Avenue, Subiaco is amended from Level 2 General to Some Significance (Level 3) on the Local Heritage Survey.

2. Notice of the amendment is given to the Heritage Council of Western Australia (HCWA) and the owners and occupiers of the property.

CARRIED 8/0
7:04pm

Executive Summary

- The *Heritage Act 2018* requires the preparation of a Local Heritage Survey to identify places that are or may become of cultural heritage significance
- No. 260-262 Churchill Avenue, Subiaco was included on the Local Heritage Survey in 2003 as a place of Level 2 General significance.
- A recent heritage assessment of the property has identified it as being Some Significance (Level 3) and officers commenced a process to update the listing.
- The proposal to amend the level of significance was advertised for a period of 31 days. During the advertising the period one submission objecting to the proposal was received.
- The key issues raised in the objection were in relation to the heritage significance of the place and the impact of a heritage listing on future development.
- The Local Heritage Survey has no impact on the development of a property as it is not an instrument for development control.
- This report considers the outcomes of public advertising, and the issues raised in the submission and recommends that the listing be updated to reflect current assessment methodology.

Background

The purpose of this report is to consider updating the significance of No. 260-262 Churchill Avenue, Subiaco in the City's Local Heritage Survey (LHS).

No. 260-262 Churchill Avenue, Subiaco was included on the LHS in 2003 as a place of General (Level 2) significance. Since 2003 the City has adopted new levels of significance contained in Local Planning Policy 3.2 Assessment of Cultural Heritage Significance (LPP 3.2).

A recent heritage assessment of the place has concluded that the place is of Some Significance (Level 3) to the City.

The *Heritage Act 2018* (the Act) requires the preparation of a Local Heritage Survey (LHS). The purpose of the LHS is to:

- i. Identify and record places that are, or may become, of cultural heritage significance in its district; and
- ii. Assist the local government in making and implementing decisions that are in harmony with cultural heritage values; and
- iii. Provide a cultural and historical record of its district; and
- iv. Provide an accessible public record of places of cultural heritage significance to its district; and
- v. Assist the local government in preparing a heritage list or list of heritage areas under a local planning scheme.

Comment

Cultural heritage significance

Constructed in 1905, in the Federation Queen Anne architectural style, 260-262 Churchill Avenue, Subiaco, has been assessed as being of cultural heritage significance to the City:

- As a representative example of a well-designed, semi-detached pair of houses, of a style suited to rental accommodation in Subiaco during the early twentieth century (historic and aesthetic value).
- As what is believed to be an example of the work of Austin Bastow, an architect who is known to have undertaken numerous projects in Subiaco in the 1899-1907, a period in which he was also a member of the Subiaco Council (historic value).

Although the place helps to illustrate an important aspect of the history of the City, it does not have important associations; does not have landmark or other aesthetic values that make an important contribution to the districts sense of place; and it is not a key representative or rare example of its type. As a result, it has been assessed as being of Some Significance (Level 3) to the City in accordance with the gradings of heritage significance for individual heritage places contained in LPP 3.2.

A copy of the heritage assessment is provided as **Attachment 1**.

Public Advertising

The proposal was advertised for a period of 31 days from 24 January 2025 to 24 February 2025 as outlined in the consultation section below.

Submissions

The City received one submission from the owner of the property. The submission objects to the proposal. The key issues raised in the submission and the officer responses are provided in **Table 1** below. A full copy of the submission is provided as **Attachment 2**.

Table 1 - Key issues raised in the submission	
Key Issue	Officer Response
The property is not of a level of cultural heritage significance that warrants heritage protection.	The proposal is not to provide for the heritage protection of the place but to amend its level of significance on the LHS from level 2 General (level 2) to Some Significance (level 3) in accordance with the

	outcomes of the recently prepared heritage assessment (Attachment 1). The LHS is an information resource only and is not an instrument for development control.
Heritage Listing would impact on the property value and the future development of the place.	The proposal is not to provide for the heritage protection of the place but to amend its level of significance on the LHS. Inclusion on the LHS has no implications for the development of a property over and above the requirements that are already in place as part of the City's Local Planning Scheme. This means that heritage is not a consideration when determining a development application relating to a property that is on the LHS.
The property has undergone significant changes over time and no longer accurately represents the historical period or style it might have once reflected.	It is acknowledged that the place has been modified to some degree, but the original style can still be readily understood, and the place remains as a representative example of its type.

Consultation

Table 2 below outlines the consultation undertaken during the formal advertising period as required under Local Planning Policy 3.1 Additions and amendments to the Local Heritage Survey, Heritage List and Heritage Areas (LPP 3.1).

Table 5 – Consultation undertaken as required by LPP 3.1	
1	Owners and occupiers were advised of the proposal in writing and invited to make a submission.
2	A notice of the proposal was published in Subi Scene.
3	Information relevant to the proposal, including a copy of the heritage assessment, was included on the HYSS page on the City's website.

Sustainability Considerations

Social

- Heritage places provide for a sense of community identity, build civic pride and help define the unique character of an area.
- Heritage places can stimulate curiosity about the past and can be important sources of learning.

Environmental

- The conservation and adaptation of heritage places helps avoid and/or reduce demolition waste, promoting environmentally sustainable communities.

Strategic Considerations

The recommendations of this report align and are consistent with the City's strategic framework, including the following strategies and actions:

Local Planning Strategy –Section 4.6 Urban Design, Character & Heritage Action (1):
Ensure that the City's Local Government Inventory and Heritage List are comprehensive and prepared in accordance with best practice criteria developed by the Heritage Council of WA.

Strategic Community Plan - Strategy 4.1.3

Identify and protect significant heritage buildings, places and streetscapes.

Heritage Strategy 2019-2023 Action K4

Update the Local Heritage Survey following surveys of Heritage Investigation Areas.

Statutory and Policy Considerations**Heritage Act 2018**

The *Heritage Act 2018* requires local governments to prepare a LHS to identify heritage places in the district and that it is prepared, reviewed and updated in accordance with the Guidelines for Local Heritage Surveys published under section 105 of the Act.

Local Planning Policy 3.1 – Additions and amendments to the Local Heritage Survey, Heritage List and Heritage Areas (LPP 3.1)

LPP 3.1 requires a minimum of twenty-one days (21) advertising on LHS proposals. The proposal was advertised for thirty-one (31) days.

Local Planning Policy 3.5 – Assessment of cultural heritage significance (LPP 3.5)

The criteria used for assessing cultural heritage significance is in accordance with LPP 3.5. The use of this criteria is consistent with the Guidelines for Local Heritage Surveys prepared under Section 105 of the Act.

Resource Considerations

There are no resource considerations resulting from the officer recommendation.

Risk Considerations

The City is an industry leader in identifying and protecting heritage in Western Australia. An up-to-date LHS provides for a more accurate and robust cultural and historical record of its district

Options

The following options are available to Council:

1. Resolve to support the officer recommendation and proceed with amending the level of significance of the place on the LHS.

This means that the level of significance of the place will be accurately recorded on the LHS and in accordance with the City's levels of significance as contained in LPP 3.2.

2. Resolve not to amend the level of significance of the place.

This is not recommended as the level of significance will not be accurately recorded on the LHS.

3. Resolve to remove the place from the LHS.

This is not recommended. Resolving to remove a place from the LHS based on matters unrelated to heritage significance would be inconsistent with the Guidelines for Local Heritage Surveys prepared under Section 105 of the Act.

Attachments

1. Heritage Assessment
2. Submission

C5 HERITAGE GRANT APPLICATIONS***REPORT FROM DIRECTOR DEVELOPMENT SERVICES**

Author: A/Manager Planning Services, Brendan Philipps
Coordinator Heritage & Projects, Sofia Boranga

Date: 13 May 2025

File Reference: A/7984

Voting Requirements: Simple - More than half elected members present required to vote in favour.

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr O'Connor / Seconded Cr de Vries

Heritage Grant funding up to 50% of the total cost, to a maximum of \$5,000, is provided to the current owners for works to the following properties:

1. **No. 84 Hamersley Road, Subiaco – a maximum of \$5,000 towards re-roofing in like-for-like materials.**
2. **No. 3 Kings Road, Subiaco – a maximum of \$5,000 towards replacing the verandah decking like-for-like and repairing the verandah structure, including the verandah poles and decorative features, and removing the intrusive iron balustrade.**
3. **No. 103 Rokeby Road, Subiaco – a maximum of \$3,226 towards repairing cracks on the northern external rendered wall facing Forrest Walk.**
4. **No. 56 Salisbury Street, Subiaco – a maximum of \$810 towards re-pointing fretting mortar to an original external brick wall. The mortar is to match the original mortar in both colour and composition.**
5. **No. 86 Salisbury Street, Subiaco – a maximum of \$4,069 towards minor repairs to the verandah and the replacement of the verandah decking like-for-like.**

CARRIED EN BLOC 8/0

6:08pm

Executive Summary

- The Heritage Grants program provides financial assistance to property owners for works in the public view that conserve and/or enhance the heritage significance of a place, or that stabilise a building.
- This report considers the second of two grant rounds for the 2024/25 financial year. Eligible projects are entitled to 50% of the total cost of the works up to a maximum of \$5,000.
- The City received five applications for grant funding, all of which are eligible.
- All five applications provide for positive heritage outcomes and are recommended for approval.
- There is \$25,000 allocated to this grant funding round after the 2024/25 mid-year budget review. The recommended total allocated funding as per this report is \$18,104.

Background

At its Ordinary Council Meeting (OCM) in August 2013 (Item D16) Council established the Heritage Grants Scheme Reserve to provide grants for works that contribute to the conservation and/or enhancement of heritage protected places. The heritage grants fund information sheet (available on the City's website) contains information on eligibility, selection criteria, eligible works and grant details.

Works that conserve and enhance heritage values and demonstrate consistency with the conservation principles of the Burra Charter are eligible for funding. Eligible projects are entitled to 50% of the total cost of the works up to a maximum of \$5,000. Council can also use its discretion to approve more than \$5,000 in funding for applicants proposing an exceptional project.

Since establishing the grants Council has allocated \$50,000 annually for two grant rounds per year of generally \$25,000 each.

At the November 2024 OCM (Item C1) Council allocated \$45,934 of funding towards the first round of Heritage Grants for the 24/25 FY. In addition, Council resolved to allocate \$20,934 from the Heritage Grants Reserve towards the second round of Heritage Grants for the 24/25 FY, ensuring that \$25,000 is available for this round of funding. Further details are provided under 'Resource Considerations' below.

To date, the City has undertaken 22 rounds of funding. Except for one round in 2023/24 when the City received no applications, grant rounds have generally been well subscribed and, in many cases, they have been very competitive.

Eligible Heritage Grant Applications

For this second round of funding for the 2024/25 financial year the City received five grant applications, all of which are eligible. The eligible applications are summarised in **Table 1** and discussed in more detail in the comment section below.

Table 1 – Heritage Grant Applications				
#	Address (No.)	Project cost excl. GST	Previous funding	Amount recommended
1	84 Hamersley Road, Subiaco	\$37,500	\$3,195 for tuckpointing in November 2022	\$5,000
2	3 Kings Road, Subiaco	\$12,080	\$3,730 approved in November 2024 to replace the front fence	\$5,000
3	103 Rokeby Road, Subiaco	\$6,452	\$5,000 in November 2024 to repair shopfront facing Rokeby Road	\$3,226
4	56 Salisbury Street, Subiaco	\$1,620	N/A	\$810
5	86 Salisbury Street, Subiaco	\$8,136	N/A	\$4,069
			Total	\$18,105

Comment

Applications for this round of funding opened on 3 February 2025 and closed on 24 March 2025. A table summarising the applications is included as **Attachment 1** to this report.

All five applications are recommended to receive funding approval. The works proposed in the applications demonstrate consistency with the conservation principles outlined in the Burra Charter, are sympathetic to the heritage significance of the place or heritage area, will enhance and/or conserve the heritage values of the place or area and are eligible for funding. These applications are discussed below.

1. *No. 84 Hamersley Road, Subiaco*

No. 84 Hamersley Road, Subiaco makes some contribution to the heritage values of the Chesters' Subdivision Heritage Area. The place was constructed in 1919 in the Federation Queen Anne style.

At the OCM in November 2022 (Item C2) the owners of the property were allocated a grant of \$3,195 to fix the tuck-pointing around the front door and to remove render and re-instate tuck-pointing to sections of the façade. The works relating to this grant were completed and the grant was successfully acquitted.

The applicant has requested funding towards a complete re-roof in like-for-like materials. The original curved terracotta finials will be removed and then re-instated in their original positions.

The total cost of the works is estimated at \$37,500 excl. GST. It is recommended that \$5,000 be allocated in accordance with the grant funding.

2. *No. 3 Kings Road, Subiaco*

No. 3 Kings Road, Subiaco makes some contribution to the Park Street Heritage Area. The place was constructed in 1904. Apart from the painting of the main façade, the external detailing appears to be largely intact and/or sympathetically restored/renovated.

The applicant received approval for \$3,730 of funding at the November 2024 OCM (Item C1) to replace the existing timber picket fence like-for-like. The applicant intends on undertaking these works with those pursuant to this application (assuming their current application is successful).

The applicant has requested funding towards a complete replacement of the verandah decking using like-for-like materials, and repairs to the verandah including the verandah sub structure, poles, decorative features and removing the iron balustrade (which is not original).

The cost of the works is estimated at \$12,080 excl. GST. It is recommended that \$5,000 be allocated in accordance with the grant funding.

3. *No. 103 Rokeby Road, Subiaco*

No. 103 Rokeby Road, Subiaco is individually included on the City's Heritage List. It is also identified as making a considerable contribution to the heritage values of the Rokeby Road and Hay Street Heritage Area.

The applicant received approval for \$5,000 of funding at the November 2024 OCM (Item C1) towards replacing the white ant damaged timber shopfront like-for-like. These works have not yet been undertaken.

The applicant has requested funding towards repairing cracks to an original external wall and repainting the wall once the cracks have been repaired. The cracks are visible from Forrest Walk.

The cost of the works is estimated at \$6,452 excl. GST. It is recommended that 50% of the total cost of the works to a maximum of \$3,226 be allocated in accordance with the grant funding.

4. *No. 56 Salisbury Street, Subiaco*

No. 56 Salisbury, Subiaco makes some contribution to the heritage values of the Chesters' Subdivision Heritage Area. The dwelling was constructed in 1911 in the Federation Queen Anne style.

The applicant has requested funding towards re-pointing fretting mortar to an original external wall. Although this work is not directly visible from the public realm, it is considered necessary for conservation of the original cottage and its structural integrity.

The total cost of the works is estimated at \$1,620 excl. GST. It is recommended that 50% of the total cost of the works to a maximum of \$810 be allocated in accordance with the grant funding.

5. *No. 86 Salisbury Street, Subiaco*

No. 86 Salisbury, Subiaco makes some contribution to the heritage values of the Salisbury and Rupert Street Heritage Area. The place was constructed in 1909 in the Federation Queen Anne style.

The applicant has requested funding towards replacing the timber decking and minor repairs to the verandah.

The total cost of the work is estimated at \$8,136 excl. GST and it is recommended that 50% of the total cost of the works to a maximum of \$4,069 be allocated in accordance with the grant funding.

Consultation

Property owners that have registered to receive notifications when Heritage Grant rounds open have been notified via email.

A notice advising of the opening of the grant round was placed in Subi Scene and was promoted through the City's social media channels.

Sustainability Considerations

Social

- Heritage places provide for a sense of community identity, build civic pride and help define the unique character of an area.
- Heritage places can stimulate curiosity about the past and be important sources of learning.

Environmental

- The conservation and adaptation of heritage places helps avoid and/or reduce demolition waste, promoting environmentally sustainable communities.

Strategic Considerations

The recommendation is consistent with the following City strategies:

Strategic Community Plan & Corporate Business Plan – Strategy 4.1.1

Support the conservation of heritage places'

In the Corporate Business Plan the Heritage Grants Scheme is also identified as a project that supports this strategy.

Local Planning Strategy – Urban Design, Character & Heritage objective

Protect and enhance the unique character and built heritage of Subiaco and ensure that new buildings are well designed and of a high standard as well as respectful of and sympathetic to existing heritage and character.

Heritage Strategy 2019-2023 – Action S1

Continue to provide assistance to property owners through the City's Heritage Grants Fund.

Statutory and Policy Considerations**Local Planning Scheme No.5 (LPS 5)**

The recommendations of this report are consistent with clause 9 of LPS 5 which sets out the aims of the scheme:

- (g) *Promote and safeguard the special character and cultural heritage of the City by:*
- i. Identifying, conserving and enhancing those places which are of significance to the City's cultural heritage;*
 - ii. Encouraging development that is in harmony with the cultural heritage value of an area;*
 - iii. Protect and enhance the local heritage and character recognising and preserving the traditional setting or existing dwellings including curtilage, garden areas and open space; and*
 - iv. Promoting public awareness of cultural heritage generally'*

Resource Considerations

Since establishing the grants, Council has allocated \$50,000 annually for two grant rounds per year of \$25,000 each. If any of the \$50,000 yearly budget for the grants is unallocated or unspent it remains and accumulates in the Reserve.

A total of \$50,000 was allocated to the Heritage Grants for the 2024/25 FY with an allocation of \$25,000 per round.

The total grant funding approved for round 1 of the 2024/25 FY was \$45,934. At the November 2024 OCM (item C1) Council resolved for the shortfall of \$20,934 in funding to come from the circa \$118,000 available in the Reserve. As a result, there is \$25,000 of funding available for this grant round which is more than sufficient to cover the \$18,105 recommended for approval.

Risk Considerations

Heritage grants assist in conserving the heritage fabric of the City and mitigate the risk of deterioration.

Options

The following options are available to Council:

1. Resolve to approve the applications as per the officer recommendation; or
2. Resolve to approve some of the applications as per the officer recommendation, and/or with some changes to the amounts allocated; or
3. Resolve to not approve any of the applications.

Should Council resolve option 2, there is a further \$6,896 of funding available in this grant round.

Resolving option 3 is not recommended, as it would indicate that Council does not support heritage conservation efforts.

Attachments

1. Table summarising Heritage Grant applications

C6 EXPRESSION OF INTEREST FOR OLD OUTPATIENTS BUILDING – 1909 SUBI EAST*

REPORT FROM DIRECTOR DEVELOPMENT SERVICES

Author: Manager Economic Development & Place, Adam Cousins
Date: 13 May 2025
File Reference: A/7984
Voting Requirements: Simple - More than half elected members present required to vote in favour.

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr O'Connor / Seconded Cr de Vries

The City of Subiaco makes a submission to the DevelopmentWA Expression of Interest process regarding the Old Outpatients Building at 1909 Subi East precinct.

CARRIED EN BLOC 8/0

6:08pm

Executive Summary

- The Subiaco Artists Hub Feasibility Report prepared by Hatch Roberts Day in 2022 identified the Old Outpatients Building located at 1909 Subi East as a preferred location for a potential future Arts Hub.
- The City anticipates DevelopmentWA will shortly commence an Expression of Interest process for the Old Outpatients Building.
- It is proposed that once the Expression of Interest process is released the Chief Executive Officer finalises a submission.

Background

This report considers the City's continued investment in arts, culture and community infrastructure and seeks Council's endorsement for the preparation of an Expression of Interest for the former Old Outpatients Building at 1909 Subi East.

City of Subiaco Investment in Arts and Culture

Arts and culture play a vital role in the City of Subiaco, supporting local economic activity, and contributing to place identity. Through continued investment in public art, cultural programming, and creative partnerships, the City supports a vibrant and inclusive cultural landscape. An overview of recent highlights from the City's investment in culture and arts is outlined in **Attachment 1**.

Arts Hub Feasibility Study

In 2022, the City commissioned the Subiaco Artists Hub Feasibility Report prepared by Hatch Roberts Day. The Artists Hub Feasibility Report identifies the Old Outpatients Building at 1909 Subi East as the preferred site for an Arts Hub.

City of Subiaco Community Asset Renewal and Development

The City is in the process of renewing or upgrading community assets. Projects such as the Rupert Street Pocket Park and the upcoming redevelopment of the Shenton Park Community Centre reflect the City's focus on flexible, fit-for-purpose community spaces. The Old Outpatients Building presents a strategic opportunity to provide community and cultural amenity in the eastern precinct of Subiaco aligned to forecast population growth in this area.

Council Resolutions

At the Ordinary Council Meeting (OCM) on 23 November 2021 Council resolved to 'request a report on the feasibility of a City-supported Subiaco Artists' Hub' following an Elected Members Motion submitted by Mayor David McMullen.

Subsequently, at the OCM on 22 November 2022, Council resolved:

1. The Subiaco Artists Hub Feasibility Report prepared by Hatch Roberts Day is noted; and,
2. The Chief Executive Officer to commence discussions with DevelopmentWA regarding the use and activation at the former Princess Margaret Hospital (PMH) site (including the former Outpatients Building and the Boiler House for creative industries and arts activities).

The Subi East redevelopment by DevelopmentWA is in the active construction phase, progressing through multiple precincts within its 35-hectare master plan. Following an Expression of Interest (EOI) process for the Boiler House, of which the City was unsuccessful, an EOI for the Old Outpatients Building is expected to be released shortly.

Old Outpatients Building Overview

Constructed in 1909, the Outpatients Building is a heritage-listed timber-framed weatherboard structure of historical and community value. Located at the intersection of Hay Street and Thomas Street in Subiaco, it has street frontage and receives exposure from passing vehicles.

The building originally functioned as part of the hospital precinct serving a range of purposes over time including women's auxiliary services, consulting and surgical spaces, psychiatric care, a multi-faith centre, and doctors' residences. It features a large central space and a series of smaller rooms, along with kitchenette and toilet facilities with a Net Lettable Area (NLA) of approximately 68sqm.

Comment

Old Outpatients Building EOI Development

The final preparation of the EOI submission will be informed by the recommendations of the Artists Hub Feasibility Report, as well as community feedback specific to the concept and broader input relating to arts, culture and community aspirations in Subiaco. The City has reviewed successful Arts Hub and community-use models and will seek to incorporate key attributes and lessons learned into the development process.

The City's submission will be prepared on broad terms to enable a diverse range of potential uses. This approach allows the City to comprehensively assess all viable options to optimise the site's use and overall value.

Further refinement and detailed planning will occur following a successful EOI outcome, should this occur.

Should the City be successful in the EOI process, several benefits are anticipated. While modest in scale, a well-managed and strategically programmed facility has the potential to support local artists, foster social inclusion, provide creative workspaces, and contribute to the precinct's appeal as a cultural destination—generating positive economic and social outcomes. Maintaining flexibility in the use of the space will also enable the City to adapt to evolving community needs over time.

Consultation

The Subiaco Arts Hub Feasibility Report incorporates community consultation and feedback from over 280 respondents, providing insights into community sentiment regarding the development of an Arts Hub.

City officers continue to engage with arts organisations and local community groups through regular meetings and collaborative initiatives, which have informed the development of this project.

The City's annual community scorecard further highlights sustained public interest in arts and cultural programming. In this category, the City achieved a satisfaction rating of 95%, exceeding the industry benchmark by 15 points. Trend data also indicates a notable nine-point increase in performance between 2022 and 2023.

Sustainability Considerations

Social & Economic

Creative and cultural activity adds to the vibrancy of the City and supports social cohesion. A community and cultural facility located in the Subi East precinct would enhance cultural activity positioning Subiaco as a destination for arts and culture.

Strategic Considerations

The recommendation contributes to the following strategies within the City of Subiaco Strategic Community Plan:

- **Strategic Community Plan - Strategy 3.1.1**
Continue to support Subiaco as a hub for arts, culture and entertainment.
- **Strategic Community Plan - Strategy 1.3.1**
The community is strengthened through its events, programs and public art.
- **Strategic Community Plan - Strategy 4.1.1**
Support the conservation of heritage places.
- **Strategic Community Plan - Strategy 6.1.5**
Create organisational and community culture that is underpinned by financially sustainable practice.

Statutory and Policy Considerations

Future use of the Old Outpatients Building will be subject to conditions and policies applied by DevelopmentWA and are subject to further consideration once the EOI process commences and subsequently if the City is successful with its EOI.

Resource Considerations

Organisation & Financial

As the EOI process is not yet active, it is not currently possible to confirm the full extent of organisational and financial resources required for successful delivery.

The City will further review options should it be successful through the EOI process and anticipates further negotiations with DevelopmentWA will be necessary to confirm cost responsibilities and funding arrangements.

Matters related to land tenure, resource costs and management structure will need to be determined by Council in the future and are subject to further consideration through the EOI process.

Risk Considerations

There are no risks associated with the submission of an EOI for the Old Outpatients Building.

Not proceeding with the submission of an EOI may be perceived as being inconsistent with the Arts Hub Feasibility Report and subsequent Council resolution from the November 2022 Ordinary Council Meeting translating to reputational damage with community stakeholders.

Should the City be successful in its EOI, further risk assessments will be undertaken as applicable.

Options

The following options are available to Council:

1. Proceed with the submission of an EOI to DevelopmentWA for the Old Outpatients Building.
2. Do not proceed with an EOI for the Old Outpatients Building.

Attachments

1. Arts and Cultural Initiatives 2021-2025

C7 TENDER A/7821 – MUELLER PARK PLAYGROUND RENEWAL***REPORT FROM A/DIRECTOR TECHNICAL SERVICES**

Author: Manager Parks and Environment Services, Giles Pickard
A/Coordinator Parks Development, Poonam Pasare

Date: 13 May 2025

File Reference: A/7984

Voting Requirements: Simple - More than half elected members present required to vote in favour.

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr O'Connor / Seconded Cr de Vries

Tender A/7821 – Mueller Park Playground Renewal for the design, demolition of the existing playground, and construction of a new playground at Mueller Park is awarded to Nature Play Solutions for the recommended concept design (Attachment 1) for the fixed price of \$499,756.99 (exclusive of GST).

CARRIED EN BLOC 8/0

6:08pm

Executive Summary

- The existing Mueller Park playground is due for renewal.
- Tender A/7821 was advertised on 17 December 2024 via Tenderlink and *The West Australian* in accordance with the *Local Government Act 1995* to appoint an experienced contractor to renew the playground at Mueller Park.
- The scope involves demolishing the existing play equipment; design, supply and install of new play equipment; and redevelopment of footpaths, shade sails, surface treatments as required.
- Submissions were evaluated against qualitative and quantitative criteria, with a focus on value for money, and alignment with community feedback.
- Stage 2 public consultation was held from 1 to 22 April 2025, allowing the community to select their preferred design option.
- Nature Play Solutions (Option 1) is recommended for contract award as it is the preferred option from public consultation and the highest scoring option by the City's evaluation panel.

Background

This report considers the appointment of a preferred respondent to construct a new Mueller Park Playground, based on designs informed by and chosen by the community (**Attachment 1**).

The Mueller Park Playground Renewal is a key initiative under the City's Play Space Strategy, aimed at enhancing access to inclusive, safe, and engaging play environments for local families and visitors. The renewal is designed to align with relevant Australian Standards and the City's long-term strategic objectives for community infrastructure.

Tender A/7821 is based on a fixed-price schedule and relates specifically to the fenced playground area within Mueller Park. The appointed contractor will be responsible for delivering the project in accordance with the specifications and performance requirements. Completion of the construction works is scheduled for the end of December 2025, with the contract incorporating performance-based KPIs to ensure delivery on time, on budget, and to the required quality standards.

Comment

The award of this tender will enable the City to proceed with the next phase of revitalising this well-loved community space, ensuring it meets the recreational needs of current and future users.

The Request for Tender was advertised on 17 December 2024 through:

- West Australian Newspaper
- Tenderlink

The tender closed on 6 February 2025 with submissions received from:

- A Space Australia Pty Ltd (one concept design)
- Nature Play Solutions (two concept designs)
- Nature Playgrounds (two concept designs)

An evaluation panel consisting of City officers completed an evaluation of the response against the below criteria.

Criteria	Weighting
Relevant Experience	30%
Skills and Experience of Key Personnel	20%
Adequate Resources	20%
Demonstrated Understanding	20%
Environmental Performance	10%

The evaluation panel conducted a comprehensive assessment of the tender submissions in accordance with the City's procurement guidelines. The evaluation was guided by a value-for-money approach and the assessment of concept designs submitted in alignment with community requirements, taking into consideration both qualitative and quantitative criteria.

A key component of the evaluation was the concept design provided by each Tenderer. 'A Space' submitted one concept; 'Nature plays solutions' submitted two concepts and 'Nature playground' submitted two concepts. These submissions were assessed for their alignment with the community's preferences and priorities identified during the Stage 1 consultation. The panel considered how effectively each submission addressed the desired play styles, accessibility, safety, and aesthetic integration within Mueller Park.

In addition to the design, the panel evaluated the attributes of each Tender, including project methodology, experience with similar projects, and capacity to meet the specified timelines and performance expectations.

Tenderers submitted a fixed price as part of their tender, which was reviewed to assess whether it represented value for money. The Price offered by the recommended Tenderer was considered reasonable in light of current market conditions, including increased costs associated with labour, transport, fuel, and construction materials since the City's previous playground works.

Following a weighted evaluation of all criteria, the panel concluded that the submission Option 1 from Nature Play Solutions offered the most advantageous outcome for the City. Accordingly, staff recommend awarding Tender A/7821 to Nature Play Solutions for Option 1.

Consultation

Stage one of the Mueller Park Playground Renewal consultation was undertaken between 11 October and 11 November 2024, with over 60 community members sharing feedback through Have Your Say Subiaco. Their input on how the playground is currently used and what features they'd like to see helped shape the Request for Tender (RFT). The City received three tender submissions, offering five different concept designs for consideration.

For Stage two, the City shortlisted three concept designs created by Nature Play Solutions and Nature Playgrounds and invited the community to provide feedback from 1 to 22 April 2025. These designs, displayed online and at the playground with QR code access, reflected the priorities raised in Stage 1. All concepts kept the existing fencing and included varied surfaces like sand, rubber, grass, and mulch to meet community expectations for safety, accessibility, and diverse play experiences.

The stage two consultation received a total of 81 responses, distributed across the three proposed options as follows:

- Option 1: 32 responses (39.5%)
- Option 2: 22 responses (27.2%)
- Option 3: 27 responses (33.3%)

Option 1 offered by Nature Play Solutions was the preferred design.

Sustainability Considerations

Economic

Tenderers were evaluated on their ability to deliver cost-effective solutions that consider whole-of-life costs, durability, and long-term maintenance. The preferred tenderer demonstrated value for money through the selection of robust materials with extended lifespans and reduced ongoing maintenance requirements. The use of locally sourced materials also supports the local economy and reduces transportation costs and emissions.

Social

The project aims to enhance community wellbeing by providing an inclusive, safe, and accessible play space. Tenderers were assessed on their ability to incorporate universal design principles, ensuring that children of all abilities can engage with the space. The community's input, including that of children and families, was central to the design process, ensuring the outcome reflects local needs and promotes social connection.

Environmental

The City is committed to environmentally responsible design and construction practices that contribute to long-term community and ecological wellbeing. Key criteria considered were the use of recycled and sustainably sourced materials, implementation of waterwise landscaping, and application of energy-efficient lighting. Tenderers were also required to outline environmentally responsible construction practices such as minimising waste, protecting existing vegetation, and reducing carbon emissions during construction.

Strategic Considerations

The officer's recommendation aligns with the following elements of the Strategic Community Plan.

Strategic Community Plan – Strategy 2.1.3

Manage the City's parks infrastructure in a way that is sustainable.

Strategic Community Plan – Strategy 2.1.6

Be proactive and innovative on its approach to environmental, sustainability and climate change.

Statutory and Policy Considerations

The tender was conducted in accordance with Part 4 of the *Local Government (Functions and General) Regulations 1996* and the requirements of the City's Purchasing Policy.

Resource Considerations

Financial

Based on the Fixed price submitted by Nature Play Solutions, the total contract cost is estimated at \$499,756.99, ex GST with contingency. The proposed cost remains within the approved capital works budget for the Mueller Park Playground renewal. The pricing structure provides a balanced approach to cost efficiency while maintaining quality and compliance with project requirements.

Assets

The playground renewal will involve the removal of existing play structures and the installation of new, durable, and low-maintenance equipment and surfaces. The new assets will be added to the City's asset register upon completion and will be managed as part of the City's ongoing maintenance program. The selection of high-quality materials and equipment with extended warranties is expected to reduce future asset renewal costs and extend the lifecycle of the playground infrastructure.

Organisational

The delivery of the project will be managed by the City's Parks and Environment team, in collaboration with relevant stakeholders with resources allocated within the City's budget.

Risk Considerations

1. There is a potential risk that the final playground design may not fully meet the communities' expectations. This has been addressed through the two stages of public consultation and regular communication on the project.
2. The removal of the existing water play element is a risk regarding community satisfaction. Feedback was received during consultation both in support of keeping a water feature and support to remove this element. The city receives regular complaints about bees and safety regarding this feature. The water filtration system has contributed to high maintenance costs and water and energy consumption, making it environmentally unsustainable. The community was informed about the removal of the water play element that would not be replaced in the new playground design, during the Stage two consultation.

Options

1. Award Tender A/7821 to Nature Play Solutions (Recommended)

This option allows the City to proceed with the renewal project in accordance with the proposed design, community preferences, and within the allocated budget. It supports timely delivery aligned with the City's Play Space Strategy and scheduled capital works program.

2. Seek Revised Proposals or Further Design Modifications

Council may choose not to accept the current recommendation and instead request that shortlisted tenderers revise their proposals to incorporate additional design changes or value-engineering options.

Implications:

- Potential delay in project timeline
- Additional resources required for re-evaluation
- May impact contractor availability or pricing
- Could allow refinement based on updated priorities

3. Do not proceed with project

Not undertaking the project may cause community dissatisfaction following the community consultation undertaken and the playground assets in need of renewal, will not be renewed.

Attachments

1. Recommended Concept Design

C8 TENDER A/8043 – PROVISION OF TURF RENOVATION SERVICES**REPORT FROM DIRECTOR TECHNICAL SERVICES**

Authors: Manager Parks and Environment Services, Giles Pickard
 Coordinator Parks and Environment Services, Hadyn Robson

Date: 13 May 2025

File Reference: A/7984

Voting Requirements: Simple - more than half elected members present required to vote in favour

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr O'Connor / Seconded Cr de Vries

Tender A/8043 for Turf Renovation Services is awarded to Lochness Landscape Services, for a period of three years, with two one-year extension periods.

CARRIED EN BLOC 8/0

6:08pm

Executive Summary

- A Request for Tender (RFT) for the provision of Turf Renovation Services was advertised on 11 March 2025 via WALGA E-Quotes, in accordance with the requirements of the Local Government Act 1995.
- Through this tender, the City seeks to appoint an experienced and competent contractor for turf renovation services for a period of three years with two, one-year performance related extensions.
- City officers have assessed the submissions against qualitative and quantitative criteria.
- It is recommended that Lochness Landscape Services is awarded the contract for the provision of turf renovation services, as they are considered qualified, resourced to execute the works and deemed best value for money.

Background

All City public open spaces require periodical and ad hoc turf renovations to assist with providing safe, accessible spaces for active and passive recreation.

Ongoing turf maintenance includes mowing, hollow and solid tining, application of fertiliser, top dressing and re-seeding. This maintenance ensures the highest horticultural standard, resulting in safe accessible spaces, and are aesthetically pleasing for the community and visitors to the City of Subiaco.

A tender process was undertaken to seek the services of a suitably experienced and competent contractor for a new contract that will continue delivery of turf renovation services.

Comment

On 11 March 2025 the tender for the provision of turf renovation services was advertised via WALGA E-Quotes under the requirements of the Local Government Act 1995. Submissions were received from the following respondents:

- Lochness Landscape Services
- NewGround Water Services

A tender evaluation panel, consisting of City officers assessed the submissions against the qualitative criteria as detailed in the below table.

Description of Criteria	Weighting
Relevant experience in completing similar tasks	30%
Skills and experience of key personnel	25%
A demonstrated understanding of the required tasks	20%
Respondents' resources	20%
Sustainable Procurement Questionnaire.	5%

Consultation

No consultation was undertaken relevant to the subject of this report as the works are operational in nature.

Sustainability Considerations

Environmental

An environmental questionnaire was issued with the tender documentation which formed part of the qualitative criteria in the evaluation process.

Lochness Landscape Services evidenced an Environmental Management System, Health Safety Plan, Environment and Quality Plan and a transition plan to zero emissions equipment.

Strategic Considerations

The recommendation contributes to the following Council strategies:

Strategic Community Plan – Strategy 2.1.3

Manage the City's parks infrastructure in a way that is sustainable

Strategic Community Plan – Strategy 2.1.6

Be proactive and innovative on its approach to environmental, sustainability and climate change.

Statutory and Policy Considerations

The tender was conducted in accordance with the tendering requirements of the City's Purchasing Policy and Part 4 of the *Local Government (Functions and General) Regulations 1996* and the City of Subiaco Policy- 1.8 Purchasing.

Resource Considerations

Financial

The costs associated with this tender are accommodated in the City's annual budget and Strategic Financial Plan and estimated at \$80,000.00 per annum.

Risk Considerations

Procurement risks mitigated through robust procurement process as prescribed by City of Subiaco Policy – 1.8 Purchasing

Options

The following options are available to the Council:

1. Award tender to the preferred respondent.

2. Not award and readvertise the tenders. This would mean that weather dependant works at the City's active spaces may not be able to be undertaken, which could affect ground condition and sporting clubs use of reserves.

Attachments

There are no attachments to this report.

C9 TENDER A/5782 – ARCHITECT SERVICES**REPORT FROM DIRECTOR CORPORATE SERVICES**

Author: Manager Commercial Services and Property, Joel Guest
Coordinator Capital Projects, Jeremy Graf

Date: 13 May 2025

File Reference: A/7984

Voting Requirements: Simple - More than half elected members present required to vote in favour.

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr White / Seconded Cr Jones

Tender A/5782 for architect services is awarded to Newpolis Pty Ltd trading as Lyons for the fixed price of \$3,275,258 (exclusive of GST) and otherwise in accordance with its schedule of rates.

CARRIED 7/1
CR BURNS VOTED AGAINST
7:26pm

Executive Summary

- On 13 December 2022, following a fire, Council resolved to demolish the existing Administration Centre and Council Chambers and build new.
- On 27 August 2024, Council resolved to run a two-stage tender process to appoint an architect for the design of the new civic building and its surrounds, comprising a shortlisting based on qualitative criteria followed by a design response to a tender design brief.
- The City engaged CityLab to help facilitate the two-stage tender process which included an expert independent evaluation panel (Jury), a Client Advisory Group (CAG) of nominated elected members, and an independent probity advisor.
- On 17 October 2024, the City commenced Stage 1 of the process, providing Statewide public notice inviting expressions of interest in accordance with the *Local Government (Functions and General) Regulations 1996*.
- The City received 26 expressions of interest which were shortlisted to 3 submissions based on the qualitative criteria.
- Acceptable Tenderers were then invited to progress to Stage 2, to prepare a concept design in accordance with the tender design brief.
- Based on the final submissions of the Acceptable Tenderers, the Jury unanimously nominated Lyons, Officer Woods Architects, Glas and Super Natural as the Nominated Winner, with Lyons to be the lead architect and contracting party. Accordingly, it is recommended that Lyons be awarded the tender.
- Following the award of the tender, it will be appropriate for elected members to meet the architect to debrief on their tender concept design to use as a starting point for further iteration and community consultation.

Background

The City of Subiaco Civic Precinct (**Figure 1**) reflects multiple layers of history, having previously housed (amongst other things) a post office, fire station, markets, a substation, a bowling club, a croquet club, a fernery, and bandstands.

Today it comprises the E H Parker Library, Subiaco Museum, Council Chambers and Administration Centre, Rankin Gardens, the Fallen Soldier's Memorial Clock Tower,

and a number of significant trees. The Civic Precinct is in the mid-section of Rokeby Road, a key main street of Subiaco and a significant destination in its own right.



Figure 1: Civic Precinct

The building was constructed in the 1960s and has been extended and adapted multiple times. In recent years, the Council Chambers and Administration Centre at 241 Rokeby Road has experienced water penetration leading to flooding, mould and damage to fixtures and furniture. Council included a priority project in the Corporate Business Plan 2021-2025 to prepare a plan for the redevelopment of the building and the surrounding areas. A fire in the roof cavity in September 2022 provided further impetus to progress the project.

On 13 December 2022, Council decided to demolish the existing Administration Centre and Council Chambers and construct a new building (item C7). Council resolved to hold further Elected Member workshops to explore and consider fundamental aspects of the project.

Following further workshops, on 19 March 2024, Council resolved (item C4) to initiate a request for tender process to recommend an architect to prepare a concept design for a new civic building and a preliminary master plan for its surrounds within the Civic Precinct. Noting the significance of the project, Council also resolved that Elected Members be provided with the opportunity for input regarding the tender process, evaluation criteria and the suitability of tenderers based on submissions received.

Following consideration of architectural procurement advice, and given the significance of the location and desire for design excellence, Council decided on 27 August 2024 (item C7) to run a two-stage tender process to appoint an architect. The process was to begin with the shortlisting of tenderers based on qualitative criteria, followed by a further assessment of shortlisted tenderers based on their concept designs produced in response to a tender design brief.

The City engaged CityLab to help facilitate the two-stage tender process. Further elected member workshops were held to confirm the detailed approach and develop the procurement documents, including the tender design brief, terms and conditions of tender, consultancy agreement and Jury agreement.

The aims of the tender design brief were to:

- Design a new Civic Building to replace the existing Administration Centre and Council Chambers; and
- Develop a landscape redesign of the Civic Precinct.

The tender design brief vision was to:

- Create a thoughtfully designed, inclusive and adaptive Civic Precinct to meet evolving civic, staff and community needs.
- Deliver an inspiring building which is fitting and harmonious in its garden setting.
- Set the benchmark for sustainability and amenity, capturing Subiaco's evolution from working class-roots to its cosmopolitan present.

The intent of the two-stage tender process was to determine how well the shortlisted tenderers responded to the City's design brief, and then to use the appointed tenderer's concept design as a starting point for further iteration and community consultation.

Comment

An independent evaluation panel (Jury), comprising experts in the fields of architecture and landscape architecture, was established to assess the submissions.

The Jury comprised:

1. Emma Williamson
Government Architect for Western Australia
Chair of the Jury
2. Geoffrey London
Emeritus Professor Architecture at UWA
Former WA Government Architect
3. Shelley Penn AM
Professor Architecture Monash University
Past President Australian Institute of Architects
4. Mark Jacques
Professor Architecture at RMIT
Landscape Architect Director OpenWorks.

Elected Members were provided with the opportunity to nominate to take part in a Client Advisory Group (CAG) to provide input to the Jury throughout the procurement process.

The CAG comprised:

1. Mayor David McMullen

2. Cr Penny O'Connor
3. Cr Russell Jones.

Independent probity advisor O'Connor Marsden was appointed to ensure that the process was conducted fairly, equitably and with integrity.

Stage One – Expressions of Interest

On 17 October 2024, the City provided Statewide public notice inviting expressions of interest for architect services in accordance with the *Local Government (Functions and General) Regulations 1996*.

The City received 26 expressions of interest (EOIs) from a mixture of local, national and international participants. All were lodged on time and according to lodgement requirements.

In each case, the respondent comprised a lead consultant working as part of a collaborative team (including architects, landscape architects, interior designers and other specialist collaborators).

Jury members individually evaluated EOIs against the following qualitative criteria:

1. Respondent team (20%)
2. Relevant project experience (30%)
3. Understanding of the site and Civic Precinct requirements (20%)
4. Understanding of the new civic building and program requirements (30%).

The CAG also reviewed the EOIs and prepared a report for the Jury based on a 'traffic light' approach to each criterion.

On 4 December 2024, following a site tour of the Civic Precinct, the Jury met in person in an attempt to reach a consensus. The consensus meeting was also attended by CityLab and the independent probity advisor. The Jury assessed the EOI submissions in accordance with the Evaluation Plan. During the assessment process, the Jury received and considered the CAG Report. The Jury concluded the EOI assessment process and recommended to shortlist 3 submissions (Acceptable Tenderers) to progress to Stage 2 (design response).

The Acceptable Tenderers were:

1. ARM + TCL + Cundall Australia
2. Lyons + Officer Woods Architects + Glas + Super Natural
3. JCB + IPH + Aspect Studios.

On 19 December 2024, the Chief Executive Officer gave each respondent who submitted an EOI, notice in writing of the Acceptable Tenderers.

Stage Two – Design Response

Acceptable Tenderers were then invited to respond to the City's design brief.

Jury members individually evaluated design response submissions against the following qualitative criteria:

1. Architecture vision (25%)
2. Functional and operational response (20%)
3. Landscape vision (20%)
4. User experience (15%)

5. Viability of the project (20%).

The CAG also reviewed the design response submissions and prepared a report for the Jury based on a 'traffic light' approach to each criteria.

On 10 April 2025, the Acceptable Tenderers presented their final design response submissions to the Jury. Representative from the CAG and the City of Subiaco also attended the presentations in person in an observation role only. The presentations were also attended by CityLab and the independent probity advisor.

After the presentations, Jury members completed their individual scoring.

On 11 April 2025, the Jury met in person to discuss each of the Stage Two design response submissions and finalisation of the assessment process. The consensus meeting was also attended by CityLab and the independent probity advisor.

Following detailed discussion and finalisation of the assessment, the Jury nominated Lyons, Officer Woods Architects, Glas and Super Natural as the Nominated Winner, with Lyons to be the lead architect and contracting party. The Jury's decision was unanimous.

Accordingly, it is recommended that Lyons be awarded the tender.

Next steps

Once the tender has been awarded, the City will offer to enter into a contract with the successful tenderer. The stages of the contract include concept verification, detailed design, construction documentation, pre-contract, construction, and defects liability.

Following the award of the contract, workshops will be arranged for elected members to meet the architect and commence the concept verification phase. Initial workshops will provide an opportunity for the architect to more fully understand the City's needs and work collaboratively on a concept design that best meets the City's objectives.

These workshops will also provide the opportunity for the City to work with the architect on an appropriate approach to community engagement. It is anticipated that there will be a range of touchpoints with the community in finalising the design, with ample opportunity to provide input into the future building and its surrounding landscape.

Consultation

The tender was advertised in The West Australian Newspaper in accordance with the requirements of the *Local Government (Functions and General) Regulations 1996*.

It is anticipated that a detailed community engagement plan for the design of the future buildings and its surrounds, may be developed collaboratively with the architect once they have been appointed.

Sustainability Considerations

The City's design brief stated that the project should, amongst other things:

- Set the benchmark for sustainability and amenity; and
- Demonstrate design excellence, innovation and sustainability.

Each of the Acceptable Tenderers had regard to environmental sustainability in their submissions. Sustainability outcomes will be further considered during the concept verification and detailed design phases of the project.

Strategic Considerations

The recommendation contributes to the following Council strategies:

Strategic Community Plan – Objective 6.1.3

Be innovative, responsive and maintain a strong customer focus.

Strategic Community Plan – Objective 6.1.4

Ensure best practice asset management principles are adopted.

Strategic Community Plan – Objective 6.1.5

Create organisational and community culture that is underpinned by financially sustainable practice.

The recommendation also progresses the Corporate Business Plan 2021-2025 project, Administration Centre Redevelopment, to:

Prepare a plan for the redevelopment of the administration centre and surrounding areas.

Statutory and Policy Considerations

The tender was conducted in accordance with Part 4, Division 2 of the *Local Government (Functions and General) Regulations 1996*, which sets out the requirements for tenders of goods and services.

Resource Considerations

The Nominated Winner's fixed fee proposal for their involvement in all phases, from concept verification to defects liability, is \$3,275,258 excluding GST.

The anticipated costs of progressing the design in the year ahead will be put forward as part of the City's 2025-26 budget.

Risk Considerations

The two-stage procurement process included a number of controls to provide for a robust outcome, including an independent facilitator with expertise in architectural procurement; and independent jury; a probity advisor; and a Client Advisory Group to facilitate input from elected members.

The tender contract will be based on the terms and conditions of contract (consultancy agreement) released to the market, which includes a provision that the City has the option to terminate at the conclusion of any phase (for example should the project not proceed).

Options

1. Award Tender A/5782 to Lyons.
2. Award Tender A/5782 to another tenderer.
3. Decline to accept any tender.

If Council chooses not to endorse the Nominated Winner as the successful tenderer, there is some reputational risk which may extend to deterring reputable architects from wanting to work with the City in the future.

Attachments

There are no attachments to this report.

C10 FINANCIAL STATEMENTS AND REPORTS FOR THE MONTH ENDING 30 APRIL 2025*

REPORT FROM DIRECTOR CORPORATE SERVICES

Author: Manager Financial Services, Lauren Fitzgerald
Date: 13 May 2025
File Reference: A/7984
Voting Requirements: Simple - More than half elected members present required to vote in favour.

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr O'Connor / Seconded Cr de Vries

The following reports for the month ending 30 April 2025 are endorsed:

- Financial Activity Statement.
- Statement of Financial Position.
- Net Current Assets.
- Summary of Cash and Investments.
- Summary of Major Debtor Categories.
- Payments From Municipal or Trust Fund.
- Credit Card Payment Summary.
- Fuel Card Payment Summary.

CARRIED EN BLOC 8/0

6:08pm

Executive Summary

- The attached reports provide an overview of the City's financial performance for the month ending 30 April 2025.
- These have been prepared in accordance with the *Local Government Act 1995*, the *Local Government (Financial Management) Regulations 1996* and the Australian Accounting Standards (to the extent that they are not inconsistent with the Act).
- The reports fairly represent, in all material respects, the results of the operations for the month being reported.

Background

The financial reports represent a snapshot as at 30 April 2025.

Comment

Financial Activity Statement

As at the end 30 April 2025, the City's net surplus was \$11,323,009 higher than budget, primarily due to:

- \$1,617,657 greater than anticipated fees and charges, primarily due to the timing of lease revenue compared to YTD budget;
- \$518,765 relating to higher than anticipated interest rates and cash balances;
- \$133,195 relating to higher than anticipated reimbursements recovered;
- \$229,405 in wages savings due to employee vacancies;
- \$1,093,456 lower than anticipated materials and contract expenditures primarily due to timing of operational projects;
- \$161,664 lower than anticipated other expenditure primarily due to timing of sponsorships and partnership contribution;
- \$1,942,458 lower than expected property, plant and equipment investment and \$6,470,654 lower than anticipated infrastructure investment, due to timing of expenses incurred for capital works projects.

This was partially offset by:

- \$471,752 lower than anticipated grants revenue due to final claims pending for MRRG projects; and
- \$271,318 lower than anticipated proceeds from disposal of assets, due to the timing of sale of fleet assets.

Statement of Financial Position

The City's current assets of \$121,345,657 are mainly comprised of cash and cash equivalents of \$107,940,281, other financial assets of \$7,831,209 and trade and other receivables of \$2,468,018.

The City's current liabilities of \$12,063,575 are mainly comprised of trades and payables of \$4,073,201 and employee related provisions of \$6,154,366. It is noted that employee related provisions are based on conservative estimates and further analysis will be conducted at end of financial year which will likely result in a reduction.

This less restricted assets (Reserves) and other statutory reporting adjustments, the City has net current assets of \$43,601,160 as shown below:

	30 April 2025
Current Assets	121,345,657
Less: Current Liabilities	(12,063,575)
Total adjustments to net current assets	
Less: Cash Backed Reserves	(66,423,726)
Add: Current Portion of Borrowings	104,220
Add: Current Portion of Lease Liabilities	638,584
Resulting In:	
Net Current Assets	43,601,160

Cash and investments

The City currently holds financial investments of \$107,904,935.

This includes cash backed reserves of \$66,423,726 held to support the City's ability to allocate funds to future projects, as well as \$7,831,209 in a growth investment. These financial investments have been made in accordance with the City's Investment Policy.

For short term liquid investment assets, the Investment Policy requires that no more than 30% is to be invested with any one institution at the time of investment, and that investments in short term bank deposits and bank bills are made with institutions with a minimum A-2 rating.

Statement of Major Debtor Categories

The attached report provides a summary of outstanding major debts payable to the City of Subiaco. This includes \$846,657 in outstanding rates and charges, and \$1,814,713 sundry outstanding debts.

Outstanding rates and charges include amounts in arrears and current year levies which have not yet been paid, for example where ratepayers have elected to pay by instalments. It also includes amounts deferred by ratepayers under the *Rates and Charges (Rebates and Deferment) Act 1992*.

Payments Summary

A list of accounts paid under delegated authority between 1 April and 30 April 2025 is provided in the reports attached.

During the reporting period the City made the following payments:

Payroll payments to Employees	1,260,387.46
Cheque & EFT payments to Creditors	4,439,077.29
Credit Card Payments	10,950.54
TOTAL PAYMENTS	5,710,415.29

Fuel Card Payment Summary

From 1 September 2023 regulation 13A Payments by employees via purchasing cards was introduced to the *Local Government (Financial Management) Regulations 1996*, requiring Local Government entities to report the transactional detail for acquisition of goods and services made on purchase cards be reported to Council. Guidance from the Department of Local Government, Sport and Culture states that the term *purchase cards* include fuel cards.

Between 1 April and 30 April 2025, the City made \$3,347.26 worth of transactions on fuel cards for the City fleet.

Consultation

No consultation was undertaken relevant to the subject of this report.

Sustainability Considerations

Prudent management of the City's funds is critical in enabling the City to support the economic, social and environmental sustainability of the local district.

Strategic Considerations

The recommendation contributes to the following Council strategy:

Strategic Community Plan - Strategy 6.1.5

Create organisational and community culture that is underpinned by financially sustainable practice.

Statutory and Policy Considerations

The financial statements and reports are prepared in accordance with the requirements of the *Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996*, including:

- (1) *Form of financial activity statement report— s. 6.4(2) and Reg 34*
- (2) *Payments from municipal fund or trust fund— s. 6.10(12) (13)*
- (3) *Payments by employees via purchasing cards— s. 6.10(13A)*

The reports are also prepared in accordance with the *Trustees Act 1962 (Part III)* and the City's Investment Policy.

Resource Considerations

The attachments show that the City's financial position is performing well compared to budget expectations for 2024-25.

Risk Considerations

Monthly reporting is a key control in ensuring that the City prudently manages its financial position with due regard to anticipating and mitigating financial risks.

Options

This report supports the City in meeting its statutory requirement to present financial statements and reports at an ordinary meeting of council within 2 months after the end of the relevant month, and to record the statements and reports in the minutes, in accordance with the *Local Government (Financial Management) Regulations 1996*.

Council could choose not to endorse the financial statements and reports, noting that this statutory requirement would still be met.

Attachments

1. Financial Activity Statement – April 2025
2. Statement of Financial Position – April 2025
3. Net Current Assets – April 2025
4. Summary of Cash and Investments – April 2025
5. Summary of Major Debtor Categories – April 2025
6. Payments From Municipal or Trust Fund – April 2025
7. Credit Card Payment Summary – April 2025
8. Fuel Card Payment Summary – April 2025

11. ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY A DECISION OF THE MEETING

Nil

13. MEETING CLOSED TO THE PUBLIC**COUNCIL DECISION**

Moved Cr de Vries / Seconded Cr O'Connor

The meeting be closed to the public, pursuant to sections 5.23(2)(c) of the *Local Government Act 1995* while item 13.3 is considered.

CARRIED 8/0

7:27pm

Reasons:

- *Section 5.23(2)(c) provides that a meeting may be closed to deal with a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*

13.1 LEASING MATTER – CONFIDENTIAL***COUNCIL DECISION**

- 1. 35 – 37 Bishop Street, Jolimont WA is leased to Longreach 33 Pty Ltd consistent with the terms contained in this report and otherwise on terms acceptable to the City.**
- 2. The Chief Executive Officer is authorised to execute any documents, deeds and agreements necessary to give effect to this resolution.**

CARRIED EN BLOC

13.2 COMMERCIAL PROPERTY PROPOSAL - CONFIDENTIAL***COUNCIL DECISION****The Chief Executive Officer gives Statewide public notice that the City proposes to commence the Major Land Transaction or Major Trading Undertaking described in the business plan attached to this report (Attachment 1).**

CARRIED EN BLOC

13.3 COMMERCIAL PROPERTY PROPOSAL - CONFIDENTIAL*

Cr Burns left the meeting at 7:32pm and returned to the meeting at 7:35pm.

COUNCIL DECISION

- 1. The Chief Executive Officer give Statewide public notice that the City proposes to commence the Major Land Transaction described in the business plan attached to this report (Attachment 2).**
- 2. At the end of the Statewide public notice period, the Chief Executive Officer table a report for Council to:**
 - a. consider any submissions made during the Statewide public notice period; and**
 - b. decide whether or not to proceed with the Major Land Transaction as proposed, or so that it is not significantly different from what was proposed.**

CARRIED

COUNCIL DECISION

The meeting come out from behind closed doors.

CARRIED

14. CLOSURE OF MEETING

The Presiding Member declared the Ordinary Council Meeting of 27 May 2025 closed at 7:40pm.