

AGENDA.

Ordinary Council Meeting

19 November 2024

Notice of Meeting

Mayor and Councillors

The next Ordinary Council Meeting of the City of South Perth Council will be held on Tuesday 19 November 2024 in the City of South Perth Council Chamber, corner Sandgate Street and South Terrace, South Perth commencing at 6.00pm.



MIKE BRADFORD
CHIEF EXECUTIVE OFFICER

15 November 2024

Acknowledgement of Country

Kaartdjinin Nidja Nyungar Whadjuk Boodjar Koora Nidja Djining Noonakoort kaartdijin wangkiny, maam, gnarnk and boordier Nidja Whadjuk kura kura.

We acknowledge and pay our respects to the traditional custodians of this land, the Whadjuk people of the Noongar nation and their Elders past and present.

Our Guiding Values



Disclaimer

The City of South Perth disclaims any liability for any loss arising from any person or body relying on any statement, discussion, recommendation or decision made during this meeting.

Where an application for an approval, a licence or the like is discussed or determined during this meeting, the City warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the City.

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Ordinary Council Meeting - Agenda

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2. DISCLAIMER

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

The Mayor (or Deputy Mayor acting in the position of Mayor) will present a report of the Mayoral engagements and meetings attended in the Mayor's capacity since the last Council Meeting. A summary of the report will be provided in the Minutes.

4. ATTENDANCE

4.1 APOLOGIES

4.2 APPROVED LEAVE OF ABSENCE

- Councillor André Brender-A-Brandis for the period 23 October 2024 to 30 November 2024, inclusive.

5. DECLARATIONS OF INTEREST

- Mayor Greg Milner - Impartiality Interest in Item 10.1.1 as 'I know several of the nominees. I have previously served on the board of one of the nominees in a voluntary capacity.'
- Councillor Mary Choy – Impartiality Interest in Item 10.1.1 as 'some of the nominees are known to me.'

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

6.2 PUBLIC QUESTION TIME: 19 NOVEMBER 2024

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 22 October 2024

Officer Recommendation

That the Minutes of the Ordinary Council Meeting held 22 October 2024 be taken as read and confirmed as a true and correct record.

7.2 CONCEPT BRIEFINGS

7.2.1 Concept Briefings and Workshops

Nil.

7.2.2 Council Agenda Briefing - 12 November 2024

Officers of the City presented background information and answered questions on Items to be considered at the November Ordinary Council Meeting at the Council Agenda Briefing held 12 November 2024.

Attachments

7.2.2 (a): Briefing Notes

Officer Recommendation

That Council notes the following Council Briefings/Workshops were held:

- 7.2.1 Concept Briefings and Workshops
- 7.2.2 Council Agenda Briefing - 12 November 2024

8. PRESENTATIONS

8.1 PETITIONS

Nil.

8.2 GIFTS / AWARDS PRESENTED TO COUNCIL

Nil.

8.3 DEPUTATIONS

No Deputations were heard at the Council Agenda Briefing held 12 November 2024.

9. METHOD OF DEALING WITH AGENDA BUSINESS

10. REPORTS

10.1 STRATEGIC DIRECTION 1: COMMUNITY

10.1.1 City of South Perth - 2025 Auspire Community Citizen of the Year Awards - Nominations, Assessment and Recommendations

File Ref: D-24-45337
Author(s): Patrick Quigley, Manager Community, Culture and Recreation
Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

This report seeks Council's approval of the award recipients for the City of South Perth – 2025 Auspire Community Citizen of the Year Award.

Officer Recommendation

That Council approves the award recipients for the City of South Perth - Auspire Community Citizen of the Year Awards for 2025, as shown in **Confidential Attachment (a)** in the following categories:

1. Community Citizen of the Year Award – Adult Category
2. Community Citizen of the Year Award - Youth Category
3. Community Citizen of the Year Award – Seniors Category
4. Active Citizenship Award - Group or Event Category

Background

The Community Citizen of the Year Awards is a state-wide initiative run by Auspire (Australia Day Council of WA). Each local government authority is responsible for promoting the Award and selecting winners for its area.

The Awards recognise individuals and organisations within the City of South Perth who are making a notable contribution to community life and active participation in projects.

There are four categories for nominations:

1. Community Citizen of the Year (Adult Category) – to acknowledge adults who have delivered outstanding service to the community.
2. Citizen of the Year Award (Youth Category) – to acknowledge young people 16 to 30 years of age who have delivered outstanding service to the community.
3. Citizen of the Year Award (Seniors Category) – to acknowledge people aged 65 years and older who have delivered outstanding service to the community.
4. Active Citizenship (Group or Event) – to acknowledge groups doing outstanding work, or for an outstanding event held in the local community during the past year.

Presentation of the Awards will be made at the City's Australia Day Morning Ceremony on 26 January 2025. The winner of each category is recognised with a framed certificate and medal, and all other eligible nominees receive a certificate of appreciation from the City of South Perth.

10.1.1 City of South Perth - 2025 Auspire Community Citizen of the Year Awards - Nominations, Assessment and Recommendations

Nominations were assessed by a panel comprising the City's Manager Community, Culture and Recreation; Community Development Coordinator; and Community Development Officer against the following selection criteria:

Selection criteria for nominees for the **individual** award categories:

1. Significant contribution to the local community.
2. Demonstrated leadership on a community issue resulting in the enhancement of community life.
3. A significant initiative which has brought about positive change and added value to community life.
4. Inspiring qualities as a role model for the community.

Selection criteria for nominees for the **group / event** award category:

1. Group/ event that creates community engagement.
2. Group/ event that creates initiatives for new employment.
3. Created significant initiative that brought about positive change.

Comment

This year a total of 24 nominations were submitted comprising:

- 8 x nominations for the Community Citizen of the Year – Adult category.
- 6 x nominations for the Community Citizen of the Year – Youth category.
- 6 x nominations for the Community Citizen of the Year – Seniors category.
- 4 x nominations for the Active Citizenship - Group or Event category.

A summary of the nominations, City's assessment scores and recommendations is attached as **Confidential Attachment (a)**.

All nominations were considered to be of high quality, demonstrating the different ways that individuals and groups make significant contributions in the local community; enhancing active citizenship opportunities for others; and being positive role models in the City of South Perth.

Consultation

The City commenced promotion of the Community Citizen of the Year Award program in July 2024 with posters displayed at the City's Civic Centre and local community venues, namely libraries and George Burnett Leisure Centre. Communication was also sent to community groups, sporting clubs, schools and volunteer organisations listed in the City of South Perth Community Directory. Additionally, the Award program was advertised in myClub, mySnapshot, mySouthPerth magazine, the City's social media platforms and through a state-wide campaign undertaken by Auspire. Nominations closed on 31 October 2024.

Policy and Legislative Implications

This report relates to Policy P104 Community Awards, whereby the City recognises the important contribution that local individuals make to society.

Financial Implications

Funds are allocated in the City’s 2024/25 Operating Budget for costs associated with the Community Citizen of the Year Award program.

Key Risks and Considerations

Risk Event Outcome	<p>Reputational Damage</p> <p>Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.</p>
Risk rating	Low
Mitigation and actions	The City could potentially face adverse reputational impacts if it does not acknowledge local citizenship each year. The City’s Community Citizen of the Year Awards is an effective risk management mitigation strategy as it provides a suitable method of acknowledging the contributions made by local individuals, volunteers and community groups

Strategic Implications

This matter relates to the following Strategic Direction identified within Council’s [Strategic Community Plan 2021-2031](#):

- Strategic Direction: Community
- Aspiration: Our diverse community is inclusive, safe, connected and engaged
- Outcome: 1.1 Culture and community
- Strategy: 1.1.4 Encourage volunteering that benefits our community

Attachments

- 10.1.1 (a): 2025 Community Citizen of the Year Awards - Assessment and Recommendations (*Confidential*)

10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

10.3.1 Draft Local Planning Policy - Unhosted Short-Term Rental Accommodation (Advertising) and Revocation of Policy 350.18 - Short-Term Accommodation

File Ref: D-24-45338
Author(s): Donna Shaw, Director Development and Community Services
Reporting Officer(s): Mike Bradford, Chief Executive Officer

Summary

The purpose of this report is for Council to consider revoking Policy P350.18 – Short-Term Accommodation and to adopt a new draft Local Planning Policy – Unhosted Short-Term Rental Accommodation for the purpose of advertising.

Officer Recommendation

That Council:

1. Pursuant to Schedule 2, Part 2, Clause 6 of the Planning and Development (Local Planning Schemes) Regulations 2015, revokes Policy P350.18 – Short Term Accommodation contained as **Attachment (a)**.
2. Pursuant to Schedule 2, Part 2, Clause 4(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, advertises draft Local Planning Policy – Unhosted Short-Term Rental Accommodation contained as **Attachment (b)**.

Background

At its meeting held 22 October 2024, Council resolved to initiate a scheme amendment to Local Planning Scheme No. 7 (LPS 7) to progress the State Government amendments to the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations) to introduce ‘Hosted Short-Term Rental Accommodation’ and ‘Unhosted Short-Term Rental Accommodation’ (USTRA) land uses and associated exemptions from the requirement to obtain development approval, introducing land use permissibility and deleting land uses superseded by the Regulations.

Council also considered a draft Local Planning Policy – Unhosted Short-Term Rental Accommodation for advertising and revocation of Policy P350.18 – Short-Term Accommodation, and contrary to the Officer Recommendation to advertise and revoke the draft and existing policies respectively, resolved as follows:

“Request the Chief Executive Officer to prepare a policy, to be presented to Council on or before the December 2024 Ordinary Council Meeting, that addresses:

- a. How USTRA is to be encouraged in localities near visitor attractions, activities and areas of high tourism value, and discouraged outside of those localities.*
- b. Identification of appropriate locations for USTRA, with particular attention to requirements for different zones;*
- c. Future local development plans, precinct structure plans or other local planning policies to ensure that, when drafted, they are consistent with the USTRA policy;*

10.3.1 Draft Local Planning Policy - Unhosted Short-Term Rental Accommodation (Advertising) and Revocation of Policy 350.18 - Short-Term Accommodation

- d. *Identification of requirements for the management plan, including addressing security measures, emergency phone numbers and out of hours protocols for both guests and neighbours, and consequences of a breach of the code of conduct.”*

The reasons for the change were as follows:

- “1. *The objectives of the policy are not adequately addressed in the content of the policy*
2. *It is appropriate that a policy guiding approval addresses:*
 - a. *How USTRA is to be encouraged in localities near visitor attractions, activities and areas of high tourism value, and discouraged outside of those localities.*
 - b. *Identification of appropriate locations for USTRA, with particular attention to requirements for different zones;*
 - c. *Future local development plans, precinct structure plans or other local planning policies to ensure that, when drafted, they are consistent with the USTRA policy;*
 - d. *Identification of requirements for the management plan, including addressing security measures, emergency phone numbers and out of hours protocols for both guests and neighbours, and consequences of a breach of the code of conduct.”*

The City has revised the draft local planning policy (LPP) previously presented to Council to include a minor modification to address reason 2d above, which is contained as **Attachment (b)**.

The City has also prepared a draft LPP which addresses parts a-d of the resolution of Council, which is contained as **Attachment (c)**.

For the reasons outlined in this report, it is recommended that Council proceed to advertise the draft LPP contained as **Attachment (b)**.

Comment

Encouraging USTRA in Certain Locations

Council sought to include Policy provisions that encourage USTRA in localities near visitor attractions, activities and areas of high tourism value, discourage USTRA outside of those localities, and to identify appropriate locations for USTRA, with particular attention to requirements for different zones.

Typical locational criteria (such as within proximity to high frequency public transport, activity centres or areas of tourism significance) had not been included in the draft LPP given the size of the district, with the overlay of such criteria resulting in the majority of the district being preferred locations for USTRA.

Unlike some local governments where the size of the district and separation of residential areas from areas of commercial activity and areas of tourism significance occur, the small scale and traditional development pattern of the City resulting in a mix of uses, zones and reserves in close proximity means the ability to prescribe distinctive locational criteria that otherwise restricts USTRA in certain portions of the district is limited.

10.3.1 **Draft Local Planning Policy - Unhosted Short-Term Rental Accommodation (Advertising) and Revocation of Policy 350.18 - Short-Term Accommodation**

For example, proximity to a rail route (800m walkable catchment) and bus stops on a high frequency bus route (250m walkable catchment, timed stops every 15 minutes during weekday peak periods) combined with other criteria such as proximity to areas of activity (local and neighbourhood centres) and visitor attractions (foreshore reserves, Curtin University and Collier Park Golf Course) results in the majority of the district being preferred locations for USTRA.

Further, USTRA is a currently a discretionary use capable of being approved in the Residential zone, with scheme amendment No.1 to LPS 7 initiated by Council providing for USTRA as an 'A' (discretionary subject to advertising) in all zones, meaning the use can be considered regardless of any locational criteria (such as location based on density code) contained within an LPP.

Whilst regard can be given to locational criteria should it be included in a policy, the existence of a policy cannot replace the discretion of the decision-maker in the sense that it is to be inflexibly applied regardless of the merits of the particular case.

As such, should Council seek to include locational criteria (i.e. USTRA should be located in residential areas coded R40 or above, or only located within designated activity centres), non-compliance with such criteria should not be construed as the use being not permitted within the zone.

The City is also concerned that inclusion of broad location requirements related to areas of entertainment or tourism attractions is subjective in nature and may result in inconsistent application and decision making, and misaligned expectations for applicants and the community.

Planning Framework Consistency with Local Planning Policy

Council sought to ensure that when drafted, future local development plans, precinct structure plans or other local planning policies are consistent with the Policy once adopted.

The abovementioned planning instruments have the status of 'due regard', meaning more than mere regard must be given to the requirements and the decision-maker has a mandatory obligation to consider that planning instrument when making a decision on an application to which the particular document or instrument relates. The more relevant the instrument is to the application at hand, and the more recent they are, the more weight they must carry in the making of planning decisions.

In giving 'due regard' to an approved structure plan, a decision-maker has an obligation to give consideration to the objectives, intent, and information contained within the structure plan when determining an application within a structure plan area, regardless of whether it is consistent with a future local planning policy provision.

Notwithstanding, in the review of the City's existing precinct structure plans and for the creation of any future instruments, the City will consider whether alignment with any future policy provision is appropriate.

Management Plan Requirements

Council sought to include Policy provisions for Management Plans that include addressing security measures, emergency phone numbers and out of hours protocols for both guests and neighbours, and consequences of a breach of the code of conduct.

10.3.1 **Draft Local Planning Policy - Unhosted Short-Term Rental Accommodation (Advertising) and Revocation of Policy 350.18 - Short-Term Accommodation**

The draft LPP previously presented to Council required provision of a detailed Management Plan to accompany all applications for USTRA, including:

- How the control of noise and anti-social behaviour will be addressed.
- An after-hours complaints procedure including expected response times.
- The provision of a telephone number of the USTRA Manager to neighbouring property owners/occupiers, for during and after-hours complaints.

The City has updated the draft LPP to require the Management Plan to also include details of the Western Australia emergency telephone number (WA Police, ambulance and fire services - 000).

Consultation

Should Council proceed with the draft LPP, the Regulations require public advertising for a minimum of 21 days.

Policy and Legislative Implications

If the local government resolves to adopt an LPP for the purposes of advertising, the local government must, unless the Western Australian Planning Commission otherwise agrees, advertise the proposed LPP as follows:

“(a) publish in accordance with clause 87 the proposed policy and a notice giving details of

- (i) the subject and nature of the proposed policy; and*
- (ii) the objectives of the proposed policy; and*
- (iii) how the proposed policy is made available to the public in accordance with clause 87;*
- (iv) the manner and form in which submissions may be made; and (v) the period for making submissions and the last day of that period.”*

As such, a public notice will be made available on the City’s website in accordance with the Regulations.

Financial Implications

Nil.

Key Risks and Considerations

Risk Event Outcome	Legislative Breach Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation.
Risk rating	Low
Mitigation and actions	Advertise local planning policies in accordance with the Regulations where required.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council’s [Strategic Community Plan 2021-2031](#):

Strategic Direction: Environment (Built and Natural)
 Aspiration: Sustainable, liveable, diverse and welcoming neighbourhoods that respect and value the natural and built environment
 Outcome: 3.2 Sustainable built form
 Strategy: 3.2.1 Develop and implement a sustainable local planning framework to meet current and future community needs

Attachments

- 10.3.1 (a): Policy P350.18 - Short-term Accommodation
- 10.3.1 (b): Draft Local Planning Policy - Unhosted Short-Term Rental Accommodation
- 10.3.1 (c): Draft Local Planning Policy - Unhosted Short-Term Rental Accommodation (Council Resolution required version)

10.3.2 Proposed Change of Use - Multiple Dwelling to Unhosted Short-Term Rental Accommodation - Lot 40, No. 310/29 Melville Parade, South Perth

Location: 310/29 Melville Parade, South Perth
Ward: Mill Point Ward
Applicant: Alexandar Stevanovski
File Reference: D-24-45340
DA Lodgement Date: 13 May 2024
Author(s): Fiona Mullen, Manager Development Services
Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

The purpose of this report is to consider an application for development approval for a Change of Use from a Multiple Dwelling to Unhosted Short-Term Rental Accommodation on Lot 40, No. 310/29 Melville Parade, South Perth.

The item is referred to Council as the proposed land use falls outside of the delegation to Officers.

For the reasons outlined in this report, it is recommended that the application be approved subject to conditions.

Officer Recommendation

That pursuant to the provisions of the City of South Perth Local Planning Scheme No. 7 and the Metropolitan Region Scheme, this application for development approval for a Change of Use from Multiple Dwelling to Unhosted Short-Term Accommodation on Lot 40, No. 310/29 Melville Parade, South Perth **be approved** subject to the following conditions:

1. A maximum of three guests are permitted on site at any one time.
2. The Management Plan dated 13 May 2024 shall be implemented and adhered to at all times, to the satisfaction of the City of South Perth.

Note: The City will include any relevant advice notes in the determination notice.

Applicant	Alexandar Stevanovski
Landowner	Alexandar Stevanovski

Development Site Details

The development site details are as follows:

Zoning	Centre
Density coding	R-ACO
Lot area	57m ²

Comment

(a) Background

In May 2024, the City received an application for a Change of Use from a Multiple Dwelling to Holiday Accommodation on Lot 40, No. 310/29 Melville Parade, South Perth.

The Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) were amended and took effect on 19 September 2024. The change introduced 'Unhosted Short-Term Rental Accommodation' (Unhosted STRA) as a land use in the Deemed Provisions which automatically applies to local planning schemes. The land use term 'Holiday Accommodation' is therefore substituted with this term.

(b) Description of the Surrounding Locality

The existing development is a Multiple Dwelling complex, comprising of a total of 45 Multiple Dwellings. The Multiple Dwelling the subject of this application is located on the third floor of a three-storey building located along the southern side of the lot.

The site is located along Melville Parade near the corner of Scott Street to the south. The surrounding locality is predominately residential uses with other multiple dwellings prominent, shown in **Figure 1** below.



Figure 1: Aerial image of the subject site.

The property is within close proximity to the Perth Zoo and within 400m walking distance of Sir James Mitchell Park and the South Perth foreshore area, which contains several cafes, restaurants, retail shops and supermarkets. These features are of a tourism significance.

(c) Description of the Proposal

The applicant is seeking a Change of Use from a Multiple Dwelling to Unhosted STRA. The application has submitted a Management Plan in support of the proposal. Details of the proposal are as follows:

- Maximum of three guests;
- Check-in time is at 3pm and access will be by a key via a secure lock box affixed to the front door of the dwelling, with a code shared with the guest at the time of check on the day of their stay. Departure and check-out instructions will be communicated to guests via written signage in the premises and via email and SMS to the guests nominated details. Check-out will be no later than 10am;
- The use is to be managed directly by the landowner;
- Neighbouring owners and occupiers will be provided with the contact details of the owner-manager (as contained in the Management Plan);
- Bookings are made directly via the online booking platform and guests are required to provide photo identification at the time of booking;
- Activities including parties and large gatherings are prohibited;
- Guests and visitors must not create noise which has the potential to create a nuisance to occupiers of neighbouring properties between the hours of 9:00pm and 8:00am daily;
- An emergency evacuation plan, including muster points and emergency contact numbers, will be provided at the property; and
- Guests will be advised that only one vehicle is to park within the premises in the designated bay for the exclusive use of Unit 310.

The development plans submitted as part of the application and Management Plan are contained in **Attachment (a) and (b)**.

(d) Land Use

Holiday Accommodation is an unlisted use in the South Perth Activity Centre zone (ACR2) use class table under Local Planning Scheme No. 7 (LPS 7) which means that the use is not specifically referred to in the zoning table. Whilst land use permissibility is yet to be assigned to Unhosted STRA as an amendment to LPS 7 is first required, the City is treating the use a 'D' use consistent with the previous land use definition, although it is noted that advertising was undertaken by the City given potential impacts to neighbouring properties.

(e) Short-Term Accommodation Policy

Local Planning Policy P350.18 – Short Term Accommodation (Policy) was adopted by Council at its meeting held 27 March 2018 and seeks to facilitate the provision of self-contained visitor accommodation for short-term occupancy and guide decision making in respect to the appropriateness of various forms of tourist accommodation facilities, as determined by the locality, the appropriateness of facilities and scale of the proposal.

The proposal complies with the City's Local Planning Policy 350-18 – Short Term Accommodation.

(f) Western Australian Planning Commission Position Statement: Planning for Tourism and Short-Term Accommodation (Statement)

The intent of the Statement is to:

- Guide the appropriate location and management of tourism and short-term rental accommodation land uses through the planning framework;
- Facilitate acceptable development of new and evolving tourism opportunities;
- Provide a high-level of amenity in tourism areas; and
- Deliver quality land use planning outcomes.

In accordance with Clause 67(2)(e) of the Deemed Provisions of the Regulations, due regard must be given to the Statement when assessing a development application. The proposal is considered to satisfactorily address all relevant considerations outlined in the Statement.

(g) Compatibility and Amenity

Clause 67(2)(m) and Clause 67(2)(n) of the Deemed Provisions requires the local government to have regard to the compatibility of the proposal with its setting as well as amenity considerations (including environmental, character and social impacts).

The proposed Unhosted STRA is compatible with the wider character and amenity of the area as the proposed use is minor in scale and intensity, hosting a maximum of three guests and one vehicle which is consistent with the expected number of persons within a one-bedroom dwelling.

A Management Plan has been provided, including measures to mitigate potential issues surrounding noise, parking and activity. Further parties and large gatherings are prohibited, resulting in the dwelling not being used beyond the reasonable expectations of a medium density residential area.

Additionally, the use will be required to comply with the requirements of the Environmental Protection (Noise) Regulations 1997.

The proposed development is considered satisfactory subject to compliance with the submitted Management Plan, which has been recommended as a condition.

(h) Proposed Amendments to the Planning and Development (Local Planning Schemes) Regulations 2015 and Short-Term Rental Accommodation Act 2024

On 18 September 2024 the State Government released amendments to the Regulations relating to Short-Term Rental Accommodation (STRA).

Whilst Unhosted STRA is exempt from the requirement to obtain development approval if the property is not used as an Unhosted STRA for no more than 90 nights in a relevant 12-month period, the applicant seeks approval for an unlimited number of nights in a 12-month period and development approval is therefore required.

Under the *Short-Term Rental Accommodation Act 2024*, all providers of STRA within Western Australia, both hosted and un-hosted, will be required to register their property by 1 January 2025.

10.3.2 Proposed Change of Use - Multiple Dwelling to Unhosted Short-Term Rental Accommodation - Lot 40, No. 310/29 Melville Parade, South Perth

(i) Consultation

Consultation has been undertaken for this proposal to the extent and in the manner required by the Regulations and Local Planning Policy - Advertising of Planning Proposals.

The application was advertised for a period of 14 days between 2 October 2024 and 16 October 2024 in the following manner:

- A total of 82 letters were sent to owners and occupiers of properties within the Multiple Dwelling complex; and
- A copy of the application was made available for review on the City’s website.

At the close of the consultation period, no submissions were received.

The Strata Manager of the complex has advised of no objection to the use as Unhosted STRA.

Policy and Legislative Implications

In accordance with the Regulations, the local government may determine an application for development approval by:

- (a) Granting development approval with no conditions; or
- (b) Granting development approval with conditions; or
- (c) Refusing to grant development approval.

Financial Implications

This determination has some financial implications, to the extent that if the applicant were to make an application for review of the decision, the City may seek representation at the State Administrative Tribunal.

Key Risks and Considerations

Risk Event Outcome	Reputational Damage Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
Risk rating	Low
Mitigation and actions	Risk acceptable with adequate controls, managed by routine procedures and monitoring.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#):

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable, liveable, diverse and welcoming neighbourhoods that respect and value the natural and built environment
Outcome:	3.2 Sustainable built form
Strategy:	3.2.1 Develop and implement a sustainable local planning framework to meet current and future community needs

Conclusion

The proposal is considered to be small in scale and is unlikely to result in adverse impacts to adjoining properties if managed appropriately in accordance with the submitted Management Plan.

No objections were received during the consultation period.

Accordingly, it is recommended that the development application be approved subject to appropriate conditions.

Attachments

10.3.2 (a):	Development Plans
10.3.2 (b):	Management Plan

10.3.3 Proposed Change of Use - Multiple Dwelling to Unhosted Short-Term Rental Accommodation - Lot 26, No. 14/240 Mill Point Road, South Perth

Location: Lot 26, No. 14/240 Mill Point Road, South Perth
 Ward: Mill Point Ward
 Applicant: Power Free Pty Ltd
 File Reference: D-24-45341
 DA Lodgement Date: 1 August 2024
 Author(s): Fiona Mullen, Manager Development Services
 Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

The purpose of this report is to consider an application for development approval for a Change of Use from a Multiple Dwelling to Unhosted Short-Term Rental Accommodation on Lot 26, No. 14/240 Mill Point Road, South Perth.

The item is referred to Council as the proposed land use falls outside of the delegation to Officers.

For the reasons outlined in this report, it is recommended that the application be approved subject to conditions.

Officer Recommendation

That pursuant to the provisions of the City of South Perth Local Planning Scheme No. 7, the application for development approval for a Change of Use from a Multiple Dwelling to Unhosted Short-Term Rental on Lot 26, No. 14/240 Mill Point Road, South Perth **be approved** subject to the following conditions:

1. A maximum of four guests are permitted on site at any one time.
2. The Management Plan dated 2 October 2024 shall be implemented at all times, to the satisfaction of the City of South Perth.

Note: The City will include any relevant advice notes in the determination notice.

Applicant	Power Free Pty Ltd
Landowner	Power Free Pty Ltd

Development Site Details

The development site details are as follows:

Zoning	Residential
Density coding	R50
Lot area	71m ²

Comment

(a) Background

In August 2024, the City received an application for a Change of Use from a Multiple Dwelling to Holiday Accommodation on Lot 26, No. 14/240 Mill Point Road, South Perth.

The Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) were amended and took effect on 19 September 2024. The change introduced 'Unhosted Short-Term Rental Accommodation' (Unhosted STRA) as a land use in the Deemed Provisions which automatically applies to local planning schemes. The land use term 'Holiday Accommodation' is therefore substituted with this term.

(b) Description of the Surrounding Locality

The existing development is a Multiple Dwelling complex, comprising of a total of 26 Multiple Dwellings. The Multiple Dwelling the subject of this application is located on the second floor, north-facing elevation of the five-storey building.

The site is located at the corner of Mill Point Road to the south and Coode Street to the west. The surrounding locality is predominantly residential, private community purposes and parks and recreation land uses, as shown in **Figure 1** below:



Figure 1: Aerial image of subject site.

The property is directly opposite Sir James Mitchell Park, which abuts the western side of Coode Street, and is within 400m walking distance of Angelo Street, which contains several cafes, restaurants, retail shops and supermarkets. The Perth Zoo is located approximately 750m from the site. These features are of tourism significance.

(c) Description of the Proposal

The applicant is seeking a Change of Use from a Multiple Dwelling to Unhosted STRA.

The applicant has submitted a Management Plan in support of the proposal. Details of the proposal are as follows:

- Maximum of four guests;
- Check-in time is from 2pm and check-out time is by 10am;
- The use is to be managed directly by the landowners;
- Contact information was distributed to neighbouring owners and occupiers by the Strata Manager at the Annual General Meeting (AGM), which was held in September 2024;
- Bookings are made directly via the online booking platform, which includes verification of identity using government issued ID prior to a booking being made;
- No parties or events are permitted;
- Guests not to create loud noise after 10pm, both on the balcony and within the apartment;
- A 'Guest Code of Conduct' will be provided at the property, which will specify rules and regulations, including on-site parking provision and expectations of guest behaviour;
- Emergency contact details ('000' emergency services, nearby hospitals and police stations) will be provided in the Visitor Handbook at the property; and
- One on-site car parking bay is available for the exclusive use of Unit 14.

The development plans submitted as part of the application and Management Plan are contained in **Attachment (a)**.

(d) Land Use

Holiday Accommodation is a 'D' (Discretionary) use in the Residential zone under Local Planning Scheme No. 7 (LPS7) which means that the use is not permitted unless the local government has exercised its discretion by granting development approval. Whilst land use permissibility is yet to be assigned to Unhosted STRA as an amendment to LPS7, the City is treating the use as a 'D' use consistent with the previous land use definition, although it is noted that advertising was undertaken by the City given potential impacts to neighbouring properties.

(e) Short-Term Accommodation Policy

Local Planning Policy P350.18 – Short-Term Accommodation (Policy) was adopted by Council at its meeting held 27 March 2018 and seeks to facilitate the provision of self-contained visitor accommodation for short-term occupancy and guide decision making in respect to the appropriateness of various forms of tourist accommodation facilities, as determined by the locality, the appropriateness of facilities and scale of the proposal.

The proposal complies with the City's Local Planning Policy P350.18 – Short-Term Accommodation.

(f) Western Australian Planning Commission Position Statement: Planning for Tourism and Short-Term Accommodation (Statement)

The intent of the statement is to:

- Guide the appropriate location and management of tourism and short-term rental accommodation land uses through the planning framework;
- Facilitate acceptable development of new and evolving tourism opportunities;
- Provide a high-level of amenity in tourism areas; and
- Deliver quality land use outcomes.

In accordance with Clause 67(2)(e) of the Deemed Provisions of the Regulations, due regard must be given to the Statement when assessing a development application. The proposal is considered to satisfactorily address all relevant considerations outlined in the Statement.

(g) Compatibility and Amenity

Clause 67(2)(m) and Clause 67(2)(n) of the Deemed Provisions requires the local government to have regard to the compatibility of the proposal with its setting as well as amenity considerations (including environmental, character and social impacts).

The proposed Unhosted STRA is compatible with the wider character and amenity of the area as the proposed use is minor in scale and intensity, hosting a maximum of four guests and one vehicle which is consistent with the expected number of persons within a two-bedroom dwelling.

The property is proposed to be managed directly by the property owner and in accordance with the submitted Management Plan.

A Management Plan and Guest Code of Conduct has been provided, including measures to mitigate potential issues surrounding noise, parking and activity. Further, parties and events are prohibited, resulting in the dwelling not being used beyond the reasonable expectations of a low to medium density residential area.

Additionally, the use will be required to comply with the requirements of the Environmental Protection (Noise) Regulations 1997.

The proposed development is considered satisfactory subject to compliance with the submitted Management Plan, which has been recommended as a condition.

(h) Proposed Amendments to the Planning and Development (Local Planning Schemes) Regulations 2015 and Short-Term Rental Accommodation Act 2024

On 18 September 2024 the State Government released amendments to the Regulations relating to Short-Term Rental Accommodation (STRA).

Whilst Unhosted STRA is exempt from the requirement to obtain development approval if the property is not used as an Unhosted STRA for no more than 90 nights in a relevant 12-month period, the applicant seeks approval for an unlimited number of nights in a 12-month period and development approval is therefore required.

Under the *Short-Term Rental Accommodation Act 2024*, all providers of STRA within Western Australia, both hosted and un-hosted, will be required to register their property by 1 January 2025.

10.3.3 **Proposed Change of Use - Multiple Dwelling to Unhosted Short-Term Rental Accommodation - Lot 26, No. 14/240 Mill Point Road, South Perth**

(i) Consultation

Consultation has been undertaken for this proposal to the extent and in the manner required by the Regulations and Local Planning Policy - Advertising of Planning Proposals.

The application was advertised for a period of 14 days between 5 September 2024 and 19 September 2024 in the following manner:

- A total of 35 letters were sent to owners and occupiers of properties within and in proximity to the Multiple Dwelling complex; and
- A copy of the application was made available for review on the City’s website.

At the close of the consultation period, no submissions were received.

The Council of Owners have advised in writing that they have no objection to the unit operating as Unhosted STRA.

Policy and Legislative Implications

In accordance with the Regulations, the local government may determine an application for development approval by:

- (a) Granting development approval with no conditions; or
- (b) Granting development approval with conditions; or
- (c) Refusing to grant development approval.

Financial Implications

This determination has some financial implications, to the extent that if the applicant were to make an application for review of the decision, the City may need to seek representation at the State Administrative Tribunal.

Key Risks and Considerations

Risk Event Outcome	Reputational Damage Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
Risk rating	Low
Mitigation and actions	Risk acceptable with adequate controls, managed by routine procedures and monitoring.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#):

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable, liveable, diverse and welcoming neighbourhoods that respect and value the natural and built environment
Outcome:	3.2 Sustainable built form
Strategy:	3.2.1 Develop and implement a sustainable local planning framework to meet current and future community needs

Conclusion

The location of the Unhosted STRA is considered appropriate, no objections were received during the consultation period and the applicant has submitted a Management Plan to ensure ongoing management of the use.

Accordingly, it is recommended that the development application be approved subject to appropriate conditions.

Attachments

10.3.3 (a):	Management Plan
10.3.3 (b):	Floor Plan
10.3.3 (c):	Strata Plan

10.3.4 Proposed Change of Use - Multiple Dwelling to Unhosted Short-Term Rental Accommodation - Lot 3, 3/45 Mary Street, Como

Location: 3/45 Mary Street, Como
 Ward: Como Ward
 Applicant: Karri Real Estate
 File Reference: D-24-45342
 DA Lodgement Date: 17 August 2024
 Author(s): Fiona Mullen, Manager Development Services
 Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

The purpose of this report is to consider an application for development approval for a Change of Use from a Multiple Dwelling to Unhosted Short-Term Rental Accommodation on Lot 3, 3/45 Mary Street, Como.

The item is referred to Council as the proposed land use falls outside of the delegation to Officers.

For the reasons outlined in this report, it is recommended that the application be approved subject to conditions.

Officer Recommendation

That pursuant to the provisions of the City of South Perth Local Planning Scheme No. 7, the application for development approval for a Change of Use from a Multiple Dwelling to Unhosted Short -Term Rental Accommodation on Lot 3, 3/45 Mary Street, Como **be approved** subject to the following conditions:

1. A maximum of four guests are permitted on site at any one time.
2. The Management Plan shall be implemented and adhered to at all times to the satisfaction of the City of South Perth.

Note: The City will include any relevant advice notes in the determination notice.

Applicant	Karri Real Estate
Landowner	Wineglass Bat Pty Ltd

Development Site Details

The development site details are as follows:

Zoning	Residential
Density coding	R40
Lot area	76m ²

Comment

(a) Background

In August 2024, the City received an application for a Change of Use from a Multiple Dwelling to Holiday Accommodation on Lot 3, 3/45 Mary Street, Como.

The Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) were amended and took effect on 19 September 2024. The change introduced 'Unhosted Short-Term Rental Accommodation' (Unhosted STRA) as a land use in the Deemed Provisions which automatically applies to local planning schemes. The land use term 'Holiday Accommodation' is therefore substituted with this term.

(b) Description of the Surrounding Locality

The existing development is a Multiple Dwelling complex, comprising of a total of four Multiple Dwellings. The Multiple Dwelling the subject of this application is located on the first floor of a two-storey building and positioned at the front of the complex.

The site is located within 300m of regional foreshore reserve (west of Kwinana Freeway) hosting Como Beach and Jetty, and 300m from Preston Street Neighbourhood Centre, which contains several cafes, restaurants, retail shops, and a supermarket. These features are of a tourism significance.

It should be noted that the two bottom floor units within the complex have received development approval for change of use to Unhosted STRA.

The site has frontage to Mary Street to the east and is surrounded by residential development of various scales as seen in **Figure 1** below:



Figure 1: Aerial image of subject site.

(c) **Description of the Proposal**

The applicant is seeking a Change of Use from a Multiple Dwelling to Unhosted STRA.

The applicant has submitted a Management Plan in support of the proposal. Details of the proposal are as follows:

- Maximum of four guests;
- Check-in time is from 2pm and check-out is before 10am;
- Staff will meet guests on arrival and facilitate check-in. In addition, staff will guide the guests through the property and advise of the relevant rules and processes;
- The use will be managed by a property management business.
- An electronic booking system will be utilised, including a security deposit system intended to guard against anti-social behaviour;
- Operation of an electronic locking and key system;
- Neighbouring owners and occupiers will be provided with the contact details of the site manager.
- Any complaints will be registered in a register of complaints held by the property management business;
- Activities including 'parties,' gatherings or functions are strictly prohibited;
- Guests are advised to park on site;
- Pets are not accepted;
- Common property will be maintained by the property management business;
- Staff will undertake cleaning of the unit after every booking;
- Guests and visitors must not create noise which has the potential to create a nuisance to occupiers of neighbouring properties. Guests must abide by the Western Australian Protection (Noise) Regulations 1997; and
- A guidebook will be provided to guests on site, including information regarding waste management, general rules and guidelines, and the operation of the unit's facilities and electronics.

The development plans submitted as part of this application and Management Plan for the development are contained in **Attachment (a)**.

(d) **Land Use**

Holiday Accommodation is currently a 'D' (Discretionary) use in the Residential zone under Local Planning Scheme No. 7 (LPS 7) which means that the use is not permitted unless the local government has exercised its discretion by granting development approval. Whilst land use permissibility is yet to be assigned to Unhosted STRA as an amendment to LPS7 is first required, the City is treated the use as a 'D' use consistent with the previous land use definition.

(e) Short Term Accommodation Policy

Local Planning Policy P350.18 – Short Term Accommodation (Policy) was adopted by Council at its meeting held 27 March 2018 and seeks to facilitate the provision of self-contained visitor accommodation for short term occupancy and guide decision making in respect to the appropriateness of various forms of tourist accommodation facilities, as determined by the locality, the appropriateness of facilities and scale of the proposal.

The proposal complies with the City’s Local Planning Policy P350.18 – Short Term Accommodation.

(f) Western Australian Planning Commission Position Statement: Planning for Tourism and Short-Term Accommodation (Statement)

The intent of the Statement is to:

- Guide the appropriate location and management of tourism and short-term rental accommodation land uses through the planning framework.
- Facilitate acceptable development of new and evolving tourism opportunities.
- Provide a high-level of amenity in tourism areas; and
- Deliver quality land use planning outcomes.

In accordance with clause 67(2)(e) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), due regard must be given to the Statement when assessing a development application. The proposal is considered to satisfactorily address all relevant considerations outlined in the Statement.

(g) Compatibility and Amenity

Clause 67(2)(m) and Clause 67(2)(n) of the Deemed Provisions requires the local government to have regard to the compatibility of the proposal with its setting as well as amenity considerations (including environmental, character and social impacts).

The proposed Unhosted STRA is compatible with the wider character and amenity of the area as the proposed use and operation is minor in scale and intensity, hosting a maximum of four guests which is consistent with the expected number of persons within a two-bedroom dwelling.

A Management Plan and visitor guide has been provided, mitigating potential issues surrounding check-in and out, noise and parking. Further, party events and large gatherings are strictly prohibited. This will result in the dwelling not being used beyond the reasonable expectations of a low to medium density residential area. The property will also be managed by a property manager.

Additionally, the use will be required to comply with the requirements of the Environmental Protection (Noise) Regulations 1997.

The proposed development is considered satisfactory in this respect subject to compliance with the submitted Management Plan, which has been recommended as a condition.

(h) Carparking

Clause 67(2)(s) of the Deemed Provisions requires the local government to have regard to the arrangements for the manoeuvring and parking of vehicles.

In relation to on-site parking, noting that the two bottom floor units within the complex have previously received development approval for change of use to Unhosted STRA, the following assessment has been undertaken in regard to parking allocation on site:

Unit	Existing Use	Proposed Use	Bays Required	Bays Provided
1	Unhosted STRA - (approved with max 6 guests)	N/A – approved 31 October 2023.	2	4 (four bays within street setback as per condition of approval), plus 1 bay at rear.
2	Unhosted STRA – (approved with max 4 guests)	N/A – approved 5 June 2024.	1	1
3	Multiple Dwelling	Unhosted STRA (proposed max 4 guests).	1	1
4	Multiple Dwelling	Unhosted STRA (proposed max 4 guests).	1	1
		Total	5	8 (4 bays at front, 4 bays at rear).
		Shortfall		Nil.

As demonstrated in the table above, adequate parking exists on site in relation to both the existing and proposed Unhosted STRA.

(i) Proposed Amendments to the Planning and Development (Local Planning Schemes) Regulations 2015 and Short-Term Rental Accommodation Act 2024

On 18 September 2024 the State Government released amendments to the Regulations relating to Short-Term Rental Accommodation (STRA).

Whilst Unhosted STRA is exempt from the requirement to obtain development approval if the property is not used as an Unhosted STRA for no more that 90 nights in a relevant 12-month period, the applicant seeks approval for an unlimited number of nights in a 12-month period and development approval is therefore required.

Under the *Short-Term Rental Accommodation Act 2024*, all providers of STRA within Western Australia, both hosted and un-hosted, will be required to register their property by 1 January 2025.

(j) Consultation

Consultation has been undertaken for this proposal to the extent and in the manner required by the Regulations and Local Planning Policy - Advertising of Planning Proposals.

The application was advertised for a period of 14 days between 18 September 2024 and 2 October 2024 in the following manner:

- A total of 39 letters were sent to owners and occupiers of properties within the Multiple Dwelling complex; and
- A copy of the application was made available for review on the City’s website.

At the close of the consultation period, two submissions were received.

The Strata Manager of the complex has advised of no objection to the use as Unhosted STRA.

The submissions are provided in the table below, in addition to the Officer’s comments:

Matter	Comment
<p><u>Noise</u> Changing the use for unit 3 will detract from the quiet nature of the residential area, particularly during check-in and check-out periods.</p>	<p>The submitted Management Plan outlines the times in which noise is to be limited and states that parties are not permitted. The use will be required to comply with the requirements of the Environmental Protection (Noise) Regulations 1997. Should noise issues arise, the City can undertake noise monitoring to ensure compliance.</p>
<p><u>Safety</u> The short-term nature of guests will result in a loss of safety and security for neighbouring properties.</p>	<p>The applicant has submitted a Management Plan detailing that complaints will be actioned swiftly and that all guests will be screened during the booking process, to flag undesirable guests and discourages any anti-social behaviour. Neighbours will be provided with an after-hours phone number in case of any late night/early morning issues.</p>
<p><u>Neighbourhood Character</u> The short-term nature of guests will result in a loss of character and social cohesion in the area.</p>	<p>Whilst it is acknowledged that the submitter seeks longer-term residents, Unhosted STRA is a use that can be considered within the Residential zone and as such, the City is required to consider the application. Additionally, the proposal does not include a maximum length of stay period and as such, the premises could be booked for longer-term accommodation.</p>

<p><u>Increased Traffic</u></p> <p>The change of use of unit 3 will result in increased vehicle and pedestrian traffic, particularly during check-in and check-out periods.</p>	<p>The vehicle and pedestrian traffic of the proposed Unhosted STRA will functionally act the same as the existing multiple dwelling use, proposing no change to the built form of the property.</p> <p>Guests will be advised to park on site.</p>
<p><u>Waste and Cleanliness</u></p> <p>Concerns with the management of waste and cleanliness within the existing and proposed Unhosted STRA within the complex.</p>	<p>The applicant has submitted a Management Plan detailing that a waste disposal guidebook will be provided to the guests and communicated directly on arrival.</p> <p>Further, the Management Plan advises that after every guest stay, staff will clean the premises ensuring any leftover waste will be disposed of.</p>
<p><u>Management</u></p> <p>Communication with the management of the existing Unhosted STRA within the complex has been poor and there are fears this will continue with the additional proposed Unhosted STRA at Unit 3.</p>	<p>The submitted Management Plan outlines the property manager's contact details will be provided directly to all neighbours, additionally an after-hours phone number will be provided in case of any late night/early morning issues.</p>

Policy and Legislative Implications

In accordance with the Regulations, the local government may determine an application for development approval by:

- (a) granting development approval with no conditions; or
- (b) granting development approval with conditions; or
- (c) refusing to grant development approval.

Financial Implications

This determination has some financial implications, to the extent that if the applicant were to make an application for review of the decision, the City may need to seek representation at the State Administrative Tribunal.

Key Risks and Considerations

Risk Event Outcome	Reputational Damage Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
Risk rating	Low
Mitigation and actions	Risk acceptable with adequate controls, managed by routine procedures and monitoring.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council’s [Strategic Community Plan 2021-2031](#):

- Strategic Direction: Environment (Built and Natural)
- Aspiration: Sustainable, liveable, diverse and welcoming neighbourhoods that respect and value the natural and built environment
- Outcome: 3.2 Sustainable built form
- Strategy: 3.2.1 Develop and implement a sustainable local planning framework to meet current and future community needs

Conclusion

Two objections were received during the consultation period and the City acknowledges the preference from the submitter for longer term occupancy of the unit and that the land use, if not managed appropriately, has the potential to result in adverse impacts to nearby residents. Notwithstanding, the proposal is a land use that can be considered within the Residential zone.

The proposal is small in scale, is consistent with the City’s Local Planning Policy P350.18 – Short Term Accommodation and is unlikely to result in adverse impacts to adjoining properties if managed appropriately in accordance with the submitted Management Plan.

Accordingly, it is recommended that the application be approved subject to conditions.

Attachments

- 10.3.4 (a): Management Plan and Supporting Documents
- 10.3.4 (b): Submissions

10.3.5 Proposed Change of Use - Multiple Dwelling to Unhosted Short-Term Rental Accommodation - Lot 4, 4/45 Mary Street, Como

Location: 4/45 Mary Street. Como WA 6152
 Ward: Como Ward
 Applicant: Karri Real Estate
 File Reference: D-24-45343
 DA Lodgement Date: 17 August 2024
 Author(s): Fiona Mullen, Manager Development Services
 Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

The purpose of this report is to consider an application for development approval for a Change of Use from a Multiple Dwelling to Unhosted Short-Term Rental Accommodation on Lot 4, 4/45 Mary Street, Como.

The item is referred to Council as the proposed land use falls outside of the delegation to Officers.

For the reasons outlined in this report, it is recommended that the application be approved subject to conditions.

Officer Recommendation

That pursuant to the provisions of the City of South Perth Local Planning Scheme No. 7, the application for development approval for a Change of Use from a Multiple Dwelling to Unhosted Short -Term Rental Accommodation on Lot 4, 4/45 Mary Street, Como **be approved** subject to the following conditions:

1. A maximum of four guests are permitted on site at any one time.
2. The Management Plan shall be implemented and adhered to at all times, to the satisfaction of the City of South Perth.

Note: The City will include any relevant advice notes in the determination notice.

Applicant	Karri Real Estate
Landowner	Perledo Pty Ltd

Development Site Details

The development site details are as follows:

Zoning	Residential
Density coding	R40
Lot area	76m ²

Comment

(a) Background

In August 2024, the City received an application for a Change of Use from a Multiple Dwelling to Holiday Accommodation on Lot 4, 4/45 Mary Street, Como.

The Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) were amended and took effect on 19 September 2024. The change introduced 'Unhosted Short-Term Rental Accommodation' (Unhosted STRA) as a land use in the Deemed Provisions which automatically applies to local planning schemes. The land use term 'Holiday Accommodation' is therefore substituted with this term.

(b) Description of the Surrounding Locality

The existing development is a Multiple Dwelling complex, comprising of a total of four Multiple Dwellings. The Multiple Dwelling the subject of this application is located on the first floor of a two-storey building and positioned at the rear of the complex.

The site is located within 300m of regional foreshore reserve (west of Kwinana Freeway) hosting Como Beach and jetty, and 300m from Preston Street Neighbourhood Centre, which contains several cafes, restaurants, retail shops, and a supermarket. These features are of a tourism significance.

It should be noted that the two bottom floor units within the complex have received development approval for change of use to Unhosted Short-Term Rental Accommodation.

The site has frontage to Mary Street to the east and is surrounded by residential development of various scales as seen in **Figure 1** below:

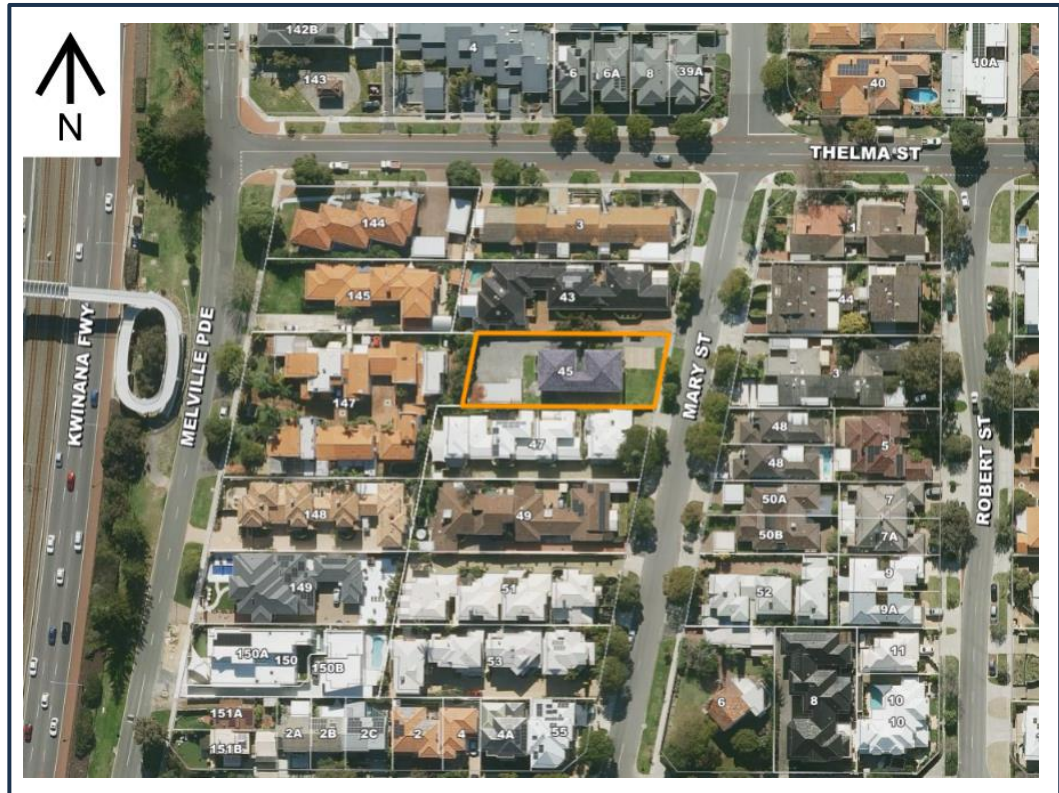


Figure 1: Aerial image of subject site.

(c) **Description of the Proposal**

The applicant is seeking a Change of Use from a Multiple Dwelling to Unhosted Short-Term Rental Accommodation.

The applicant has submitted a Management Plan in support of the proposal. Details of the proposal are as follows:

- Maximum of four guests;
- Check-in time is from 2pm and check-out is before 10am;
- Staff will meet guests on arrival and facilitate check in. In addition, staff will guide the guests through the property and advise of the relevant rules and processes;
- Managed by real estate firm Karri Real Estate.
- An electronic booking system will be utilised, including a security deposit system intended to guard against anti-social behaviour;
- Operation of an electronic locking and key system;
- Neighbouring owners and occupiers will be provided with the contact details of the site manager.
- Any complaints will be registered in a register of complaints held by the property management business;
- Activities including 'parties,' gatherings or functions are strictly prohibited;
- Guests are advised to park on site;
- Pets are not accepted;
- Common property will be maintained by the real estate firm Karri Real Estate as the owners of the entire property.
- Staff will undertake cleaning of the unit after every booking;
- Guests and visitors must not create noise which has the potential to create a nuisance to occupiers of neighbouring properties. Guests must abide by the Western Australian Protection (Noise) Regulations of 1997; and
- A guidebook will be provided to guests on site, including information regarding waste management, general rules and guidelines, and the operation of the unit's facilities and electronics.

The development plans submitted as part of this application and Management Plan for the development are contained in **Attachment (a)**.

(d) **Land Use**

Holiday Accommodation is currently a 'D' (Discretionary) use in the Residential zone under Local Planning Scheme No. 7 (LPS 7) which means that the use is not permitted unless the local government has exercised its discretion by granting development approval. Whilst land use permissibility is yet to be assigned to Unhosted STRA as an amendment to LPS7 is first required, the City is treating the use as a 'D' use consistent with the previous land use definition.

10.3.5 **Proposed Change of Use - Multiple Dwelling to Unhosted Short-Term Rental Accommodation - Lot 4, 4/45 Mary Street, Como**

(e) Short Term Accommodation Policy

Local Planning Policy P350.18 – Short Term Accommodation (Policy) was adopted by Council at its meeting held 27 March 2018 and seeks to facilitate the provision of self-contained visitor accommodation for short term occupancy and guide decision making in respect to the appropriateness of various forms of tourist accommodation facilities, as determined by the locality, the appropriateness of facilities and scale of the proposal.

The proposal complies with the City’s Local Planning Policy P350.18 – Short Term Accommodation.

(f) Western Australian Planning Commission Position Statement: Planning for Tourism and Short-Term Accommodation (Statement)

The intent of the Statement is to:

- Guide the appropriate location and management of tourism and short-term rental accommodation land uses through the planning framework.
- Facilitate acceptable development of new and evolving tourism opportunities.
- Provide a high-level of amenity in tourism areas; and
- Deliver quality land use planning outcomes.

In accordance with clause 67(2)(e) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), due regard must be given to the Statement when assessing a development application. The proposal is considered to satisfactorily address all relevant considerations outlined in the Statement.

(g) Compatibility and Amenity

Clause 67(2)(m) and Clause 67(2)(n) of the Deemed Provisions requires the local government to have regard to the compatibility of the proposal with its setting as well as amenity considerations (including environmental, character and social impacts).

The proposed Unhosted STRA is compatible with the wider character and amenity of the area as the proposed use and operation is minor in scale and intensity, hosting a maximum of four guests which is consistent with the expected number of persons within a two-bedroom dwelling.

A Management Plan and visitor guide has been provided, mitigating potential issues surrounding check-in and out, noise and parking. Further, party events and large gatherings are strictly prohibited. This will result in the dwelling not being used beyond the reasonable expectations of a low to medium density residential area. The property will also be managed by a property manager.

Additionally, the use will be required to comply with the requirements of the Environmental Protection (Noise) Regulations 1997.

The proposed development is considered satisfactory in this respect subject to compliance with the submitted Management Plan, which has been recommended as a condition.

(h) Carparking

Clause 67(2)(s) of the Deemed Provisions requires the local government to have regard to the arrangements for the manoeuvring and parking of vehicles.

In relation to on-site parking, noting that the two bottom floor units within the complex have previously received development approval for change of use to Unhosted STRA, the following assessment has been undertaken in regard to parking allocation on site:

Unit	Existing Use	Proposed Use	Bays Required	Bays Provided
1	Unhosted STRA - (approved with max 6 guests)	N/A – approved 31 October 2023.	2	4 (four bays within street setback as per condition of approval), plus 1 bay at rear.
2	Unhosted STRA – (approved with max 4 guests)	N/A – approved 5 June 2024.	1	1
3	Multiple Dwelling	Unhosted STRA (proposed max 4 guests).	1	1
4	Multiple Dwelling	Unhosted STRA (proposed max 4 guests).	1	1
		Total	5	8 (4 bays at front, 4 bays at rear).
		Shortfall		Nil.

As demonstrated in the table above, adequate parking exists on site in relation to both the existing and proposed Unhosted STRA.

(i) Proposed Amendments to the Planning and Development (Local Planning Schemes) Regulations 2015 and Short-Term Rental Accommodation Act 2024

On 18 September 2024 the State Government released amendments to the Regulations relating to Short-Term Rental Accommodation (STRA).

Whilst Unhosted STRA is exempt from the requirement to obtain development approval if the property is not used as an Unhosted STRA for no more than 90 nights in a relevant 12-month period, the applicant seeks approval for an unlimited number of nights in a 12-month period and development approval is therefore required.

Under the *Short-Term Rental Accommodation Act 2024*, all providers of STRA within Western Australia, both hosted and un-hosted, will be required to register their property by 1 January 2025.

(j) Consultation

Consultation has been undertaken for this proposal to the extent and in the manner required by the Regulations and Local Planning Policy - Advertising of Planning Proposals.

The application was advertised for a period of 14 days between 18 September 2024 and 2 October 2024 in the following manner:

- A total of 39 letters were sent to owners and occupiers of properties within the Multiple Dwelling complex; and
- A copy of the application was made available for review on the City’s website.

At the close of the consultation period, two submissions were received.

The Strata Manager of the complex has advised of no objection to the use as Unhosted STRA.

The submissions are provided in the table below, in addition to the Officer’s comments:

Matter	Comment
<p><u>Noise</u></p> <p>Changing the use for unit 4 will detract from the quiet nature of the residential area, particularly during check-in and check-out periods.</p>	<p>The submitted Management Plan outlines the times in which noise is to be limited and states that parties are not permitted. The use will be required to comply with the requirements of the Environmental Protection (Noise) Regulations 1997.</p> <p>Should noise issues arise, the City can undertake noise monitoring to ensure compliance.</p>
<p><u>Safety</u></p> <p>The short-term nature of guests will result in a loss of safety and security for neighbouring properties.</p>	<p>The applicant has submitted a management plan detailing that complaints will be actioned swiftly and that all guests will be screened during the booking process, to flag undesirable guests and discourages any anti-social behaviour.</p> <p>Neighbours will be provided with an after-hours phone number in case of any late night/early morning issues.</p>

<p><u>Neighbourhood Character</u></p> <p>The short-term nature of guests will result in a loss of character and social cohesion in the area.</p>	<p>Whilst it is acknowledged that the submitter seeks longer-term residents, Unhosted STRA is a use that can be considered within the Residential zone and as such, the City is required to consider the application.</p> <p>Additionally, the proposal does not include a maximum length of stay period and as such, the premises could be booked for longer-term accommodation.</p>
<p><u>Increased Traffic</u></p> <p>The change of use of unit 4 will result in increased vehicle and pedestrian traffic, particularly during check-in and check-out periods.</p>	<p>The vehicle and pedestrian traffic of the proposed Unhosted STRA will functionally act the same as the existing multiple dwelling use, proposing no change to the built form of the property.</p> <p>The use will be required to comply with the requirements of the Environmental Protection (Noise) Regulations 1997.</p>
<p><u>Waste and Cleanliness</u></p> <p>Concerns with the management of waste and cleanliness within the existing and proposed Unhosted STRA within the complex.</p>	<p>The applicant has submitted a management plan detailing that a waste disposal guidebook will be provided to the guests and communicated directly on arrival. Further, the management plan advises that after every guest stay, staff will clean the premises ensuring any leftover waste will be dealt with.</p>
<p><u>Management</u></p> <p>Communication with the management of the existing Unhosted STRA within the complex has been poor and there are fears this will continue with the additional proposed Unhosted STRA at unit 4.</p>	<p>The submitted Management Plan outlines the managers contact details will be provided directly to all neighbours, additionally an after-hours phone number will be provided in case of any late night/early morning issues.</p>

Policy and Legislative Implications

In accordance with the Regulations, the local government may determine an application for development approval by:

- (a) granting development approval with no conditions; or
- (b) granting development approval with conditions; or
- (c) refusing to grant development approval.

Financial Implications

This determination has some financial implications, to the extent that if the applicant were to make an application for review of the decision, the City may need to seek representation at the State Administrative Tribunal.

Key Risks and Considerations

Risk Event Outcome	Reputational Damage Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
Risk rating	Low
Mitigation and actions	Risk acceptable with adequate controls, managed by routine procedures and monitoring.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council’s [Strategic Community Plan 2021-2031](#):

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable, liveable, diverse and welcoming neighbourhoods that respect and value the natural and built environment
Outcome:	3.2 Sustainable built form
Strategy:	3.2.1 Develop and implement a sustainable local planning framework to meet current and future community needs

Conclusion

Two objections were received during the consultation period and the City acknowledges the preference from the submitter for longer term occupancy of the unit and that the land use, if not managed appropriately, has the potential to result in adverse impacts to nearby residents. Notwithstanding, the proposal is a land use that can be considered within the Residential zone.

The proposal is small in scale and is consistent with the City’s Local Planning Policy P350.18 – Short Term Accommodation. Therefore, the proposal is unlikely to result in adverse impacts to adjoining properties if managed appropriately in accordance with the submitted Management Plan.

Accordingly, it is recommended that the application be approved subject to conditions.

Attachments

- 10.3.5 (a): Management Plan and Supporting Documents
- 10.3.5 (b): Submissions

10.3.6 Proposed Change of Use - Single House to Unhosted Short-Term Rental Accommodation - Lot 800, No. 16D Greenock Avenue, Como

Location: Lot 800, No. 16D Greenock Avenue, Como
 Ward: Como Ward
 Applicant: Kate Hawker
 File Reference: D-24-45344
 DA Lodgement Date: 14 August 2024
 Author(s): Fiona Mullen, Manager Development Services
 Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

The purpose of this report is to consider an application for development approval for a Change of Use from a Single House to Unhosted Short-Term Rental Accommodation on Lot 800, No. 16D Greenock Avenue, Como.

The item is referred to Council as the proposed land use falls outside of the delegation to Officers.

For the reasons outlined in this report, it is recommended that the application be approved subject to conditions.

Officer Recommendation

That pursuant to the provisions of the City of South Perth Local Planning Scheme No. 7, the application for development approval for a Change of Use from a Single House to Unhosted Short-Term Rental Accommodation on Lot 800, No. 16D Greenock Avenue, Como **be approved** subject to the following conditions:

1. The Management Plan dated 13 August 2024, shall be implemented and adhered to at all times to the satisfaction of the City of South Perth.
2. Real-time noise monitoring devices are to be installed in the internal and external living areas at the property.

Note: The City will include any relevant advice notes in the determination notice.

Applicant	Kate Hawker (HostYou)
Landowner	Pilong Zhu and Aodong Mei

Development Site Details

The development site details are as follows:

Zoning	Residential
Density coding	R30
Lot area	292m ²

Comment

(a) Background

In August 2024, the City received an application for a Change of Use from a Single House to Holiday House on Lot 800, No. 16D Greenock Avenue, Como.

The Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) were amended and took effect on 19 September 2024. The change introduced ‘Unhosted Short-Term Rental Accommodation’ (Unhosted STRA) as a land use in the Deemed Provisions which automatically applies to local planning schemes. The land use term ‘Holiday House’ is therefore substituted with this term.

(b) Description of the Surrounding Locality

The existing development is a two-storey Single House located at the corner of Greenock Avenue to the south and Labouchere Road to the east. The surrounding locality is predominantly residential land uses, as shown in Figure 1 below:



Figure 1: Aerial image of subject site.

The property is approximately 450m from the Canning Bridge Activity Centre Plan (CBACP) are, including the Railway Station and 600m to Preston Street, which contains several cafes, restaurants and retail shops. These features are of a tourism significance.

10.3.6 Proposed Change of Use - Single House to Unhosted Short-Term Rental Accommodation - Lot 800, No. 16D Greenock Avenue, Como

(c) **Description of the Proposal**

The applicant is seeking a Change of Use from Single House to Unhosted STRA.

The applicant has submitted a Management Plan in support of the proposal. Details of the proposal are as follows:

- Maximum eight guests;
- Minimum two nights stay;
- Check-in time is 3:00pm – late; check-out time is prior to 10:00am.
- The use is to be exclusively managed by HostYou, a Perth-based short-term accommodation management company;
- Contact details for the property manager (as contained in the Management Plan) will be made available to guests and neighbouring owners;
- Bookings are made directly via the online booking platform and a multi-step guest verification process is undertaken (as outlined in the Management Plan);
- A ‘Guest Handbook’ is to be provided at the property, which outlines property manager’s contact details, emergency contact details, emergency plan, house rules, parking rules and bin collection days;
- No parties or gatherings are permitted;
- Noise is to be limited between 10:00pm to 7:00am Monday to Saturday and 10:00pm to 9:00am Sunday and public holidays; and
- No pets are permitted.

The development plans submitted as part of the application and Management Plan are contained in **Attachment (a)**.

(d) **Land Use**

Holiday House is currently a ‘D’ (Discretionary) use in the Residential zone under Local Planning Scheme No. 7 (LPS 7) which means that the use is not permitted unless the local government has exercised its discretion by granting development approval. Whilst land use permissibility is yet to be assigned to Unhosted STRA as an amendment to LPS 7 is first required, the City is treating the use as a ‘D’ use consistent with the previous land use definition, although it is noted that advertising was undertaken by the City given potential impacts to neighbouring properties.

(e) **Short-Term Accommodation Policy**

Local Planning Policy P350.18 – Short-Term Accommodation was adopted by Council at its meeting held 27 March 2018 and seeks to facilitate the provision of self-contained visitor accommodation for short-term occupancy and guide decision making in respect to the appropriateness of various forms of tourist accommodation facilities, as determined by the locality, the appropriateness of facilities and scale of the proposal.

The proposal complies with the City’s Local Planning Policy P350.18 – Short-Term Accommodation.

(f) Western Australian Planning Commission Position Statement: Planning for Tourism and Short-Term Accommodation (Statement)

The intent of the Statement is to:

- Guide the appropriate location and management of tourism and short-term rental accommodation land uses through the planning framework;
- Facilitate acceptable development of new and evolving tourism opportunities;
- Provide a high-level of amenity in tourism areas; and
- Deliver quality land use planning outcomes.

In accordance with Clause 67(2)(e) of the Deemed Provisions of the Regulations, due regard must be given to the Statement when assessing a development application. The proposal is considered to satisfactorily address all relevant considerations outlined in the Statement.

(g) Compatibility and Amenity

Clause 67(2)(m) and Clause 67(2)(n) of the Deemed Provisions requires the local government to have regard to the compatibility of the proposal with its setting as well as amenity considerations (including environmental, character and social impacts).

The proposed Unhosted STRA is moderate in scale, however, would present an intensification from the existing Single House use, whereby a four-bedroom, three-bathroom house would typically accommodate a medium-sized family of four to five people. Whilst the proposed use is for a maximum of eight guests, any negative amenity impact could be mitigated through adherence to the Management Plan, particularly in terms of noise and parking.

If appropriately managed, the proposed Unhosted STRA would not result in the dwelling being used beyond the reasonable expectations of a low to medium density residential area.

Additionally, the use will be required to comply with the requirements of the Environmental Protection (Noise) Regulations 1997.

The proposed development is considered satisfactory subject to compliance with the submitted Management Plan, which has been recommended as a condition.

(h) Proposed Amendments to the Planning and Development (Local Planning Schemes) Regulations 2015 and Short-Term Rental Accommodation Act 2024

On 18 September 2024 the State Government released amendments to the Regulations relating to Short-Term Rental Accommodation (STRA).

Whilst Unhosted STRA is exempt from the requirement to obtain development approval if the property is not used as an Unhosted STRA for no more than 90 nights in a relevant 12-month period, the applicant seeks approval for an unlimited number of nights in a 12-month period and development approval is therefore required.

Under the *Short-Term Rental Accommodation Act 2024*, all providers of STRA within Western Australia, both hosted and un-hosted, will be required to register their property by 1 January 2025.

(i) **Consultation**

Consultation has been undertaken for this proposal to the extent and in the manner required by the Regulations and Local Planning Policy - Advertising of Planning Proposals.

The application was advertised for a period of 14 days between 5 September 2024 and 19 September 2024 in the following manner:

- A total of 19 letters were sent to owners and occupiers of properties within proximity to the property; and
- A copy of the application was made available for review on the City’s website.

At the close of the consultation period, four submissions were received. The submissions are provided in the table below, in addition to the City’s comments:

Matter	Comment
<p><u>Streetscape</u></p> <p>The property is/has not been maintained to an acceptable standard (e.g., verge not maintained, waste not properly managed).</p>	<p>The property management company (HostYou) is newly appointed. As specified in the Management Plan, the property (including external areas) is to be maintained to a standard that meets or exceeds the standard of neighbouring properties.</p> <p>The applicant has advised that a regular scheduled garden service is to occur at the property.</p> <p>Should the property become overgrown, enforcement action is available via the <i>Local Government Act 1995</i> for untidy properties.</p>
<p><u>Parking</u></p> <p>The change of use will further reduce on-street parking availability along Greenock Avenue.</p>	<p>Two on-site car bays are provided within the double garage. Additionally, there is sufficient opportunity for two vehicles to park within the driveway.</p> <p>There is no footpath within the adjacent verge area along Greenock Avenue that may be impeded by vehicles parking in the driveway.</p> <p>Whilst car parking is proposed to be accommodated on site, it is lawful to park on the road in accordance with the City’s Parking Local Law 2017.</p>
<p><u>Traffic</u></p> <p>Impact on traffic and congestion in Greenock Avenue from infill development and proposed use.</p>	<p>Despite a maximum of eight guests proposed, it is unlikely that all guests would have individual vehicles.</p> <p>Whilst concerns regarding to increase in traffic as infill development (multiple</p>

	<p>dwellings) within the area occurs are acknowledged, the traffic generated from the proposed use is consistent with a residential dwelling and is within the carrying capacity of Greenock Avenue to accommodate.</p>
<p><u>Noise</u></p> <p>The change of use will result in noise nuisance to the surrounding properties.</p>	<p>The submitted Management Plan outlines the times in which noise is to be limited and states that parties/gatherings are not permitted. A real-time noise decibel monitoring device is to be installed to automatically alert the property manager if excessive noise levels are detected.</p> <p>The use will be required to comply with the requirements of the Environmental Protection (Noise) Regulations 1997. Should noise issues arise, the City can undertake noise monitoring to ensure compliance.</p>
<p><u>Unsuitable Location</u></p> <p>The change of use is not compatible with the Residential character of the area and will set a precedent for similar uses.</p>	<p>The submitter's concerns are acknowledged in relation to the potential adverse impact to the residential character of the area, although it is noted that no modifications to the dwelling itself are proposed.</p> <p>Unhosted STRA is a land use that can be considered within the Residential zone and, as such, the City is required to consider the application, with any future application being considered on its individual merits.</p>
<p><u>Housing Stock</u></p> <p>Impact on availability of rentals.</p>	<p>In making a quasi-judicial decision, Council is obligated to determine the application on its individual merits, having regard for genuine planning considerations.</p> <p>Whilst Council could refuse the application on planning grounds, this does not necessarily mean that the landowner will then chose to lease the property. This is a matter beyond the remit of local governments. It is an obligation of Council to consider the application on its merits and decide whether the use is or is not acceptable.</p>

<p><u>Community Connection</u></p> <p>Impact of holiday houses and neighbour connection, dependence and identity.</p>	<p>There is no evidence to suggest that short term residents do not contribute to community connection. Such residents can still contribute socially and economically to the community, albeit on a short-term basis.</p>
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Policy and Legislative Implications

In accordance with the Regulations, the local government may determine an application for development approval by:

- (a) Granting development approval with no conditions; or
- (b) Granting development approval with conditions; or
- (c) Refusing to grant development approval.

Financial Implications

This determination has some financial implications, to the extent that if the applicant were to make an application for review of the decision, the City may need to seek representation at the State Administrative Tribunal.

Key Risks and Considerations

Risk Event Outcome	<p>Reputational Damage</p> <p>Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to a sustained and co-ordinated representation against the City and or sustained adverse comment in the media.</p>
Risk rating	Low
Mitigation and actions	Risk acceptable with adequate controls, managed by routine procedures and monitoring.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#)

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable, liveable, diverse and welcoming neighbourhoods that respect and value the natural and built environment
Outcome:	3.2 Sustainable built form
Strategy:	3.2.1 Develop and implement a sustainable local planning framework to meet current and future community needs

Conclusion

Four objections were received during the consultation period and the City acknowledges the concerns raised by the submitters that the land use, if not managed appropriately, has the potential to result in adverse impacts to nearby residents. Notwithstanding, the proposal is a land use that can be considered within the Residential zone.

Notwithstanding, the proposal is of a moderate scale and is unlikely to result in adverse impacts to adjoining properties if managed appropriately in accordance with the submitted Management Plan.

Accordingly, it is recommended that the development application be approved subject to appropriate conditions.

Attachments

- 10.3.6 (a): Management Plan
- 10.3.6 (b): Site Plan
- 10.3.6 (c): Floor Plans
- 10.3.6 (d): Submissions

10.3.7 Proposed Change of Use - Grouped Dwelling to Unhosted Short-Term Rental Accommodation - Lot 1, No. 1/22 Anstey Street, South Perth

Location: Lot 1, No. 1/22 Anstey Street, South Perth
 Ward: Mill Point Ward
 Applicant: Linda Thompson
 File Reference: D-24-45345
 DA Lodgement Date: 6 August 2024
 Author(s): Fiona Mullen, Manager Development Services
 Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

The purpose of this report is to consider an application for development approval for a Change of Use from a Grouped Dwelling to Unhosted Short-Term Rental Accommodation on Lot 1, No. 1/22 Anstey Street, South Perth.

The item is referred to Council as the proposed land use falls outside of the delegation to Officers.

For the reasons outlined in this report, it is recommended that the application be approved subject to conditions.

Officer Recommendation

That pursuant to the provisions of the City of South Perth Local Planning Scheme No. 7, the application for development approval for a Change of Use from a Grouped Dwelling to Unhosted Short-Term Rental Accommodation on Lot 1, No. 1/22 Anstey Street, South Perth **be approved** subject to the following conditions:

1. A maximum of four guests are permitted on site at any one time.
2. The Management Plan shall be implemented and adhered to at all times, to the satisfaction of the City of South Perth.

Note: The City will include any relevant advice notes in the determination notice.

Applicant	Linda Thompson
Landowner	Linda Thompson

Development Site Details

The development site details are as follows:

Zoning	Residential
Density coding	R60
Lot area	64m ²

Comment

(a) Background

In August 2024, the City received an application for a Change of Use from a Grouped Dwelling to Holiday Accommodation on Lot 1, No. 1/22 Anstey Street, South Perth.

The Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) were amended and took effect on 19 September 2024. The change introduced 'Unhosted Short-Term Rental Accommodation' (Unhosted STRA) as a land use in the Deemed Provisions which automatically applies to local planning schemes. The land use term 'Holiday Accommodation' is therefore substituted with this term.

(b) Description of the Surrounding Locality

The existing development is a Grouped Dwelling complex, comprising of a total of four Grouped Dwellings. The Grouped Dwelling the subject of this application is a single-storey unit located in the front north-western portion of the site.

The site fronts Anstey Street to the west. The surrounding locality is predominantly residential uses, with the exception of the Hensman Park Tennis Club directly to the south, as shown in **Figure 1** below:



Figure 1: Aerial image of subject site. The property the subject of this application is outlined in red.

The property is approximately 150m south of Angelo Street, which contains several cafes, restaurants, retail shops, and supermarkets. The property is 650m south of Sir James Mitchell Park, 700m from the Perth Zoo and Royal Perth Golf Course, and 800m from the South Perth Activity Centre Plan area. These features are of a tourism significance.

(c) Description of the Proposal

The applicant is seeking a Change of Use from a Grouped Dwelling to Unhosted STRA.

The applicant has submitted a Management Plan in support of the proposal. Details of the proposal are as follows:

- Maximum of four guests;
- Check-in time is from 3:00pm; check-out time is 10:00am or earlier;
- The use is to be managed directly by the landowner;
- Bookings are made directly via the online booking platform, which includes verification of the guest's identity;
- All residents within the complex have the property manager/owner's contact details (phone number and email address);
- Strictly no gatherings, parties or events without express permission from the property manager-owner;
- Quiet hours are to be imposed, with outdoor areas not to be used between 10:00pm and 8:00am every day and all noise to be limited between 10:00pm and 9:00am every day;
- Pets are permitted; and
- Guests will be advised to park only within the two bays allocated for the exclusive use of Unit 1.

The development plans submitted as part of the application and Management Plan (including 'Guest Code of Conduct') are contained in **Attachment (a)**.

(d) Land Use

Holiday Accommodation is currently a 'D' (Discretionary) use in the Residential zone under Local Planning Scheme No. 7 (LPS 7) which means that the use is not permitted unless the local government has exercised its discretion by granting development approval. Whilst land use permissibility is yet to be assigned to Unhosted STRA as an amendment to LPS 7 is first required, the City is treating the use as a 'D' use consistent with the previous land use definition, although it is noted that advertising was undertaken by the City given potential impacts to neighbouring properties.

(e) Short-Term Accommodation Policy

Local Planning Policy P350.18 – Short-Term Accommodation was adopted by Council at its meeting held 27 March 2018 and seeks to facilitate the provision of self-contained visitor accommodation for short-term occupancy and guide decision making in respect to the appropriateness of various forms of tourist accommodation facilities, as determined by the locality, the appropriateness of facilities and scale of the proposal.

The proposal complies with the City's Local Planning Policy P350.18 – Short-Term Accommodation.

(f) Western Australian Planning Commission Position Statement: Planning for Tourism and Short-Term Accommodation (Statement)

The intent of the Statement is to:

- Guide the appropriate location and management of tourism and short-term rental accommodation land uses through the planning framework;
- Facilitate acceptable development of new and evolving tourism opportunities;
- Provide a high-level of amenity in tourism areas; and
- Deliver quality land use planning outcomes.

In accordance with Clause 67(2)(e) of the Deemed Provisions of the Regulations, due regard must be given to the Statement when assessing a development application. The proposal is considered to satisfactorily address all relevant considerations outlined in the Statement.

(g) Compatibility and Amenity

Clause 67(2)(m) and Clause 67(2)(n) of the Deemed Provisions requires the local government to have regard to the compatibility of the proposal with its setting as well as amenity considerations (including environmental, character and social impacts).

The proposed Unhosted STRA is compatible with the wider character and amenity of the area as the proposed use is minor in scale and intensity, hosting a maximum of four guests and two vehicles. If managed appropriately, in accordance with the Management Plan and recommended conditions, the use is compatible with the surrounding residential context.

Additionally, the use will be required to comply with the requirements of the Environmental Protection (Noise) Regulations 1997.

The proposed development is considered satisfactory subject to compliance with the submitted Management Plan, which has been recommended as a condition.

(h) Proposed Amendments to the Planning and Development (Local Planning Schemes) Regulations 2015 and Short-Term Rental Accommodation Act 2024

On 18 September 2024 the State Government released amendments to the Regulations relating to Short-Term Rental Accommodation (STRA).

Whilst Unhosted STRA is exempt from the requirement to obtain development approval if the property is not used as an Unhosted STRA for no more than 90 nights in a relevant 12-month period, the applicant seeks approval for an unlimited number of nights in a 12-month period and development approval is therefore required.

Under the *Short-Term Rental Accommodation Act 2024*, all providers of STRA within Western Australia, both hosted and un-hosted, will be required to register their property by 1 January 2025.

10.3.7 **Proposed Change of Use - Grouped Dwelling to Unhosted Short-Term Rental Accommodation - Lot 1, No. 1/22 Anstey Street, South Perth**

(i) Consultation

Consultation has been undertaken for this proposal to the extent and in the manner required by the Regulations and Local Planning Policy - Advertising of Planning Proposals.

The application was advertised for a period of 14 days between 18 September 2024 and 2 October 2024 in the following manner:

- A total of 26 letters were sent to owners and occupiers of properties within and in proximity to the Grouped Dwelling complex; and
- A copy of the application was made available for review on the City's website.

At the close of the consultation period, no submissions were received.

The Council of Owners have advised in writing that they have no objection to the unit operating as Unhosted STRA.

Policy and Legislative Implications

In accordance with the Regulations, the local government may determine an application for development approval by:

- (a) Granting development approval with no conditions; or
- (b) Granting development approval with conditions; or
- (c) Refusing to grant development approval.

Financial Implications

This determination has some financial implications, to the extent that if the applicant were to make an application for review of the decision, the City may need to seek representation at the State Administrative Tribunal.

Key Risks and Considerations

Risk Event Outcome	Reputational Damage Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
Risk rating	Low
Mitigation and actions	Risk acceptable with adequate controls, managed by routine procedures and monitoring.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#):

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable, liveable, diverse and welcoming neighbourhoods that respect and value the natural and built environment
Outcome:	3.2 Sustainable built form
Strategy:	3.2.1 Develop and implement a sustainable local planning framework to meet current and future community needs

Conclusion

Whilst no objections were received during the consultation period, the City acknowledges that the land use, if not managed appropriately, has the potential to result in adverse impacts to nearby residents. Notwithstanding, the proposal is a land use that can be considered within the Residential zone.

The proposal is small in scale and is unlikely to result in adverse impacts to adjoining properties if managed appropriately in accordance with the submitted Management Plan.

Accordingly, it is recommended that the development application be approved subject to appropriate conditions.

Attachments

10.3.7 (a):	Management Plan
10.3.7 (b):	Home Manual
10.3.7 (c):	Site Plan
10.3.7 (d):	Floor Plan

10.3.8 Proposed Change of Use - Grouped Dwelling to Unhosted Short-Term Rental Accommodation - Lot 4, No. 4/22 Anstey Street, South Perth

Location: Lot 4, No. 4/22 Anstey Street, South Perth
 Ward: Mill Point Ward
 Applicant: Let Go Pty Ltd
 File Reference: D-24-45346
 DA Lodgement Date: 23 August 2024
 Author(s): Fiona Mullen, Manager Development Services
 Reporting Officer(s): Donna Shaw, Director Development and Community Services

Summary

The purpose of this report is to consider an application for development approval for a Change of Use from a Grouped Dwelling to Unhosted Short-Term Rental Accommodation on Lot 4, No. 4/22 Anstey Street, South Perth.

The item is referred to Council as the proposed land use falls outside of the delegation to Officers.

For the reasons outlined in this report, it is recommended that the application be approved subject to conditions.

Officer Recommendation

That pursuant to the provisions of the City of South Perth Local Planning Scheme No. 7, the application for development approval for a Change of Use from a Grouped Dwelling to Unhosted Short-Term Rental Accommodation on Lot 4, No. 4/22 Anstey Street, South Perth **be approved** subject to the following conditions:

1. A maximum of four guests are permitted on site at any one time.
2. The Management Plan dated September 2024 shall be implemented and adhered to at all times, to the satisfaction of the City of South Perth.

Note: The City will include any relevant advice notes in the determination notice.

Applicant	Let Go Pty Ltd
Landowner	James O'Shaughnessey

Development Site Details

The development site details are as follows:

Zoning	Residential
Density coding	R60
Lot area	64m ²

Comment

(a) Background

In August 2024, the City received an application for a Change of Use from a Grouped Dwelling to Holiday Accommodation on Lot 4, No. 4/22 Anstey Street, South Perth.

The Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) were amended and took effect on 19 September 2024. The change introduced 'Unhosted Short-Term Rental Accommodation' (Unhosted STRA) as a land use in the Deemed Provisions which automatically applies to local planning schemes. The land use term 'Holiday Accommodation' is therefore substituted with this term.

(b) Description of the Surrounding Locality

The existing development is a Grouped Dwelling complex, comprising of a total of four Grouped Dwellings. The Grouped Dwelling the subject of this application is a single-storey unit located in the north-eastern portion of the site.

The site fronts Anstey Street to the west. The surrounding locality is predominantly residential uses, with the exception of the Hensman Park Tennis Club directly to the south, as shown in **Figure 1** below:



Figure 1: Aerial image of subject site. The property the subject of this application is outlined in red.

The property is approximately 150m south of Angelo Street, which contains several cafes, restaurants, retail shops, and supermarkets. The property is 650m south of Sir James Mitchell Park, 700m from the Perth Zoo and Royal Perth Golf Course, and 800m from the South Perth Activity Centre Plan area. These features are of a tourism significance.

(c) Description of the Proposal

The applicant is seeking a Change of Use from a Grouped Dwelling to Unhosted STRA.

The applicant has submitted a Management Plan in support of the proposal. Details of the proposal are as follows:

- Maximum of five guests;
- Check-in time is from 3:00pm until late; check-out time is 10:00am or earlier;
- The use is to be managed exclusively by Let Go Pty Ltd, which is a Perth-based short-term accommodation management company;
- Bookings are made directly via the online booking platform and guest identifies verified through a multi-step verification process;
- The property manager is contactable 24/7 to handle any complaints from guests and/or neighbours (phone numbers and email addresses provided);
- Parties and gatherings are strictly prohibited;
- Quiet hours are to be imposed, with outdoor areas not to be used between 10:00pm and 8:00am every day and all noise to be limited between 10:00pm and 9:00am every day;
- Pets are strictly prohibited;
- A 'Guest Handbook', including a 'Guest Code of Conduct', will be provided at the property which will include the property manager's contact details, emergency contact details, emergency plan, house rules, parking rules and bin collection days; and
- Guests will be advised to park only within the two bays allocated for the exclusive use of Unit 4.

The development plans submitted as part of the application and Management Plan (including 'Guest Code of Conduct') are contained in **Attachment (a)**.

(d) Land Use

Holiday Accommodation is currently a 'D' (Discretionary) use in the Residential zone under Local Planning Scheme No. 7 (LPS 7) which means that the use is not permitted unless the local government has exercised its discretion by granting development approval. Whilst land use permissibility is yet to be assigned to Unhosted STRA as an amendment to LPS 7 is first required, the City is treating the use as a 'D' use consistent with the previous land use definition, although it is noted that advertising was undertaken by the City given potential impacts to neighbouring properties.

(e) Short-Term Accommodation Policy

Local Planning Policy P350.18 – Short-Term Accommodation was adopted by Council at its meeting held 27 March 2018 and seeks to facilitate the provision of self-contained visitor accommodation for short-term occupancy and guide decision making in respect to the appropriateness of various forms of tourist accommodation facilities, as determined by the locality, the appropriateness of facilities and scale of the proposal.

10.3.8 **Proposed Change of Use - Grouped Dwelling to Unhosted Short-Term Rental Accommodation - Lot 4, No. 4/22 Anstey Street, South Perth**

Provision 2.0 (a) of the Policy states that STRA land uses are generally not supported in isolated locations such as cul-de-sac streets or in rear grouped dwellings. Unit 4 is not considered a rear grouped dwelling as the subject site is a single lot with two separate buildings, each consisting of two single-storey units joined by a common party wall. Vehicle and pedestrian access are gained from a communal area and are equal for all units within the complex.

The proposal complies with the City's Local Planning Policy P350.18 – Short-Term Accommodation.

(f) Western Australian Planning Commission Position Statement: Planning for Tourism and Short-Term Accommodation (Statement)

The intent of the Statement is to:

- Guide the appropriate location and management of tourism and short-term rental accommodation land uses through the planning framework;
- Facilitate acceptable development of new and evolving tourism opportunities;
- Provide a high-level of amenity in tourism areas; and
- Deliver quality land use planning outcomes.

In accordance with Clause 67(2)(e) of the Deemed Provisions of the Regulations, due regard must be given to the Statement when assessing a development application. The proposal is considered to satisfactorily address all relevant considerations outlined in the Statement.

(g) Compatibility and Amenity

Clause 67(2)(m) and Clause 67(2)(n) of the Deemed Provisions requires the local government to have regard to the compatibility of the proposal with its setting as well as amenity considerations (including environmental, character and social impacts).

The proposed Unhosted STRA is compatible with the wider character and amenity of the area as the proposed use is minor in scale and intensity, hosting a maximum of five guests and two vehicles. If managed appropriately, in accordance with the Management Plan, the use is compatible with the surrounding residential context.

A Management Plan and Guest Code of Conduct has been provided, including measures to mitigate potential issues surrounding noise, parking and activity. Further, parties and large gatherings are prohibited, resulting in the dwelling not being used beyond the reasonable expectations of a low to medium density residential area.

Additionally, the use will be required to comply with the requirements of the Environmental Protection (Noise) Regulations 1997.

The proposed development is considered satisfactory subject to compliance with the submitted Management Plan, which has been recommended as a condition.

(h) Proposed Amendments to the Planning and Development (Local Planning Schemes) Regulations 2015 and Short-Term Rental Accommodation Act 2024

On 18 September 2024 the State Government released amendments to the Regulations relating to Short-Term Rental Accommodation (STRA).

Whilst Unhosted STRA is exempt from the requirement to obtain development approval if the property is not used as an Unhosted STRA for no more than 90 nights in a relevant 12-month period, the applicant seeks approval for an unlimited number of nights in a 12-month period and development approval is therefore required.

10.3.8 **Proposed Change of Use - Grouped Dwelling to Unhosted Short-Term Rental Accommodation - Lot 4, No. 4/22 Anstey Street, South Perth**

Under the *Short-Term Rental Accommodation Act 2024*, all providers of STRA within Western Australia, both hosted and un-hosted, will be required to register their property by 1 January 2025.

(i) Consultation

Consultation has been undertaken for this proposal to the extent and in the manner required by the Regulations and Local Planning Policy-Advertising of Planning Proposals.

The application was advertised for a period of 14 days between 12 September 2024 and 26 September 2024 in the following manner:

- A total of 31 letters were sent to owners and occupiers of properties within and in proximity to the Grouped Dwelling complex; and
- A copy of the application was made available for review on the City’s website.

At the close of the consultation period, no submissions were received.

The Council of Owners have submitted written confirmation of their support for the proposed change of use to Unhosted STRA.

Policy and Legislative Implications

In accordance with the Regulations, the local government may determine an application for development approval by:

- (a) Granting development approval with no conditions; or
- (b) Granting development approval with conditions; or
- (c) Refusing to grant development approval.

Financial Implications

This determination has some financial implications, to the extent that if the applicant were to make an application for review of the decision, the City may need to seek representation at the State Administrative Tribunal.

Key Risks and Considerations

Risk Event Outcome	Reputational Damage Deals with adverse impact upon the professional reputation and integrity of the City and its representatives whether those persons be appointed or elected to represent the City. The outcome can range from a letter of complaint through to sustained and co-ordinated representation against the City and or sustained adverse comment in the media.
Risk rating	Low
Mitigation and actions	Risk acceptable with adequate controls, managed by routine procedures and monitoring.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#)

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable, liveable, diverse and welcoming neighbourhoods that respect and value the natural and built environment
Outcome:	3.2 Sustainable built form
Strategy:	3.2.1 Develop and implement a sustainable local planning framework to meet current and future community needs

Conclusion

Whilst no objections were received during the consultation period, the City acknowledges that the land use, if not managed appropriately, has the potential to result in adverse impacts to nearby residents. Notwithstanding, the proposal is a land use that can be considered within the Residential zone.

The proposal is small in scale and is unlikely to result in adverse impacts to adjoining properties if managed appropriately in accordance with the submitted Management Plan.

Accordingly, it is recommended that the development application be approved subject to appropriate conditions.

Attachments

10.3.8 (a):	Management Plan
10.3.8 (b):	Code of Conduct
10.3.8 (c):	Site Plan
10.3.8 (d):	Strata Plan
10.3.8 (e):	Car Parking Plan

10.3.9 eQuote 16/2024 - Cleaning of Stormwater Drains and Other Services

File Reference: D-24-45347
Author(s): Jan Augustin, Manager Engineering Services
Reporting Officer(s): Anita Amprimo, Director Infrastructure Services

Summary

This report considers submissions received from the advertising of eQuote 16/2024 for the Cleaning of Stormwater Drains and Other Services.

This report will outline the assessment process used during evaluation of the eQuotes received and recommend approval of the submission that provides the best value for money and level of service to the City.

Officer Recommendation

That Council:

1. Accepts the eQuote submitted by Cleanflow Environmental Solutions Pty Ltd for the Cleaning of Stormwater Drains and Other Services in accordance with eQuote Number 16/2024 for the period of three years with an option to renew for a further two one-year periods at the City's sole discretion;
2. Accepts the eQuote price included in **Confidential Attachment (a)**;
3. Notes that the eQuote price will be included in the Ordinary Council Meeting Minutes; and
4. Authorises the Chief Executive Officer to execute the contract with Cleanflow Environmental Solutions Pty Ltd for the Cleaning of Stormwater Drains and Other Services.

Background

A request for eQuote 16/2024 for the Cleaning of Stormwater Drains and Other Services was advertised on the WALGA Vendor Preferred Suppliers Portal on 9 August 2024 and closed at 2pm (AWST) on Friday 30 August 2024.

Under the Local Government (Functions and General) Regulations 1996, a Tender exemption applies to Preferred Supply Panels. So local governments can purchase any value of goods or services from a Preferred Supplier without going to Tender.

eQuotes were invited on a Schedule of Rates basis for the initial 12 months (year one) of the three-year contract term and is subject to rise and fall for the remainder of the contract term.

The contract is for the period of three years with an option to renew for a further two one-year periods at the City's sole discretion.

Comment

At the close of the eQuote advertising period four submissions had been received and these are tabled below:

TABLE A – eQuote Submissions

eQuote Submissions	
1.	Drainflow Services Pty Ltd
2.	Aaro Group Pty Ltd
3.	Cleanflow Environmental Solutions Pty Ltd
4.	Allpipe Technologies Pty Ltd

The submissions were reviewed by an Evaluation Panel and assessed according to the qualitative criteria detailed in the eQuote, as per Table B below.

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Demonstrated experience in completing similar projects/supply similar goods	30%
2. Skills & Experience of Key Personnel	40%
3. Methodology	30%
Total	100%

Based on the assessment of all submissions received for eQuote 16/2024 Cleaning of Stormwater Drains and Other Services, it is recommended that the eQuote submission from Cleanflow Environmental Solutions Pty Ltd be accepted by Council.

More detailed information about the assessment process can be found in the Recommendation Report – **Confidential Attachment (a)**.

Consultation

WALGA Preferred Supplier Panel eQuotes were invited in accordance with the *Local Government Act 1995* and the Local Government (Functions and General) Regulations 1996.

Policy and Legislative Implications

Section 3.57 of the *Local Government Act 1995* - tenders for providing goods or services:

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provision about tenders.*

Regulation 11 of the Local Government (Functions and General) Regulations 1996 - when tenders have to be publicly invited:

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.*
- (2) *Tenders do not have to be publicly invited according to the requirements of this Division if –*
- (b) *the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program.*

The following Council Policies also apply:

- Policy P605 - Purchasing
- Policy P607 - Tenders and Expressions of Interest.

Financial Implications

The full cost of the works is included in the 2024/25 budget.

Key Risks and Considerations

Risk Event Outcome	Property Damage Relates to damage or destruction of City assets. Causes include but are not limited to theft, vandalism, fire or water damage and failure to adequately insure buildings, property and assets.
Risk rating	Medium
Mitigation and actions	Undertake a program of regular inspections of the City's drainage systems to ensure optimal cleaning of drains in roads and public car parks.

Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2021-2031](#):

Strategic Direction:	Environment (Built and Natural)
Aspiration:	Sustainable, liveable, diverse and welcoming neighbourhoods that respect and value the natural and built environment
Outcome:	3.4 Resource management and climate change
Strategy:	3.4.1 Manage and promote sustainable water, waste, land and energy practices

Attachments

10.3.9 (a): Recommendation Report (*Confidential*)

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 Listing of Payments October 2024

File Ref: D-24-45348
Author(s): Abrie Lacock, Manager Finance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

This report presents to Council a list of accounts paid under delegated authority between 1 October 2024 to 31 October 2024 for information. It also includes purchase card transactions between 1 September 2024 to 30 September 2024 in line with new legislative requirements. The City made the following payments:

EFT Payments to Creditors	(560)	\$8,087,165.50
Cheque Payment to Creditors	(1)	\$126.30
Total Monthly Payments to Creditors	(561)	\$8,087,291.80
EFT Payments to Non-Creditors	(83)	\$72,308.07
Cheque Payments to Non-Creditors	(31)	\$27,747.96
Total EFT & Cheque Payments	(675)	\$8,187,347.83
Credit Card Payments	(87)	\$18,296.70
Fleet Card Payments	(30)	\$1,988.80
Total Payments	(792)	\$8,207,633.33

Officer Recommendation

That Council receives the Listing of Payments for the month of October 2024 as detailed in **Attachment (a)**.

Background

Council has delegated to the Chief Executive Officer (CEO) the exercise of power to make payments from its Municipal and Trust Funds. In accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996, a list of accounts paid by the CEO is to be prepared each month and presented to Council at the next Ordinary Meeting of the Council after the list is prepared. The Local Government (Financial Management) Regulations 1996 have been amended. Regulation 13A have been inserted requiring payments made with purchase cards to be included in the list of accounts paid.

Comment

The payment listing for October 2024 is included in **Attachment (a)**.

The attached report includes a "Description" for each payment. The City's officers have used best endeavours to redact (in black) information of a private or confidential nature.

10.4.1 Listing of Payments October 2024

The report records payments are classified as:

- Creditor Payments

These include payments by both cheque and EFT to regular suppliers with whom the City transacts business. The reference numbers represent a batch number of each payment.

- Non-Creditor Payments

These are one-off payments that include both cheque and EFT that are made to individuals/suppliers who are not listed as regular suppliers. The reference numbers represent a batch number of each payment.

- Purchase Cards

Purchase card payments are included in the listing of payments as required by the amended Regulations. The amended Regulations requires the City to prepare a list of the payments made with each card and to present it to Council. Due to the time lag between receiving the statements and the successful acquittal of transactions in the City's system this listing will always be for the month preceding the month for which creditor and non-creditor payments are being reported.

Details of payments made by direct credit to employee bank accounts, in accordance with contracts of employment, are not provided in this report for privacy reasons. The payments of bank fees, such as merchant service fees which are directly debited from the City's bank account in accordance with the agreed fee schedules under the contract for provision of banking services, are also not provided in this report.

Consultation

Nil.

Policy and Legislative Implications

Regulations 12, 13(1) and 13A of the Local Government (Financial Management) Regulations 1996. Policy P602 Authority to Make Payments from the Municipal and Trust Funds.

Financial Implications

The payment of authorised amounts is within existing budget provisions.

Key Risks and Considerations

Risk Event Outcome	<p>Legislative Breach</p> <p>Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation</p>
Risk rating	Low
Mitigation and actions	Monthly Financial reporting timelines exceeding statutory requirements

Strategic Implications

This matter relates to the following Strategic Direction identified within Council’s [Strategic Community Plan 2021-2031](#):

- Strategic Direction: Leadership
- Aspiration: A local government that is receptive and proactive in meeting the needs of our community
- Outcome: 4.3 Good governance
- Strategy: 4.3.1 Foster effective governance with honesty and integrity and quality decision making to deliver community priorities

Attachments

- 10.4.1 (a): Listing of Payments October 2024

10.4.2 Monthly Financial Statements October 2024

File Ref: D-24-45351
Author(s): Abrie Lacock, Manager Finance
Reporting Officer(s): Garry Adams, Director Corporate Services

Summary

The monthly Financial Statements are provided within **Attachments (a)–(i)**, with high level analysis contained in the comments of this report.

Officer Recommendation

That Council notes the Financial Statements and report for the month ended 31 October 2024.

Background

Regulations 34(1) of the Local Government (Financial Management) Regulations 1996, requires each local government to present a Statement of Financial Activity reporting on income and expenditure as set out in the annual budget. Regulation 34(3) specifies that the nature or type classification must be used. In addition, regulation 34(5) requires a local government to adopt a percentage or value to report on material variances between budgeted and actual results. In addition to the above, Regulation 35 requires a local government to present a Statement of Financial Position. The 2024/25 budget adopted by Council at its meeting held 25 June 2024, determined the material variance amounts of \$10,000 or 10% for the financial year. The Financial Management Reports contains an Original and Revised Budget column for comparative purposes.

Comment

The Local Government (Financial Management) Regulations 1996 requires that a Statement of Financial Position and a Statement of Financial Activity are produced monthly. The Statement of Financial Activity is a financial report unique to local government drawing information from other reports to include operating revenue, expenditure, capital income, expenditure, loan funding and transfers to and from reserves.

Monetary policy measures taken by the Reserve Bank of Australia (RBA) appears to be achieving its objective of lowering inflation in Australia. The September 2023 quarter to September 2024 quarter Perth CPI of 3.8%, as well as the national CPI for the same period of 2.8%, are tending down with the national CPI within the target rates of between 2% and 3%, however it is cautioned that it is a result of the temporary cost of living relief provided by the government.

To curb the high inflation the RBA have raised interest rates. The cash rate target increased from 0.10% in June 2022 to the current 4.35%. At its November meeting the RBA decided to leave the cash rate target unchanged once more.

Stating that underlying inflation remains too high, the RBA also made the following statement at its Board meeting of 5 November 2024: “Inflation has fallen substantially since the peak in 2022, as higher interest rates have been working to bring aggregate demand and supply closer towards balance. Headline inflation was 2.8 per cent over the year to the September quarter, down from 3.8 per cent over the year to the June quarter. This was as expected due to declines in fuel and electricity prices in the September quarter, but part of this decline reflects temporary cost of living relief. Abstracting from these effects, underlying inflation (as represented by the trimmed mean) was 3.5 per cent over the year to the September quarter. This was as forecast but is still some way from the 2.5 per cent midpoint of the inflation target. The forecasts published in today’s *Statement on Monetary Policy* (SMP) do not see inflation returning sustainably to the midpoint of the target until 2026.”

In framing the Annual Budget 2024/25, the City considered the continued economic uncertainty. The City continues to prudently manage its finances through this uncertain time whilst remaining conscious of the need to provide quality services to its community.

Actual income from operating activities for October year-to-date (YTD) is \$60.73m in comparison to budget of \$60.26m, favourable to budget by an insignificant \$0.47m or 0.79%. Actual expenditure from operating activities for October is \$23.48m in comparison to the budget of \$23.89m, favourable to budget by \$0.41m or 1.75%. The October Net Operating Position of \$37.25m is \$0.89m favourable in comparison to budget.

Actual Capital Revenue is lower than budget by \$0.20m, \$0.29m compared to budget of \$0.49m, revenue recognition is dependent on capital project completion. Actual Capital Expenditure YTD is \$2.50m in comparison to the budget of \$2.64m, lower than budget by \$0.14m or 5.23%. A variance analysis is provided within **Attachment (e)** titled Significant Variance Analysis.

Cash and Cash Equivalents amounted to \$98.85m. Consistent with previous monthly reports, the Cash and Cash Equivalents balance is contained within the Statement of Financial Position. In addition, further detail is included in a non-statutory report (All Council Funds).

Banks have been pricing in an anticipated rate cut by the RBA, offering average interest rates of 4.78% for investments under 12 months. The City holds a portion of its funds in financial institutions that do not invest in fossil fuels. Investment in this market segment is contingent upon all the other investment criteria of Policy P603 Investment of Surplus Funds being met. At the end of October 2024, the City held 38.22% of its investments in institutions that do not provide fossil fuel lending. The Summary of Cash Investments illustrates the percentage invested in each of the non-fossil fuel institutions and the short-term credit rating provided by Standard & Poors for each of the institutions.

Consultation

Nil.

Policy and Legislative Implications

This report is in accordance with the requirements of the Section 6.4 of the *Local Government Act 1995* and regulation 34 of the Local Government (Financial Management) Regulations 1996.

Financial Implications

The preparation of the monthly financial reports occurs from the resources provided in the annual budget.

Key Risks and Considerations

Risk Event Outcome	Legislative Breach Refers to failure to comply with statutory obligations in the manner in which the City, its officers and Elected Members conduct its business and make its decisions and determinations. This embraces the full gamut of legal, ethical and social obligations and responsibilities across all service areas and decision making bodies within the collective organisation.
Risk rating	Low
Mitigation and actions	Monthly Financial reporting timelines exceeding statutory requirements

Strategic Implications

This matter relates to the following Strategic Direction identified within Council’s [Strategic Community Plan 2021-2031](#):

Strategic Direction: Leadership
 Aspiration: A local government that is receptive and proactive in meeting the needs of our community
 Outcome: 4.3 Good governance
 Strategy: 4.3.1 Foster effective governance with honesty and integrity and quality decision making to deliver community priorities

Attachments

- 10.4.2 (a): Statement of Financial Position
- 10.4.2 (b): Statement of Change in Equity
- 10.4.2 (c): Statement of Financial Activity
- 10.4.2 (d): Operating Revenue and Expenditure
- 10.4.2 (e): Significant Variance Analysis
- 10.4.2 (f): Capital Revenue and Expenditure
- 10.4.2 (g): Statement of Council Funds
- 10.4.2 (h): Summary of Cash Investments
- 10.4.2 (i): Statement of Major Debtor Categories

11. APPLICATIONS FOR LEAVE OF ABSENCE

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

Nil.

13.2 QUESTIONS FROM MEMBERS: 19 NOVEMBER 2024

14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

15. MEETING CLOSED TO THE PUBLIC

Nil.

16. CLOSURE