



CITY OF VINCENT

NOTES

Council Briefing

30 September 2025

Table of Contents

1	Declaration of Opening / Acknowledgement of Country	3
2	Apologies / Members on Approved Leave of Absence	3
3	Public Question Time and Receiving of Public Statements	3
4	Declarations of Interest	5
	Reports with Discussion	7
5.2	No. 5-11 (Lot: 50; D/P: 86336) Howlett Street, North Perth - Change of Use from Office and Warehouse to Industry - Light and Trade Display	7
5.1	No. 500 (Lot: 41; D/P: 418433) Fitzgerald Street, North Perth - Proposed Change of Use from Restaurant/Cafe to Restaurant/Cafe and Small Bar (Amendment to Approved) - Section 31 Reconsideration	10
5.3	No. 389 (Lot: 3; D/P: 1283) Bulwer Street, West Perth - Proposed Three Grouped Dwellings	14
8.1	Information Bulletin	18
	Reports without Discussion	20
7.1	Financial Statements as at 31 August 2025	20
7.2	Authorisation of Expenditure for the Period 01 August 2025 to 31 August 2025	21
7.3	Investment Report as at 31 August 2025	22
8.2	Report and Minutes of the Audit and Risk Committee Meeting held on 3 September 2025	23
5	Motions of Which Previous Notice Has Been Given.....	24
6	Representation on Committees and Public Bodies	24
7	Confidential Items/Matters For Which the Meeting May be Closed	24
12	Closure	24

**NOTES OF CITY OF VINCENT
COUNCIL BRIEFING
HELD AT THE E-MEETING AND AT THE ADMINISTRATION AND CIVIC CENTRE,
244 VINCENT STREET, LEEDERVILLE
ON TUESDAY, 30 SEPTEMBER 2025 AT 6:00 PM**

PRESENT:	Mayor Alison Xamon	Presiding Member
	Cr Alex Castle	North Ward
	Cr Ron Alexander	North Ward (absent)
	Cr Suzanne Worner	North Ward
	Cr Nicole Woolf	North Ward
	Cr Jonathan Hallett	South Ward
	Cr Ashley Wallace	South Ward (electronically) (arrived at 6:02pm)
	Cr Sophie Greer	South Ward
	Cr Ashlee La Fontaine	South Ward
IN ATTENDANCE:	Rhys Taylor	A/Chief Executive Officer
	Main Bhuiyan	A/Executive Director Community & Business Services (left at 6:14pm during item 5.1)
	Peter Varris	Executive Director Infrastructure & Environment
	Jay Naidoo	Executive Director Strategy & Development
	Karsen Reynolds	Manager Development & Design
	Emma Simmons	A/Executive Manager Corporate Strategy & Governance
	Carrie Miller	Corporate Strategy & Governance
	Alex Harris	Governance Officer
Public:	Approximately 7 members of the public.	

1 DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY

The Presiding Member, Alison Xamon, declared the meeting open at 6:00pm, and read the following Acknowledgement of Country statement:

"THE CITY OF VINCENT WOULD LIKE TO ACKNOWLEDGE THE TRADITIONAL OWNERS OF THE LAND, THE WHADJUK PEOPLE OF THE NOONGAR NATION AND PAY OUR RESPECTS TO ELDERS PAST AND PRESENT."

2 APOLOGIES / MEMBERS ON APPROVED LEAVE OF ABSENCE

Nil

3 PUBLIC QUESTION TIME AND RECEIVING OF PUBLIC STATEMENTS

The following is a summary of questions and submissions received and responses provided at the meeting. This is not a verbatim record of comments made at the meeting.

3.1 Lex Barnett of Inglewood – Item 5.2

Due to technical difficulties, the recording of Mr. Barnett's statement is unavailable. The following summary is based on a written statement provided by the speaker prior to the meeting, which he also addressed during the allocated public question time.

Mr. Barnett spoke in support of item 5.2, addressing the planning merits of the proposal and agreeing with the officer recommendation. He noted that the proposed uses are capable of approval within the zone and

that the operation is intended to be small-scale, low-impact, and boutique in nature. It was highlighted that issues of noise and dust have been carefully considered, with management measures in place and enforceable through conditions of approval to ensure no impact on surrounding residents.

Mr. Barnett further explained that parking and waste management were also addressed, with measures proposed in accordance with the City's advice and policy requirements. He expressed appreciation for the officer's thorough assessment and confirmed support for the approval subject to the recommended conditions.

3.2 Joe Algeri of South Perth – Item 5.1

The speaker spoke in support of item 5.1. Their full statement can be found [here](#).

There being no further speakers, Public Question Time closed at approximately 6:09pm.

The following statements were received in writing prior to the meeting.

Alex Uchanski of North Perth – Item 5.1

Dear City of Vincent,

As I will be away from Perth and unable to attend I have prepared a statement and questions in relation to agenda item 5.1 for the Council Briefing Session on 30 September 2025.

The agenda notes clearly identify majority opposition to the proposal, with 14 out of 21 submissions during the first three consultations in opposition and in the most recent consultation 4 out of 4 submissions in opposition.

Given the level of concern that exists in the community, if this proposal is to be approved, I would encourage the Elected Members to at least consider making that approval on a temporary trial basis with further community consultation at the end of that trial. This would help determine whether the concerns of the community are valid through real life application.

Additionally, I put the following questions forward to the City of Vincent:

- For several years, La Mortazza operated earlier than its previously approved operating hours starting 8am, having openly advertised its opening hours on Google from 7am and on Instagram from 6:30am. Only earlier this year has La Mortazza received permission to trade from 7am. Why did the City of Vincent leave La Mortazza to go unchecked for so long in blatant disregard for its approved operating conditions?
- The above issue was ultimately brought to investigation and the City of Vincent concluded that indeed La Mortazza had breached its conditions. Why wasn't a financial penalty applied, or any action taken with 'teeth' that would serve as a future deterrent?
- How does the City of Vincent reconcile La Mortazza's history of flouting its operating conditions with a recommendation under this proposal to approve a further extension of its operating hours?
- How can the City of Vincent assure itself that La Mortazza will comply with the new set of operating conditions under this proposal, given its checkered history? Please detail any controls in place, such as CCTV or regular inspections in the evening that do not rely on the community self-reporting as we are tired of it.

Administration responses to questions in italics below:

1. For several years, La Mortazza operated earlier than its previously approved operating hours starting 8am, having openly advertised its opening hours on Google from 7am and on Instagram from 6:30am. Only earlier this year has La Mortazza received permission to trade from 7am. Why did the City of Vincent leave La Mortazza to go unchecked for so long in blatant disregard for its approved operating conditions?

The City is aware of the concerns regarding La Mortazza's past non-compliance with its approved operating hours. Following resident complaints, officers met with the business owners to address the matter and issued correspondence advising of the breach.

The business subsequently amended its website and social media to confirm that customers would not be served before 8:00am, consistent with its approval at the time. Officers undertook inspections to verify compliance with these operating hours, as well as to confirm that delivery times were occurring within the permitted windows of 7:00am to 2:00pm, Monday to Friday.

Since this action was taken, compliance has been achieved, and the business now operates in line with its current approval to trade from 7:00am.

2. The above issue was ultimately brought to investigation and the City of Vincent concluded that indeed La Mortazza had breached its conditions. Why wasn't a financial penalty applied, or any action taken with 'teeth' that would serve as a future deterrent?

The City investigated the breach of operating hours at La Mortazza and confirmed non-compliance with the approved conditions. In line with the City's Development Compliance Enforcement Policy, a graduated and proportionate approach was taken to enforcement. This approach seeks to first work with business owners to achieve compliance in a cooperative rather than confrontational manner.

The investigation involved onsite meetings, early morning and after-hours inspections, and formal written correspondence outlining the business's obligations. The business was advised that continued non-compliance could lead to stronger enforcement measures, including Planning Infringement Notices, Written Directions, or, as a last resort, prosecution in the Perth Magistrates Court.

When determining the appropriate response, the City considers a range of factors including the seriousness of the breach, the level of impact on local amenity, whether the conduct was deliberate or inadvertent, and the responsiveness of the business to compliance directions. In this instance, compliance was achieved following intervention, and it was determined that escalation to financial penalties or prosecution was not warranted.

3. How does the City of Vincent reconcile La Mortazza's history of flouting its operating conditions with a recommendation under this proposal to approve a further extension of its operating hours?

While the City acknowledges La Mortazza's history of non-compliance with operating hours, this matter was investigated and resolved, with compliance subsequently achieved. On this basis, the past non-compliance should not be given determinative weight in assessing the amended development applications.

The current proposal has been assessed on its planning merits, supported by an updated Acoustic Report and revised management plans that set clear obligations for the operator. These measures are intended to ensure the premises operates in a way that protects residential amenity under the extended hours being sought.

Any future breaches of approval conditions would be subject to the City's compliance processes, including the potential for infringement notices, written directions, or prosecution, depending on the severity and impact of the breach.

4. How can the City of Vincent assure itself that La Mortazza will comply with the new set of operating conditions under this proposal, given its checkered history? Please detail any controls in place, such as CCTV or regular inspections in the evening that do not rely on the community self-reporting as we are tired of it.

In considering this application, the focus has been on putting in place controls and management measures that provide stronger assurance moving forward. The proposal is supported by an updated Acoustic Report and revised management plans that establish clear, enforceable obligations on the operator.

It is ultimately the operator's responsibility to comply with their development approval and conditions of approval. The City does not continually monitor premises on an ongoing basis, but where non-compliance is identified or substantiated, we can enforce through inspections, infringement notices, written directions, or prosecution if required.

4 DECLARATIONS OF INTEREST

Nil

REPORTS

The Presiding Member, Mayor Alison Xamon, requested Council Members to indicate:

Items which Council Members wish to discuss which have not already been the subject of a public question/comment and the following was advised:

COUNCIL MEMBER	ITEMS TO BE DISCUSSED
Cr Castle	5.3
Cr Woolf	8.1

REPORTS WITH DISCUSSION

5.2 NO. 5-11 (LOT: 50; D/P: 86336) HOWLETT STREET, NORTH PERTH - CHANGE OF USE FROM OFFICE AND WAREHOUSE TO INDUSTRY - LIGHT AND TRADE DISPLAY

Ward: South

- Attachments:
1. Consultation and Location Plan 
 2. Development Application Plans 
 3. Applicants Justification 
 4. Operational Management Plan 
 5. Acoustic Report 
 6. Traffic Impact Statement 
 7. Waste Management Plan 
 8. Summary of Submissions - Administrations Response 
 9. Summary of Submissions - Applicants Response 
 10. Clause 67 Assessment 
 11. Surrounding Area Analysis 
 12. Determination Advice Notes 

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the application for a proposed Change of Use from Office and Warehouse to Industry – Light and Trade Display at No. 5-11 (Lot: 50; D/P: 86336) Howlett Street, North Perth in accordance with the plans provided in Attachment 2, subject to the following conditions with the associated determination advice notes in Attachment 12:

1. Development Approval

This approval relates to a Change of Use from Office and Warehouse to Industry – Light and Trade Display as shown on the approved plans dated 16 September 2025. No other development forms part of this approval;

2. Use of Premises

2.1 The hours of operation shall be limited to the following:

- Industry – Light: 7:00am to 3:00pm, Monday to Friday; and
- Trade Display: 9:00am to 2:00pm, Monday to Friday;

2.2 A maximum of ten (10) staff members shall be permitted on the premises at any one time, to the satisfaction of the City; and

2.3 No more than two (2) visitor groups shall be permitted on the premises at any one time;

3. Acoustic Report and Noise Management

3.1 Prior to lodgement of a Building Permit, the Acoustic Report prepared by SLR Consulting Australia Pty Ltd (13 August 2025) shall be updated to model noise emissions from the final plant, mechanical equipment and other noise-generating noise sources to be installed as part of the development. The updated report shall demonstrate that noise levels will comply with the assigned levels under the *Environmental Protection (Noise) Regulations 1997* at all times, to the satisfaction of the City; and

3.2 The development shall be designed, constructed, and operated in accordance with the recommendations, operational measures, and construction specifications contained in the approved Acoustic Report (SLR Consulting Australia Pty Ltd, 13 August 2025), as

updated under Condition 3.1, to the satisfaction of the City;

Prior to occupation or use of the development, certification shall be provided by a suitably qualified acoustic consultant confirming that all recommended measures have been implemented. The approved acoustic measures shall be maintained thereafter, to the satisfaction of the City;

4. Operational Management

The development shall operate in accordance with the approved Operational Management Plan dated 16 September 2025 at all times, to the satisfaction of the City;

5. Signage

All signage is to be in strict accordance with the City's Local Planning Policy: Signs and Advertising, unless further development approval is obtained;

6. External Fixtures

All external fixtures and building plant, including extraction fans, air-conditioning units, ducting, piping and water tanks, must be located and designed to minimise visual and noise impacts on surrounding properties. Such fixtures are to be screened from view of the street and adjoining properties to the satisfaction of the City;

7. Servicing and Deliveries

7.1 The approved Waste Management Plan dated 16 September 2025 shall be implemented at all times, to the satisfaction of the City. Any changes to the approved Waste Management Plan shall be incorporated into an updated Waste Management Plan to be submitted to and approved by the City; and

7.2 Incoming and outgoing deliveries shall occur between 7:00am and 3:00pm Monday to Friday only; and

8. Parking and Access

8.1 Prior to occupation or use of the development, twelve (12) off-street parking bays shall be provided in the locations shown on the approved plans, to the satisfaction of the City. Car parking and access areas associated shall be sealed, drained, and paved, and are to comply with the requirements of Australian Standard 2890.1, to the satisfaction of the City; and

8.2 Prior to occupation or use of the development, a minimum of four (4) onsite bicycle spaces shall be provided and designed in accordance with the approved plans and shall comply with AS2890.3, to the satisfaction of the City.

CR HALLETT:

Can you explain how the City monitors the escape of dust into the surrounding area and determines whether it amounts to a nuisance?

MANAGER DEVELOPMENT & DESIGN:

Dust is regulated under the *Health (Miscellaneous Provisions) Act 1911* and the City of Vincent Health Local Law 2004, which prohibit emissions escaping in a way that causes a nuisance to public health, comfort, property use, or causes damage.

The City determines whether a nuisance exists on a case-by-case basis, using evidence rather than numerical measurements of dust. Monitoring and assessment involves looking for visible emissions, evidence of dust settling on nearby properties, resident complaints, and whether adequate control measures are in place. If a nuisance is found, the City can require the operator to implement additional dust control measures and could issue formal notices under the Act.

The Officer Report has been updated to include the above information.

CR CASTLE:

Does the Council have any role to play in determining the impact of the dust within the operations of the business within the building? What measures are being taken to protect staff? Is that something that's beyond our scope?

MANAGER DEVELOPMENT & DESIGN:

The City's role is limited to regulating dust impacts on the external environment, including the surrounding public realm and neighbouring properties, under the *Health (Miscellaneous Provisions) Act 1911* and the City of Vincent Health Local Law 2004.

The protection of staff within the building is outside of the City's scope and falls under workplace health and safety requirements regulated by WorkSafe WA under the *Work Health and Safety Act 2020 (WA)*.

The business is required to comply with this Act, which sets prescribed standards for managing worker exposure risks, including requirements for training, monitoring, and the use of protective equipment.

To provide assurance to Council, the applicant has advised that the following measures will be in place to protect staff from dust emissions:

- *~80% of processes are dust-free; only grinding produces measurable dust, kept below WorkSafe WA limits.*
- *Dust-generating activities are contained in sealed rooms with industrial extraction, HEPA filtration, and negative pressure.*
- *Local extraction runs continuously during and after operations; filters are regularly maintained.*
- *Staff use air-fed masks, protective clothing, and eye protection, with training on safe PPE use.*
- *Factory cleaned daily through automated vacuuming/mopping; captured dust is bagged and removed daily.*
- *Real-time dust monitoring, routine maintenance, and contingency protocols ensure compliance and immediate response if thresholds are exceeded.*

These matters are regulated under workplace health and safety legislation and are not a relevant planning consideration in Council's decision-making on this proposal.

5.1 NO. 500 (LOT: 41; D/P: 418433) FITZGERALD STREET, NORTH PERTH - PROPOSED CHANGE OF USE FROM RESTAURANT/CAFE TO RESTAURANT/CAFE AND SMALL BAR (AMENDMENT TO APPROVED) - SECTION 31 RECONSIDERATION

Ward: South

- Attachments:**
1. Consultation and Location Plan 
 2. Development Plans 
 3. Applicant Letter 
 4. Acoustic Assessment 
 5. Venue Management Plan 
 6. 13 May 2025 Council Minutes and Refused Plans 
 7. Previous Joint Development Assessment Panel Approval 
 8. Summary of Submissions - Applicant Response 
 9. Summary of Submissions - Administration Response 
 10. Clause 67 Assessment 
 11. Determination Advice Notes 

RECOMMENDATION:

That Council, in accordance with Section 31 of the *State Administrative Tribunal Act 2004*, SETS ASIDE its decision dated 13 May 2025 and SUBSTITUTES a new decision to, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2, APPROVE the application for Change of Use from Restaurant/Café to Restaurant/Café and Small Bar (Amendment to Approved) at No. 500 (Lot: 41; D/P: 418433) Fitzgerald Street, North Perth in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 11:

1. Development Approval

This approval is for a Restaurant/Café and Small Bar (Amendment to Approved) as shown on the approved plans dated 3 July 2024, 10 January 2025 and 11 August 2025. No other development forms part of this approval;

2. Use of Premises

- 2.1 This approval is for a Restaurant/Café and Small Bar as defined in the City of Vincent Local Planning Scheme No. 2. The use of the subject land for any other land use may require further approval from the City;
- 2.2 The total number of persons attending the Restaurant/Cafe and Small Bar at any one time, including staff and customers, shall be limited to 32 persons. Of this total, no more than 16 patrons may be seated within the outdoor dining area, and only in the configuration shown on the approved seating plan, to the satisfaction of the City;
- 2.3 The Restaurant/Café and Small Bar shall be limited to the following hours of operation:
 - Sunday to Wednesday: 7:00am – 5:00pm;
 - Thursday to Saturday: 7:00am – 9:00pm; and
 - All deliveries shall be limited to 7:00am to 2:00pm, Monday to Friday; and
- 2.4 The premises may operate until 9:00pm on up to six (6) evenings per calendar year between Sunday and Wednesday, to the satisfaction of the City. The operator shall provide written notification to the City, as well as to adjoining and adjacent property owners and occupiers, at least five (5) business days prior to each additional evening, specifying the date, purpose of the operation, and proposed hours of operation, to the satisfaction of the City.

3. Venue Management

The premises shall operate at all times in accordance with the approved Venue Management

Plan dated 29 August 2025, to the satisfaction of the City;

4. Waste Management

The approved development shall operate in accordance with the approved Waste Management Plan dated 28 September 2018 at all times, to the satisfaction of the City;

5. Façade Design

5.1 Doors and windows and adjacent floor areas fronting Fitzgerald Street and Venn Street shall maintain an active and interactive relationship with the street, to the satisfaction of the City;

5.2 Glazing and/or tinting shall have a minimum of 70 percent visible light transmission to provide unobscured visibility between the street and the interior of the tenancy, to the satisfaction of the City; and

5.3 Internal security and privacy treatments shall be located and installed internally behind the glazing line or recessed, and shall be transparent and visually permeable to allow views inside the building and enable internal light sources to be seen from the street, to the satisfaction of the City;

6. Car Parking

Eight parking bays onsite shall be line marked with painted letters which read 'Café Parking' for the exclusive use of the Restaurant/Café and Small Bar;

7. Bicycle Facilities

A minimum of two short-term bicycle bays shall be provided in the Venn Street verge adjacent to the subject site, in a location approved by the City. These bicycle bays shall be designed in accordance with AS2890.3 prior to the use of the approved development, to the satisfaction of the City (refer Advice Note 10);

8. Parking Management

The premises shall operate in accordance with the approved Parking Management Plan dated 21 December 2023 at all times, to the satisfaction of the City;

9. Signage

9.1 Prior to the commencement of the operating hours outlined in Condition 2.3, the existing signs highlighted in red on the plans shall be removed, to the satisfaction of the City;

9.2 Prior to the commencement of the operating hours outlined in Condition 2.3, all signage shown on the approved plans shall be installed to the dimensions and locations shown on the approved plans, to the satisfaction of the City. The sign located to the northern elevation of the bin store shall be installed to the top left corner of the wall, replacing existing signage in this location, to the satisfaction of the City;

9.3 All signage is to be in strict accordance with the City's Local Planning Policy: Signs and Advertising, unless further development approval is obtained; and

9.4 All signage shall be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display onsite; and

10. Acoustic Report

The premises shall operate at all times in accordance with the criteria and all recommended conditions/restrictions outlined in the approved acoustic report (Herring Storer Acoustics, dated 11 August 2025), to the satisfaction of the City.

CR CASTLE:

Can Administration provide advice on how past non-compliance is considered in relation to development applications, including how such matters are dealt with at the time, the history of this site, and our general approach to compliance going forward?

MANAGER DEVELOPMENT & DESIGN:

There has been one recorded breach involving earlier opening hours prior to formal approval being in place. That matter was investigated at the time, corrective action was taken, and compliance was achieved once approval for 7:00am trading was granted. There have been no further issues since.

The isolated and resolved nature of the past breach does not carry weight in the assessment of the current development application. The application before Council has been assessed on its planning merits, with particular regard to the revised Acoustic Assessment and updated management plans that set clear operating parameters to protect residential amenity.

Any future breaches of the approval, should they occur, would be addressed through the City's compliance processes, but they are not relevant considerations in the determination of this development application.

CR WOOLF:

If the development is approved, would parking patrols on Venn Street for illegal on-street parking continue, including during the evening operating hours?

MANAGER DEVELOPMENT & DESIGN:

Yes. Rangers are currently undertaking increased daily patrols of Venn Street to monitor parking compliance, and these would continue both during the day and into the extended evening operating hours if the development is approved.

Over the past 12 months, we compared two six-month periods. Between October 2024 and March 2025, 15 infringements were issued (an average of 2.5 per month), compared with 8 infringements between April 2025 and September 2025 (an average of 1.3 per month).

Rangers have confirmed evening patrols would be maintained for the first three months of extended operation, after which a review will determine if they should continue or be adjusted based on the level of compliance observed.

This approach ensures that enforcement remains proactive, responsive to actual parking behaviours, and proportionate to the level of impact on residents and businesses.

In addition to patrols, the signage and other measures outlined in the applicant's Operational Management Plan would continue to reinforce community awareness of parking requirements on Venn Street.

CR WOOLF:

Can Administration provide some more information on how residents would be informed of the outcomes of the North Perth Traffic Study when it is completed later this year, given their input over the past year?

MANAGER DEVELOPMENT & DESIGN:

A community engagement plan will be prepared to support the North Perth Traffic Study. This will ensure that key stakeholders, including residents who previously provided input, are informed of the study's findings and recommendations and have the opportunity to provide feedback.

The engagement process will outline how information will be shared and how residents can participate in the next steps. The timing for reporting back to Council will be confirmed once the engagement plan is finalised, with the current target being before the end of the 2025–26 financial year.

CR LA FONTAINE:

Regarding Condition 2.4 on special evening trading, which is intended to cover occasions such as public holidays, can you clarify what decibel limits apply between 7:00pm and 9:00pm on those days?

MANAGER DEVELOPMENT & DESIGN:

Between 7:00pm and 9:00pm on public holidays, the applicable assigned noise level is 49 dB at the receiving premises, which is the same evening limit that applies on all other days under the *Environmental Protection (Noise) Regulations 1997*.

The updated acoustic assessment confirms that the proposal complies with these assigned levels, with predicted noise levels to the closest residences (north) at 40 dB, being 9 dB below the maximum permitted level.

ADDITIONAL INFORMATION

The applicant has requested the following amendment to Condition 2.4:

*The premises may operate until 9:00pm on up to six (6) evenings per calendar year between Sunday and Wednesday, to the satisfaction of the City. The operator **shall maintain an official log of** ~~provide written notification to the City, as well as to adjoining and adjacent property owners and occupiers, at least five (5) business days prior to each additional evening, specifying the date, purpose of the operation, and proposed hours of operation, to the satisfaction of the City.~~ **This log must be immediately available for inspection by officers of the City at any time.***

The Applicant's reasoning for this amendment is summarised as follows:

- The condition should not create a "de facto approval process" each time there is a special event.
- Requiring notification for every occasion risks becoming an administrative burden for both the applicant and the City.
- The condition is unclear on who at the City must be contacted, which adjoining neighbours must be notified, and what occurs if a neighbour objects.
- The applicant believes the condition should be simple, with the onus on them to comply.
- If special events cause issues, the applicant considers it sufficient that they provide details to the City upon request, rather than for every occasion in advance.

Administration recommends retaining Condition 2.4 in its current form. The condition is focused on issuing prior notification. It does not create an additional approval process but ensures that both the City and adjoining or adjacent owners and occupiers are informed in advance of each extended evening. This enables proactive monitoring, provides timely notice to the community, and reduces the likelihood of complaints or the need for reactive compliance.

This approach reflects standard planning practice, where external communication and transparency are required rather than relying solely on internal record-keeping by the operator.

For clarity and consistency, an additional advice note has been included (shown below and included in **Attachment 11**). This defines adjoining and adjacent properties for the purposes of notification and sets out the required content and delivery method. This responds to the applicant's concern about consistent interpretation, while ensuring that expectations are clear, transparent, and practical to implement.

In relation to Condition 2.4, "adjoining and adjacent properties" are those that share a boundary with the subject site, or would do so if not separated by a public road. This specifically includes 43 Venn Street, 46–56 Venn Street, 448 Fitzgerald Street, 501–509 Fitzgerald Street, 510 Fitzgerald Street, and the apartments within 500 Fitzgerald Street.

Written notification to these properties must be provided in a manner that ensures reasonable opportunity for receipt, such as addressed mail or letterbox delivery, and must include:

- *The date of the proposed evening operation.*
- *The hours of operation for that evening.*

At 6:14pm, A/Executive Director Community and Business Services left the meeting during item 5.1, and did not return.

5.3 NO. 389 (LOT: 3; D/P: 1283) BULWER STREET, WEST PERTH - PROPOSED THREE GROUPED DWELLINGS**Ward:** South

- Attachments:**
1. Consultation and Location Plan 
 2. Development Plans 
 3. Solar Access Diagram 
 4. Summary of Submissions - Administrations Response 
 5. Summary of Submissions - Applicants Response 
 6. Determination Advice Notes 

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, **APPROVES** the application for Three Grouped Dwellings at No. 389 (Lot: 3; D/P: 1283) Bulwer Street, West Perth in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 6:

1. Development Plans

This approval is for Three Grouped Dwellings as shown on the approved plans dated 3 September 2025. No other development forms part of this approval;

2. External Fixtures

All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive, to the satisfaction of the City;

3. Colour and Materials

The colours, materials and finishes of the development shall be in accordance with annotations shown on the approved plans and the schedule of finishes which forms part of this approval, unless otherwise approved by the City;

4. Visual Privacy

Prior to occupancy or use of the development, all privacy screening shown on the approved plans shall be installed and is to comply in all respects with the requirements of Clause 3.10 (Visual Privacy) of the Residential Design Codes Volume 1 deemed-to-comply provisions, to the satisfaction of the City;

5. Landscaping

Prior to the occupation or use of the development, all works shown in the approved landscaping plan shall be undertaken in accordance with the approved plans to the satisfaction of the City, and maintained thereafter to the satisfaction of the City, at the expense of the owners/occupiers;

6. Car Parking and Access

- 6.1** All vehicle parking, manoeuvring and access areas shall be constructed, paved and drained in accordance with the approved plans and are to comply with the requirements of Australian Standard AS2890.1, to the satisfaction of the City;
- 6.2** Prior to the occupation or use of the development, redundant or “blind” crossovers shall be removed and the verge and kerb made good to the City’s specification at the

applicant/owner's expense, to the satisfaction of the City; and

- 6.3 Walls, fences and other structures truncated or reduced to no higher than 0.75 metres within 1.5m of where walls, fences, other structures adjoin vehicle access points where a driveway meets a public street and where two streets intersect, with the exception of:**

- One pier at max width of 0.4 metres x 0.4 metres and 1.8 metres Decorative capping permitted to 2.0 metres; and
- Infill that provides a clear sight line;

7. Building Design

- 7.1 The surface finish of boundary walls facing an adjoining property shall be of a good and clean condition, prior to the occupation or use of the development, and thereafter maintained, to the satisfaction of the City. The finish of boundary walls is to be fully rendered or face brick; or material as otherwise approved; to the satisfaction of the City;**

- 7.2 Prior to the occupation or use of the development Functional Utilities, as defined by the Residential Design Codes, excluding solar collectors, shall:**

7.2.1 be located behind street setback areas and not visible from Bulwer Street or Gallop Street;

7.2.2 designed to integrate with the development; and

7.2.3 are located and/or screened so they are not visually obtrusive and minimise impacts to habitable rooms and private open space on the subject site and adjoining properties.

to the satisfaction of the City;

- 7.3 Prior to the occupation or use of the development Service Utilities, as defined by the Residential Design Codes, excluding letterboxes, shall be integrated into the design of the development and/or screened from view of the streets, to the satisfaction of the City. Where attached to a wall, meter boxes shall be painted the same colour as the wall to which they are attached, to the satisfaction of the City; and**

- 7.4 At least one window to each habitable room shall be operable in design, to the satisfaction of the City;**

8. Stormwater

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

9. Construction Management

- 9.1 The three grouped dwellings shown on the approved plans shall be constructed concurrently;**

- 9.2 Prior to the lodgement the building permit a Construction Management Plan (CMP) is to be prepared and submitted to the City for approval. The CMP is to detail how the construction of the development would be managed to minimise the impact on the surrounding area. The CMP shall address the following matters in relation to works to take place on the site:**

- Public safety, amenity and site security;
- Contact details of essential site personnel;
- Construction hours;
- Noise control and vibration management;

- Sand, dust, stormwater and sediment control;
- Waste management;
- Traffic and access management on Bulwer Street, Gallop Street and the Right of Way;
- Parking arrangements for contractors and subcontractors;
- Communication plan with nearby properties; and
- Compliance with AS4970-2009 relating to the protection of trees around the development site; and

9.3 The approved CMP shall be implemented and complied with, for the duration of the construction of the development, to the satisfaction of the City.

CR WOOLF:

Please provide comments on the removal of the six trees, including the size differences between the trees to be lost and those proposed to be planted, as well as what efforts were made to retain more than one existing tree?

CR CASTLE:

Is there an opportunity to negotiate with the applicant to provide additional landscaping?

MANAGER DEVELOPMENT & DESIGN:

All trees were assessed for retention, but only the frangipani could reasonably be retained due to its health and location. The remaining trees need to be removed to enable the lot configuration, to provide legal driveway access points, and to facilitate construction due to the narrow lot.

Approximately 15 percent of the site is currently provided as canopy from trees and grape vines. The proposed development seeks to plant eight new street-facing trees selected for the available soil volumes, as well as additional ground floor, vines and climbers. At maturity the trees are expected to reach heights of 4 to 8 metres with broader canopy spread, increasing total site canopy to about 41.2 percent and additional shade to the Gallop Street and Bulwer Street footpaths.

Administration explored increasing landscaping further with the applicant and there is no feasible scope to add more. The plan already specifies the largest viable canopy species for the soil volumes, maximises soil where practicable, and includes understorey and climbers to the extent possible. Further increases are constrained by driveways and crossovers, sightlines, boundary fencing, and underground services. Verge planting was also tested but is limited by utilities and crossover locations.

Overall, the landscaping outcome is an improvement on the current site conditions and it delivers greater total canopy, shaded pedestrian paths, and additional on-structure landscaping to soften the built form.

Clarification: The Officer report incorrectly stated that the proposal provided less than 30 percent canopy cover and therefore represented a departure. This was due to a calculation error. The officer report has been updated to reflect the correct outcome of approximately 41.2 percent canopy cover at maturity, which exceeds the Built Form Policy landscaping standard.

CR CASTLE:

How will the landscaping be maintained and assured, given that several discretionary elements of the proposal rely on it?

MANAGER DEVELOPMENT & DESIGN:

The ongoing maintenance planting areas would be supported by an automatic irrigation system designed for long-term viability. This includes subsurface drip irrigation, hydrozoning (grouping plants with similar water needs), soil moisture sensors, and passive irrigation that directs stormwater to garden areas before entering the drainage system.

The planting includes drought-tolerant and native species where possible, reducing water demand and increasing resilience. Together, these measures minimise reliance on occupants to water or maintain the landscaping.

A condition of approval requires that all landscaping, including on-structure planting, be installed and maintained for the life of the development and therefore continues to support the discretionary elements of the proposal.

CR GREER:

Can Administration explain why natural ventilation requires discretion in this case, what the deemed-to-comply standards are, and how the proposed conditions ensure sufficient ventilation is achieved?

MANAGER DEVELOPMENT & DESIGN:

The departure proposed in relation to Solar Access and Natural Ventilation occurs on Lot C, where a major opening to a primary living space faces north-west but sits beneath the roof of the outdoor living area. The deemed-to-comply provision requires these major openings to be unroofed to maximise direct solar access.

While the opening is shaded due to the balcony above, it remains operable. The balcony is unenclosed on two sides, which allows for cross-flow of air, and the operable major opening ensures adequate natural ventilation into the dwelling. For this reason, the departure is supported.

A separate deemed-to-comply standard of the R-Codes requires all habitable rooms to include an operable window, which is demonstrated on the plans. A condition has been applied to safeguard this outcome and provide certainty that natural ventilation will be achieved and maintained to all habitable rooms.

CR GREER:

How has the concern raised through the DRP process about Lot B lacking outdoor space been addressed through the assessment process?

MANAGER DEVELOPMENT & DESIGN:

In response to the DRP's feedback, the applicant amended Lot B by increasing the primary street setback to Gallop Street from 1.5 metres to 2.3 metres. This change created additional ground-level outdoor space with integrated landscaping, improving both resident amenity and the interface with the street.

Lot B also incorporates a well-sized enclosed balcony on the first floor, providing an additional functional outdoor living area for future residents.

The DRP was supportive of the changes made to Lot B's outdoor space in final plans.

CR GREER:

The DRP still had comments on built form and scale in their review of the 4 September 2025 plans. Can Administration explain why the outcome is acceptable in relation to built form and scale?

MANAGER DEVELOPMENT & DESIGN:

Administration acknowledges the DRP's request for a greater setback to Bulwer Street and a stronger transition to the south-west. Having regard to the objectives of the R-Codes and the Built Form Policy, the proposed outcome acceptable because:

- Bulwer Street interface: The proposed setback aligns with the adjoining eastern property and recent developments to the west, reflecting the established streetscape. Perceived bulk is reduced through façade articulation, variation in materials and colours, window placement, and landscaping within the street setback.
- Transition to adjoining properties: The fourth storey meets the deemed-to-comply setbacks to the east and south. Impacts are further reduced by the lightweight pergola and by setting back solid terrace elements more than 6 metres from the right of way, together with additional landscaping. These measures limit visibility, reduce perceived bulk, and provide an appropriate transition to lower-intensity dwellings.

8.1 INFORMATION BULLETIN

- Attachments:**
1. Statistics for Development Services Applications as at the end of September 2025 - to follow due to end of month 
 2. Register of Legal Action and Prosecutions Monthly - Confidential
 3. Register of State Administrative Tribunal (SAT) Appeals - Progress Report as at 16 September 2025 
 4. Register of Applications Referred to the Metro Inner-North Joint Development Assessment Panel - Current 
 5. Register of Applications Referred to the Design Review Panel - Current 
 6. Register of Petitions - Progress Report - October 2025 
 7. Register of Notices of Motion - Progress Report - October 2025 
 8. Register of Reports to be Actioned - Progress Report - October 2025 
 9. Council Workshop Items since 22 July 2025 
 10. Council Briefing Notes - 2 September 2025 

RECOMMENDATION:

That Council **RECEIVES** the Information Bulletin dated September 2025.

CR WOOLF:

Can Administration please clarify how community members would be notified of the outcome of the preliminary hearing for Nos. 41-43 Angove Street, North Perth, and would this be provided on the day the decision is handed down?

MANAGER STRATEGIC PLANNING & SUSTAINABILITY:

At the preliminary hearing on 22 July 2025, the State Administrative Tribunal (SAT) member advised that the earliest a decision could be expected is September 2025. This was based on other matters being dealt with by the Tribunal.

It is important to note that SAT has 90 days to provide its decision following the preliminary hearing. This means that a decision is expected by the end of October 2025.

Once the City receives the decision, an email update will be sent to previous submitters as soon as practically possible – either the same day or the next business day, depending on when it is received.

The update will also be published on the [Imagine Vincent](#) project page at the same time.

ADDITIONAL INFORMATION:

State Administrative Tribunal (SAT) Register

The SAT register has been updated for two current matters as follows:

- No. 120 Claisebrook Road, Perth (Holcim Concrete Batching Plant) - On 25 September 2025, SAT issued orders confirming that the appeal had been withdrawn by the applicant. This means the matter is now complete.

Holcim is required to operate in accordance with the conditions imposed by the WA Planning Commission in its approvals granted in June 2024 and August 2025.

- No. 40 Guildford Road, Mount Lawley (Heritage Conservation Notice) – On 2 October 2025, SAT issued orders rescheduling the next directions hearing from 3 October 2025 to 13 February 2026.

The purpose of this is to allow for the lodgement and determination of a development application for the broader Housing Diversity Pipeline project site, which includes No. 40 Guildford Road. The outcome of this application would then inform the next steps for the SAT appeal.

Development Assessment Panel (DAP) Register

The DAP register has been updated as two new DAP Form 1 Applications were lodged as follows:

- Nos. 26 & 258 Charles Street, North Perth – Multiple Dwellings (29); and
- No. 114 Hobart Street, Mount Hawthorn – Mixed Use Development.

Statistics for Development Services Applications

Attachment 1 containing these statistics as at the end of September 2025 have now been included.

REPORTS WITHOUT DISCUSSION**7.1 FINANCIAL STATEMENTS AS AT 31 AUGUST 2025**

Attachments: 1. Financial Statement as at 31 Aug 2025 

RECOMMENDATION:

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

NO QUESTIONS ASKED

7.2 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 01 AUGUST 2025 TO 31 AUGUST 2025

- Attachments:**
1. August 2025- Payments by EFT and Payroll 
 2. August 2025- Payments by Direct Debit 
 3. August 2025- Payments by Cheque 
 4. August 2025- Payments by Fuel Cards 

Recommendation:

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

EFT payments, including payroll	\$ 6,208,839.21
Cheques	\$252.15
Direct debits, including credit cards	\$ 591,183.58
 Total payments for August 2025	 \$6,800,274.94

NO QUESTIONS ASKED

7.3 INVESTMENT REPORT AS AT 31 AUGUST 2025

Attachments: 1. Investment Report as at 31 August 2025 

RECOMMENDATION:

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

NO QUESTIONS ASKED

8.2 REPORT AND MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING HELD ON 3 SEPTEMBER 2025

Attachments:

1. Minutes of the Audit and Risk Committee Meeting of 3 September 2025 
2. Attachments - Confidential - Confidential

Recommendation:

That Council:

1. RECEIVES:

- 1.1 The Minutes of the Audit and Risk Committee Meeting of 3 September 2025, at Attachment 1 and the Confidential Attachments Paper at Attachment 2;
- 1.2 The City's evaluation of the Office of the Auditor General reports on Purchasing Cards, Administration of Personal Leave, and Fraud Risks in Land Transactions; and
- 1.3 The Corporate Risk Register and Deep Dive Reviews.

2. APPROVES:

- 2.1 The proposed actions arising from the Annual Self-Assessment 2025
- 2.2 The risk management actions for the high and extreme risks; and
- 2.3 The closure of action items in the City's Audit Log, subject to Audit Action EA:2024/14 *Excessive Leave Balances* remaining open pending further assurances and trend data being provided to the Audit & Risk Committee.

3. NOTES:

- 3.1 The findings of the Annual Self-Assessment 2025;
- 3.2 The Audit and Risk Committee Forward Agenda, with the next three-year Internal Audit Plan to be moved to early 2026;
- 3.4 The Committee will receive internal audit progress updates, supported by a new tracking dashboard at each meeting;
- 3.5 Alignment of Corporate Risks to risk appetite and tolerance ratings; and
- 3.6 The status of the City's Audit Log at Attachment 1, and the subsequent actions required to support closure of outstanding items

NO QUESTIONS ASKED

5 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

6 REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil

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

Nil

12 CLOSURE

There being no further business the meeting closed at 6.41pm