



CITY OF VINCENT

AGENDA

Ordinary Council Meeting 7 October 2025

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

**David MacLennan
Chief Executive Officer**

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9. Where practicable, responses to questions will be provided at the meeting. Where the information is not available or the question cannot be answered, it will be "*taken on notice*" and a written response will be sent by the Chief Executive Officer to the person asking the question. A copy of the reply will be included in the Agenda of the next Ordinary meeting of the Council.
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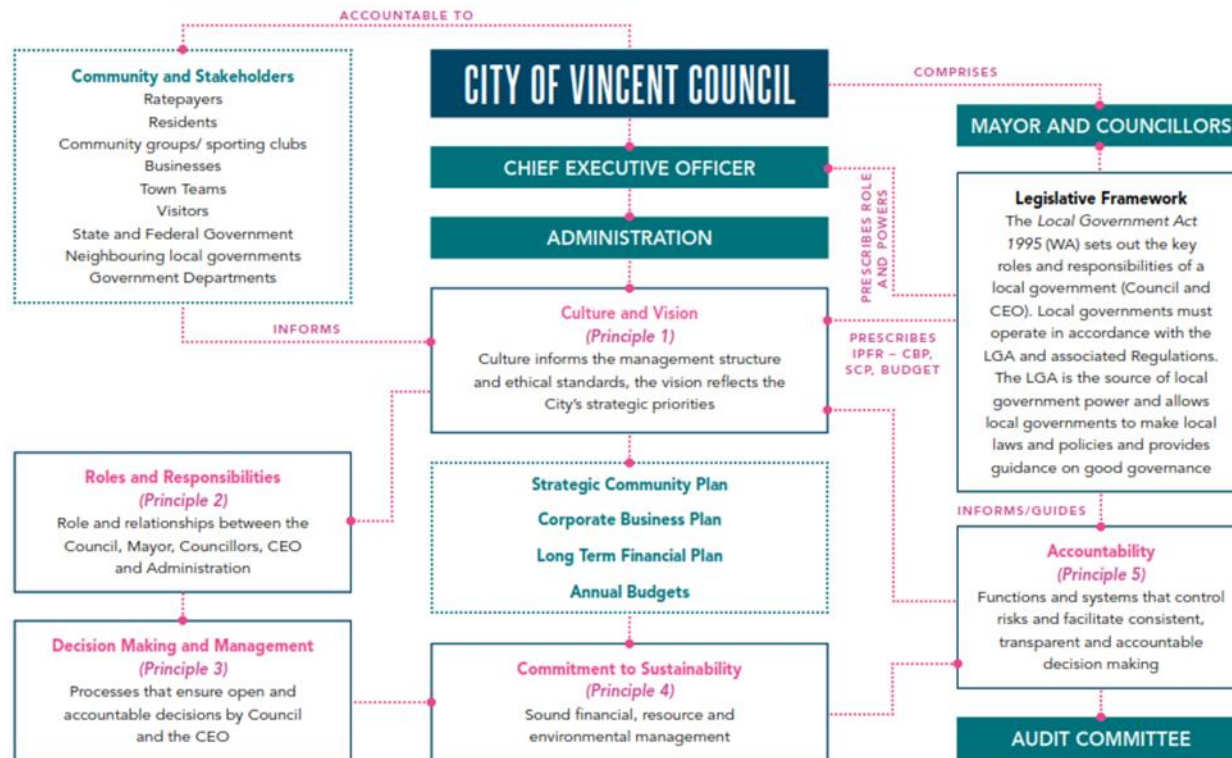
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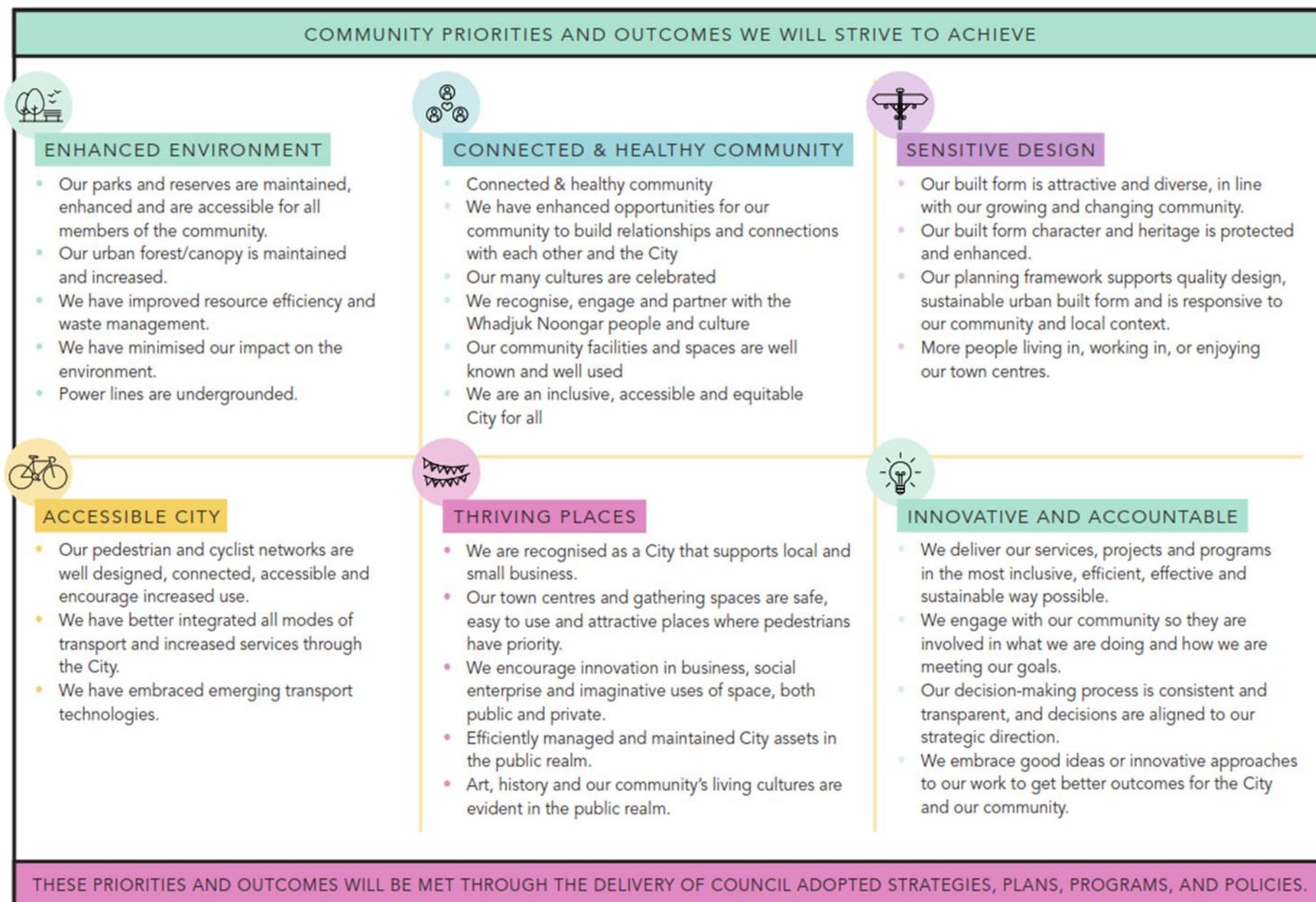
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CITY OF VINCENT GOVERNANCE FRAMEWORK 2020 OVERVIEW





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

"The City of Vincent would like to acknowledge the Traditional Owners of the land, the Whadjuk people of the Noongar nation and pay our respects to Elders past and present, acknowledging that, as a Council, the City of Vincent has a role to play in working towards reconciliation and justice for First Nations people."

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

Nil

3 **(A) PUBLIC QUESTION TIME AND RECEIVING OF PUBLIC STATEMENTS**

(B) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Glenn Christie of Mt Lawley – Item 9.2

I respectfully request that you defer Agenda Item 9.2 regarding the proposed alterations and additions to the place of worship at 42 Mary Street, Highgate, in this evening's meeting. I believe further information from the Administration and the applicant is necessary to address some concerns I have.

Questions

Community consultation

- 1.1) Was sufficient community consultation carried out in accordance with the City's Consultation policy to facilitate informed decision making?

Yes. Community consultation was correctly carried out in accordance with the City's Community and Stakeholder Engagement Policy.

This included a consultation period of 14 days with letters sent to adjoining and adjacent properties, a sign erected on-site and website notification.

- 1.2) Despite being located just 45 meters from the development, I did not receive any notification. According to the Officer's report, nine letters were sent out, with three (?) of those potentially going to properties directly or indirectly owned or associated with the development site. Does the City accept this is a fair representation of consultation with local residents?

Yes, as consultation was undertaken in accordance with the relevant statutory requirements.

Notification letters were issued to the properties identified as adjoining or adjacent to the subject site (shown in Attachment 1 of the Officer Report). Whether or not adjoining or adjacent properties are under the same ownership does not affect the requirement to notify them.

Notification letters were also complimented by an on-site sign and website notification to ensure awareness extended beyond those directly notified and to invite the broader community to provide comment.

- 1.3) A notice was placed on the rear wall of the neighbouring property advising of the development. Does the City accept that this notice may have misled residents on the exact property and buildings being developed and should have been correctly located on the development site?

No. Administration is satisfied the sign was appropriately located and clearly identified No. 43 Mary Street as the site of the proposed development, complying with consultation requirements.

The sign was affixed to the solid street fence directly adjacent to the subject site, within 1 metre of the lot boundary and facing Harold Street, ensuring it was clearly visible to passing residents and pedestrians. This is shown in images below.

The location was agreed as suitable following discussion with the applicant, who raised concerns about damaging the heritage building and noted there was no grassed area available for a ground rod.

On this basis, the City accepted placement at the end of the fence as sufficient.



Current non-compliance

- 1.4) At the Ordinary Council Meeting (OCM) on 20 November 2007 (Item 10.1.3), the applicant stated that the building was to be used as a temporary archive for a period of three to five years. Did the Council resolution in fact provide for a permanent change of use or just for three to five years; is the current usage as archives etc now non-complainant or compliant with the 2007 approval?

The current usage is compliant with the 2007 approval. The approval issued at the Ordinary Council Meeting on 20 November 2007 was granted on a permanent basis and was not limited to a temporary timeframe.

- 1.5) At the OCM on 10 March 2009 (Item 9.1.6), the City approved a temporary car park at the adjoining 197 Harold Street for a period of three years. Has the owner of this separate development site applied for an extension since this approval expired in November 2012, or therefore is the current usage as a temporary car park now non-complaint and should be rehabilitated?

No, the approval for a temporary car park at No. 197 Harold Street expired in November 2012 and has not been extended. The City will review the time-limited approval and landscaping conditions through its compliance processes, and the Development Compliance team will contact the owner if further information is required.

The matter raised relates to an adjacent site and separate approval and is not relevant to the assessment of the current application.

- 1.6) Can the City confirm that 197 Harold Street is currently zoned residential and the owner can remove and revoke the current temporary car park bays without notifying with the City?

Yes, No. 197 Harold Street is zoned Residential. The car bays on the site were approved on a temporary basis, and the owner may remove them at any time. There is no requirement for notification to or approval from the City to discontinue their use.

- 1.7) There are additional non-compliance issues with the 2009 temporary approval (see 1.9 below). The conditions imposed were for the provision of one tree per four car bays and new lawn and landscaping on the northern and eastern boundaries. Sixteen years later, these requirements have still not been met. What actions, and dates of actions, has the City undertaken since 2009 to enforce this condition and will the City act today to enforce said conditions?

The City has only recently become aware of this matter and has commenced a compliance investigation. As part of this process, the City will review the conditions of the 2009 temporary approval, including landscaping requirements, and determine the appropriate actions in accordance with the City's Compliance and Enforcement Policy.

The development.

- 1.8) The Officers report states the application is for quote ... 'Alterations and additions to Place of Worship'. Does the City acknowledge that Recommendation 1, by not referencing the 2007 use ... 'Place of Public Worship Building comprising Prayer Room, Library, Museum, Office, Archival Storage, Reception, Kitchen and Toilets with Associated Additions and Alterations', that the 2007 approval is

now no longer valid because the development is not to the Place of Worship, it's for the adjoining hall/achieves?

This development application would effectively replace the previous 2007 approval, if approved. The City has simplified the description to align with the current Local Planning Scheme No. 2, and all of the previously approved uses fall within the broader "Place of Worship" land use. The 2007 approval remains valid up until this development application (if approved) is substantially commenced.

- 1.9 The Officer's report states that the northwestern car park will be used to facilitate parking, and the development plans also make reference to using parking bays at 197 Harold Street and 40 Mary Street due to no (archive staff and visitors) bays at 42 Mary Street. Was the School Hall at 40 Mary Street development application circa Jan 2011 reviewed and considered as part of this development application as there was also a shortfall of bays granted; and why has the Officers report stated that 197 Harold Street is available parking?

Car parking is not an area for discretion as part of this application, as the development meets the deemed-to-comply standards of the City's Non-Residential Parking Policy.

This is because the current application proposes an 8m² increase in net lettable area (NLA), which does not generate any additional parking demand. Seven bays were required under the existing NLA and seven bays are required under the proposed NLA.

The 2007 development approval was not contingent on bays at adjoining properties.

The reference to parking at 197 Harold Street is based on a condition of the 2009 approval which required that the car park be directly associated with the Sacred Heart Church. It has since come to the City's attention that this approval has lapsed, and the matter will now be investigated through the City's compliance processes.

- 1.10 Why is the City allowing this development to proceed when there are outstanding issues relating to the 2007 and 2009 where the current usage and designated car parking are now non-complainant, yet stated as being part of this development? The City now not dismiss these as separate development site due to the Officers report connects all there 'sites'.

The 2007 approval for the Place of Worship and the 2009 approval for a temporary car park at No. 197 Harold Street are separate approvals and are not legally tied to one another.

The 2007 approval for the Place of Worship was supported on the basis of historic parking shortfalls on the subject site and did not rely on parking at No. 197 Harold Street.

While the 2009 approval provided additional bays on the adjoining lot to support the Church, the ongoing operation of the Place of Worship is not dependent on that parking.

As outlined above, the current proposal results in an 8m² increase in net lettable area, which does not generate any additional parking demand.

Any outstanding compliance matters at 197 Harold Street will be addressed separately and do not affect the validity or assessment of this application.

- 1.11 Has the City clearly articulated in the officer's report that the school (Lot 64 D/P 42775), the church and church hall (Lot 24 D/P 26565), and the residential lot (temporary car park) (Lot 5 D/P 672) are all independent freehold properties/development sites and not legally connected as a single (sic) site, 'precinct' or as stated on the map item 9.2 page 2 ' Sacred Heart Catholic Group'?

Yes. The primary school (Lot 64 D/P 42775), the church and church hall (subject site at Lot 24 D/P 26565), and the residential lot used as a temporary car park (Lot 5 D/P 672) are all separate freehold properties and independent development sites. They are not legally connected as a single site.

They are connected through their common heritage listing as part of the Sacred Heart Catholic Group, which is why they are shown together in the report.

- 1.12 In addition to 1.11 above, a condition of the application, Recommendation 4, is that the stormwater is collected on (sic) site. Can the City advise how this is currently collected and how will this be undertaken when the development is built to the lot boundary on three sides? Has the Officer incorrectly assumed that the stormwater can be disposed via the adjoining properties and without imposing any TLA easement conditions? If the stormwater is being discharged into the privately owned ROW, who is responsible for the approval, compliance and maintenance of the drains in the ROW?

The applicant would be required to demonstrate compliance with stormwater management requirements at the building permit stage, in accordance with the National Construction Code. This is not a matter that needs to be demonstrated at the planning stage. The City will review the stormwater design as part of the building permit assessment to ensure compliance at that time.

- 1.13 The Officers report incorrectly states the development is quote ... *'is consistent with the established character of Harold Street'*. Did the Officer not visit Harold Street and the intersection with Vincent Street (due to the visual dominance of the hall) to appreciate the residential c1906 onwards homes that are dominate in the vicinity and not dismiss our homes and the amenity of the area as just quote ... *'garages and solid school fences'*?

A site visit was conducted and a detailed assessment undertaken of how the proposed development relates to its surrounding context. The Officer's report considered both the existing hall and church as well as the residential development along Harold Street.

The reference to garages and solid school fences was not intended to dismiss nearby homes but to describe the immediate built form context directly adjoining the subject site.

The proposal was found to be consistent with the established character of Harold Street in this context, and this conclusion was reaffirmed through independent advice from the City's Design Review Panel.

- 1.14 Why is the City recommendation to support is despite the Officers later assessment in the report stating ... *'The above elements of the proposal do not meet the specified acceptable outcomes'*, allowing the building to be extended to the property boundary/footpath and not creating a passive street scape, interactive windows etc, contrary to the City's Built Form Policy and supporting the removal of four windows facing Harold Street?

The City's planning framework allows developments to be assessed either against the specified acceptable outcomes or through an objectives-based, performance pathway. In this case, the applicant has sought approval via the performance pathway, which is permitted under the Built Form Policy.

For the reasons detailed in the Officer's Report, the proposal was found to meet the relevant objectives, even though some acceptable outcomes were not strictly met. On this basis, the recommendation to support the application is consistent with the City's planning framework.

In addition, I note that a response has been provided in tonight's Agenda to questions raised by Mary Cropley of Mount Lawley ... *'The matter raised relates to an adjacent development site and a separate development approval and is not relevant to the assessment of the current application'*. I disagree. This development is dependant (car parking, stormwater, access etc) and related to, as mentioned numerous times in the Officer's report (see eg 1.9 above), 197 Harold Street and 40 Mary Street. If you now dismiss the relevance of the sperate development sites at 197 Harold Street and 40 Mary Street and the interdependencies with this development, this development may fail to meet the required planning conditions and policy/s.

As outlined above, the development has been assessed on its own merits and meets the required planning conditions and policies without reliance on adjoining sites. Matters relating to 197 Harold Street and 40 Mary Street are separate approvals and will be dealt with independently through compliance processes.

Summary

The hall is a very prominent and dominant feature in the landscape, with all three sides highly visible. To support an interactive streetscape, the development should not build right up to the front property line, as this would significantly increase the building's bulk and dominance. The current building boundary frontage is about four meters, but this would increase to about 16 meters, with 80% of the northern boundary adjacent to the footpath being a bulk wall with two tiny highlight windows and a small portico.

I am not opposed to the use of the hall for archive purposes, but I must highlight the lack of compliance by the City with past Council resolutions, the lack of (any) available parking on (sic) site, the bulk of the extension right on the footpath, which lacks visual appeal and; any conditions to retain the existing sculpture or future art et al. All of these issues appear to contradict the Council's planning policies. Therefore, I kindly request that the Council declines this development and ask the applicant to design a more interactive and passive building that aligns with the streetscape and addresses the parking concerns; and undertakes informed community consultation.

In addition, I invite the Councillors to meet with concerned local residents on site to assist you with your deliberations and an improved design and conditions.

3.2 Lesley Florey of Mt Hawthorn

Would like an update on the GHD survey data and mapping of the stormwater drainage in the City, as per the drainage technical memorandum December 2022.

1. Has data and mapping been completed?

Yes, the City maintains drainage data, which is mapped within its internal Pozi mapping system.

2. Has this been made available to residents?

Members of the community may request specific drainage information (relevant to their property) from the Pozi mapping system by contacting the City of Vincent.

3. Has the State Records office been updated and if so, when?

The City manages and maintains drainage data within its internal Pozi mapping system and does not transmit this information to the State Records Office.

4. Have any of the affected people with stormwater drains running through and under their property been advised? If so, how many and under what circumstances was this information provided?

Through ongoing maintenance works on stormwater pipes located within or beneath private properties, affected property owners have been advised of any proposed remedial works.

5. At the April 2025 meeting I formally requested information regarding the total expenditure of the small underground stormwater storage and infiltration system installed at Menzies Park. Specifically, the cost of the system itself, installation, groundworks, turf replacement and associated labour costs. I have not yet received a response; can a response now be provided?

The total cost for installing the infiltration system at Menzies Park was \$129,715.00.

Please provide the following information regarding drainage maintenance at Menzies Park:

6. What were the dates in 2025 that the Council cleaned the drains around Menzies Park?

The pits at Menzies Park were cleaned in July 2025.

7. When was the drain on Menzies Park oval next to the playground last cleaned?

8.

The pits at Menzies Park near to the playground were cleaned in July 2025.

9. For the 2024 calendar year what was the total amount paid to contactors for drain cleaning works at Menzies Park?

10.

There was \$75,194 spent on contractor services under drainage Maintenance works for the 2024-2025 financial year.

Could you also provide the following information:

11. Regarding the number of properties that have been UV lined since the works carried out on my property?

Two properties with drainage pipes have been relined since the works at Sasse Avenue.

12. If any such works have been undertaken, can you please provide the total cost for these works?

Total cost of works was \$91,000.00.

Dudley Maier of Highgate – Item 9.4

I wish to comment on Item 9.4 – Place Plan Reviews and, more generally, on the role of place planners in the city.

1. The city employs seven place planners - one co-ordinator and six planners.
2. The employee cost to the community of having these positions is **\$869,430** this financial year. This is an average of \$124,000 per position.
3. A friend of mine attended one of the community meetings concerning the future of Leederville. Their comment was *“The place planners told us of all the wonderful things they plan to do. But they’re the same things they tell us every time, but never deliver.”*
4. When the Beaufort Street Town Centre Planning Framework (BSTCPF) was advertised earlier this year, I looked at the [Community Engagement Report](#) that accompanied it. One of the questions that was asked of the participants was *“What is most important to you when you describe your ideal neighbourhood?”*. The most significant response, with a score of 4.8 out of 5, was “Public Spaces”. The next question was about how Beaufort Street and surrounding spaces were performing in relation to 9 specified elements. The lowest score, with 2.9 out of 5 was, you guessed it, “public spaces”.

As far as I’m aware the place planners have been in place at least 10 years, and the element that is considered the most important by the community, and is the whole raison d’être for place planners, ‘public spaces’, is viewed by the community as being the worst provided by the City. Surely this would have rung alarm bells with anybody who read that!

5. Beaufort Street is my local ‘town centre’. In the last decade or so that the town centre has been ‘managed’ by place planners, yet I have seen no appreciable improvement in the ambience of the strip. They did some insignificant work in ‘Lois Lane’ (by the way the locals, including the owner of Planet, objected to the name and instead put up their own sign calling it Dean’s Lane); they gave some businesses money to fix up their frontage, repainted a laneway; and that’s about it other than some of the projects that were listed in the place plans but never eventuated.
6. There was the brilliant idea to sell off the Barlee Street car park or convert it into a pocket park. It was absolutely bonkers and did not go ahead. It sounded like a bright idea somebody had, totally unaware of what really happens on the strip. The businesses hated it, the community hated it, and it should not have even seen the light of day. The fact that it was even advertised is a reflection on the council at the time.
7. Then there was the brilliant idea of blocking off Grosvenor Road. Again, an impractical proposal that the council allowed to be floated. Maybe it might have worked if the city had more creative people involved, so I won’t say it could never happen. The administration came up with a face-saving response that said it would cost between \$2.7 and 3.6 million to complete. To my knowledge they never even got back to the community to explain why it was not going ahead.
8. Then there is the Norfolk Street Safe Active Street proposal. It was an absolute fiasco. This was because it had significant flaws that had cyclists shaking their heads, and was appallingly sold to the community. One proposal to block Venn Street was strongly opposed by people in the street even though it would have probably been very beneficial for them. This was probably because mis-trust of local government, seemingly forcing an idea on the community without explaining it, just encouraged people to come up with arguments against the proposal, even if they were illogical. You have people elsewhere begging to have their street blocked, yet the city could not sell this to a street subject to heavy rat-running.

By the way, Vincent had a very progressive person working on active transport, and on the Norfolk Street precinct. He came up with, what I think is, the best video Vincent has ever produced. The video demonstrated what was done in Belmont some time ago, and presented a series of tools that might be applicable in the broader area around Norfolk Street – yes, a precinct wide approach. The video just presented alternatives and did not preach. It is only 4 and a half minutes long and can be seen at: <https://www.youtube.com/watch?v=oraG2MGI4VE>

Sadly, the employee left Vincent. While I have been told why he left, it was not directly from him, so all I will say is that it was a massive lost opportunity. It seems that somebody with positive ideas was replaced with engineers and place planners without an idea.

9. At the last meeting Council approved a place plan for Beaufort Street. One of the elements of the plan was this fantastic idea of making the median strip 1.6-2.0 metres wide to make it so much better for pedestrians. Sounds great, but will it be done, or even, can it be done. It was all very vague – how do you widen the median without either losing footpath or on-road lanes? I did question this when I put in my submission on the plan, but it was not addressed, so I asked further questions at a council meeting. The planners have agreed that the kerb-line will/can't be moved. So if you don't move the kerb-line, the only way of getting a wide median is to lose a traffic lane, remembering that there is a bus-priority lane on both sides.

The upshot, is that the place planners have come up with a warm fuzzy suggestion, supported by a pretty picture that most people would support – except it is impractical. It won't happen in the five years of this plan, but everybody thinks we are making progress.

Now to the Beaufort Street Place Plan review (Item 9.4 on the agenda) and what was completed, or was supposed to be completed this year. These are the items that still needed to be completed in the 2024/25 year, or had some activity.

1. Item 1.1 is about installing a fast-charging service in the area. It was completed in 2024-25 but was supposed to be completed in 2022/23 – two years late!
2. Item 1.3 is about engaging businesses on moving to solar. The outcome is something that is supposed to happen in 2025/26 as part of the Climate Action Transition Plan which hasn't been developed yet and is due for development this financial year. So it is delayed.
3. Item 2.1 concerning the bike plan was scheduled for 2022/23. There is reference to the failed Norfolk Street plan then makes reference to investigating improvements on Beaufort Street in the next 5 years. So, let's take that as nothing done in 2024/25 other than plan to do something in the next 5 years.
4. Item 2.2 is about undertaking a streetscape audit. That was scheduled for the four year period 2021/22 to 2024/25. The actual outcome was the BSTCPF with an item to develop streetscape guidelines in the next two years. So again, nothing tangible.
5. Item 2.4 is about advocating to Main Roads for a 40kph limit on Beaufort. Unsurprisingly this item had a four-year time frame (2021/22 to 2024/25) and has not been delivered – well, they are still advocating it. So what is it, a couple of letters over a four-year period with no tangible result?
6. Item 2.5 is about streetscape improvements between Harold and Mary. It was supposed to be finished by 2023/24 but was carried over to allow negotiation with the owners of The Beaufort. It is now proposed that it be part of the BSTCPF. So again, nothing delivered.
7. Item 2.6 is about wayfinding and was supposed to be completed by 2024/25. I expect there will be a bit of a community outcry when this is finally implemented (perhaps in 2025/26) and they see where ratepayers money has been spent – watch this space.
8. Item 3.1 is about giving money to the local Town Team. So how much work was involved in dishing out \$10,000 to a local group, and did the community get anywhere near \$10,000 in value – remembering that isn't for project grants, just admin.
9. Item 4.1 is about a lighting plan that was supposed to be completed in 2023/24. Yup, it's been kicked down the road to the BSTCPF.
10. Item 5.1 was about developing a Streetscape Palette. It was supposed to be developed in 2022/23 but now will be actioned in 2025/26.
11. Item 6.1 is about working collaboratively with the City of Stirling, and the big achievement of 2024/25 was to send Stirling notice of the BSTCPF – that's it, working collaboratively is sending them a formal notice. What's worse, Stirling did not even respond!

12. Item 6.2 is about improving the median lighting. This was supposed to be completed in 2023/24 and has been kicked down the road to the BSTCPF.
13. Item 6.3 is about repairing the medians. This was supposed to be done in 2022/23 and has been put off until 2026/27 under the BSTCPF.

That's it. You have a four-year plan with very few tangible deliveries, and the bit that was delivered was mostly done before the 2024/25 year!

Looking at the next plan there are so many 'to be investigated' items. This really sounds like the main activity is to keep somebody employed rather than delivering actual changes. This is not to single-out the Beaufort place planner, I am sure the same applies elsewhere. Who can forget 'the Globe' or the Leederville artwork, both of which were botched, have run over-time and over-budget, and had/have to be installed in alternate locations?

Council should not be accepting promises of so much, with so little delivered. Council really needs to step in and ask if the community is getting anywhere near \$870,000 of benefit from having so many place planners. Council should move to appoint external experts to review the whole concept/implementation of place planners and see if there is a better way of getting more cost effective outcomes for the community.

As an aside, the two most visible/successful elements of the placemaking activities in the city over the last few years, the development of parklets and the encouragement of public murals, were initiatives that came from the council, not the administration. In fact, the administration of the time did not support either, and council had to push for them.

4 APPLICATIONS FOR LEAVE OF ABSENCE

5 THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

6 CONFIRMATION OF MINUTES

Ordinary Meeting - 9 September 2025



7 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

8 DECLARATIONS OF INTEREST

9 STRATEGY & DEVELOPMENT

9.1 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 approved acoustic report (Herring Storer Acoustics, dated 11 August 2025), to the satisfaction of the City.

EXECUTIVE SUMMARY:

The purpose of this report is to consider an application for development approval to extend the operating hours of an existing Restaurant/Café and Small Bar at No. 500 Fitzgerald Street, North Perth (the subject site), following an invitation from the State Administrative Tribunal (SAT).

The proposal seeks approval to extend the approved closing time from 5:00pm to 9:00pm on Thursday, Friday and Saturday evenings. In addition, the applicant seeks approval to operate until 9:00pm on up to six other evenings per calendar year (Sunday to Wednesday), to allow for one-off occasions such as public holidays or similar events. No changes are proposed to the approved land use, patron numbers (maximum of 32), or the physical layout of the premises. The amendment relates only to trading hours.

The subject site is located on the corner of Fitzgerald Street and Venn Street and contains a mixed-use development which includes one commercial tenancy, 19 multiple dwellings and associated car parking.

The subject site is zoned Residential R60–R100 and Residential R40 under the City's Local Planning Scheme No. 2 (LPS2) and is located within the Transit Corridor and Residential Built Form Areas under the City's Policy No. 7.1.1 – Built Form (Built Form Policy).

The tenancy sits directly beneath and adjoining multiple dwellings, with the broader area characterised primarily by residential development.

In considering the acceptability of the additional evening operating hours, the City is to have regard to the objectives of the Residential zone of LPS2 and the objectives of Policy No. 7.5.21 Sound Attenuation (Sound Attenuation Policy) and Policy No. 7.5.7 Licensed Premises Policy (Licensed Premises Policy).

At its Ordinary Meeting on 13 May 2025, Council resolved to refuse the application, consistent with Administration's recommendation, on the basis that extended operating hours would be incompatible with the residential context and adversely impact local amenity and character. Key reasons for refusal included:

- The inability to adequately mitigate the anticipated increase in noise from extended operating hours.
- The noise levels not being compatible with the surrounding residential context.

The landowner subsequently applied to the SAT for a review of Council's decision. Following mediation on 17 July 2025, Council has been invited under Section 31 of the *State Administrative Tribunal Act 2004* (SAT Act) to reconsider its decision based on additional information submitted by the applicant, including:

- A revised Acoustic Report prepared by a qualified acoustic consultant;
- A Venue Management Plan (VMP); and
- A revised Seating Plan.

The areas of discretion under the planning framework specifically relate to the suitability of the proposed extended operating hours for the approved land use. The amended proposal responds to Council's concerns by demonstrating that the overall operational measures would ensure the use could be appropriately managed to operate compatibly with its residential context and without adverse amenity impacts during the evening period.

The Acoustic Report demonstrates the proposed evening operation would comply with the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations). The VMP and Seating Plan introduce enforceable controls that provide certainty the use could be managed in a way that protects the amenity of surrounding residential properties.

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

PROPOSAL:

The application proposes to amend the existing development approval for a Restaurant/Café and Small Bar at No. 500 Fitzgerald Street, North Perth, as shown on the location plan included as **Attachment 1**.

A Restaurant/Café has operated at the subject site since August 2022 in accordance with the development application approved by Development Assessment Panel on 11 July 2018. The approval notice and plans are included as **Attachment 7**.

The subject site amended its operations and has functioned as a Restaurant/Café and Small Bar since December 2023 in accordance with an amended development application approved by Council on [12 December 2023](#).

The premises currently operates as a café and restaurant during the morning and lunch periods, offering coffee and meals. From the afternoon onwards, the business transitions to a Small Bar, serving both food and alcoholic beverages, including alcohol without a meal. The business holds a Small Bar liquor license that permits the service of alcohol throughout its currently approved operating hours.

This development application seeks to amend the previous approval to allow for extended evening operating hours.

Existing Approval – Operating Hours

The use currently operates in accordance with Condition 2.3 of the existing approval, as follows:

2.3. The Restaurant/Café and Small Bar shall be limited to the following hours of operation:

- *Monday to Sunday: 7:00am to 5:00pm; and*
- *All deliveries shall be limited to 7:00am to 2:00pm, Monday to Friday.*

Proposed Amendments – Operating Hours

The application seeks to amend Condition 2.3 to permit extended trading hours as follows:

- Sunday to Wednesday: 7:00am – 5:00pm;
- Thursday to Saturday: 7:00am – 9:00pm; and
- Special Events Trading: Up to six (6) extra 'special event' evenings per calendar year.

For Thursdays, Fridays and Saturdays, the proposed change introduces an additional four hours per evening operation. The applicant seeks this change to enable the venue to attract patrons during the dinner period.

Additional Evening Operations (Sunday-Wednesday)

Approval is also sought for up to six (6) additional evenings of operation per calendar year, allowing the premises to trade until 9:00pm on days outside the standard Thursday to Saturday evening period.

This flexibility is intended to accommodate occasions such as public holidays that fall earlier in the week (for example, Christmas Eve or New Year's Eve when these days fall on a Sunday to Wednesday).

These additional evenings would be pre-scheduled and would operate in the same manner as standard evening trading, with no changes to approved patron numbers, seating arrangements, noise restrictions, or other operational requirements.

Amended Management Measures

The amended proposal incorporates additional information provided in response to Council's refusal. The applicant has submitted an amended Seating Plan, Applicant Letter, Acoustic Assessment and Venue Management Plan (VMP), which are included as **Attachments 2 to 5**.

The amended Seating Plan, amended Acoustic Assessment and new VMP outline a range of measures to manage potential impacts associated with the use. A summary of the new measures detailed within the amended Seating Plan, Acoustic Assessment and VMP are provided below:

| Input/Report | Management Measures |
|---------------------|---|
| Seating Plan | <ul style="list-style-type: none"> Outdoor seating within the alfresco to the Venn Street frontage has been adjusted to position tables flush against the venue wall and windows as a noise mitigation measure. The revised seating plan results in the following seating arrangement: <ul style="list-style-type: none"> The alfresco area accommodates seven tables (six configured for two patrons and one table configured for four patrons), providing a total outdoor seating capacity of 16 patrons. Internal seating includes a mix of low tables and bench seating. The amended Seating Plan identifies the location of two sound system speakers, both located inside the venue. No outdoor speakers are proposed. |
| Acoustic Assessment | <ul style="list-style-type: none"> Internal areas to be limited to ambient music only when bifolds are open. Speakers are set at less than 70 decibel (dB) when the doors are open. Music noise levels internally, with bifolds/doors closed, are to be limited to 96 dB. No speakers to be located externally. Patrons to be seated in accordance with the seating plan only. |
| VMP | <ul style="list-style-type: none"> All customers are to be seated at a table. If all tables are occupied, there is no waiting area and the customers would be requested to return later or on another occasion. Customers are advised to park legally and to consider alternative modes of transport to reduce traffic congestion and preserve the local amenity of the area. This would be achieved through the ongoing education of repeat customers, with the intent of influencing a positive change in behaviour over time. Internal signage would be installed within the venue to reinforce these expectations and provide consistent reminders, including: <ul style="list-style-type: none"> To encourage public transport, cycling, or taxis and ride sharing options; Requesting onsite parking bays are utilised as available; On-street parking is done in accordance with the parking restrictions; and Encourage patrons to be quiet and respectful outside of the venue. No live music would be played at the venue (inside or outside). Background music is played through an installed internal sound system in adherence to all of the requirements of the approved Acoustic Assessment. There are to be two internal speakers with music noise levels to be limited to 96 dB. Internal areas are to be limited to ambient music when the bifolds are open at 70 dB. Staff members are to place the 5 bins on the verge area on Venn Street every Wednesday at 5pm and collect the empty bins every Thursday at 8:00am. Any glass bottles are recycled at the end of the usual day shift (3:00pm). This is to occur no later than 5:00pm. |

Delegation to Determine Applications:

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

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

This is also because the delegation does not extend to applications that seek to amend a development approval previously determined by Council, unless the application meets the deemed-to-comply standards and does not change the impact of any the conditions of approval imposed.

The original change of use application for the premises was determined by Council. The current application seeks to amend that development approval, specifically Condition 2.3 relating to the hours of operation, which would result in a material change to the effect of the conditions of approval set by Council.

The delegation also does not extend to applications that receive more than five objections during community consultation. The application received a total of 14 objections during community consultation.

BACKGROUND:

| | |
|-----------------------------|--|
| Landowner: | A D'Alonzo and F D'Alonzo |
| Applicant: | La Mortazza Pty Ltd represented by Altus Town Planning |
| Client: | La Mortazza Pty Ltd |
| Date of Application: | 13 January 2025 |
| Zoning: | MRS: Urban LPS2: Zone: Residential R Code: R40 and R60-R100 |
| Built Form Area: | Transit Corridor and Residential |
| Existing Land Use: | Restaurant/Café and Small Bar |
| Proposed Use Class: | Restaurant/Café and Small Bar |
| Lot Area: | 2,069 square metres |
| Right of Way (ROW): | No |
| Heritage List: | No |

Site Context and Zoning

The subject site is located at the corner of Fitzgerald Street and Venn Street, with residential developments to the south and east. A location plan is included as **Attachment 1**. The site comprises both Residential R60-R100 and Residential R40 zoned land under LPS2 and is situated within the Transit Corridor and Residential Built Form Areas respectively, with building height standards ranging from two to four storeys.

The premises occupies the ground floor of a mixed-use development and is the only commercial operation on site. It includes indoor and outdoor seating areas and landscaped frontages. The outdoor alfresco dining area measures approximately 52 square metres and is positioned at the corner of Fitzgerald Street and Venn Street, directly fronting both street frontages.

Further details on the site's layout, zoning, and built form context are outlined in the report presented to Council at its [13 May 2025](#) Ordinary Council Meeting.

Surrounding Context & Character

A detailed analysis on the surrounding context and character is provided in the report presented to Council at its [13 May 2025](#) Ordinary Council Meeting and is summarised as follows:

- The subject site is approximately 200 metres north of the North Perth District Centre.
- The area includes medium-density residential development and some intermittent commercial uses along Fitzgerald Street.
- Venn Street is characterised by low-medium residential development include single houses and grouped dwellings.
- The site is adjacent to Fitzgerald Street, a District Distributor Road with high-frequency bus services and peak-hour clearway restrictions.
- Traffic data indicates moderate volumes along Venn Street and higher volumes along Fitzgerald Street, with a noticeable reduction during evening peak periods.
- The tenancy is separated from surrounding residential properties by landscaping, driveways, and fencing, with distances generally ranging between 26 and 35 metres.
 - Dwellings to the north are located approximately 26–28 metres from the site, separated by Venn Street.
 - Dwellings to the west are a minimum of 30 metres away, separated by Fitzgerald Street.
 - Existing alfresco blinds are installed along the full length of the Fitzgerald Street frontage and partially along the Venn Street interface, providing additional screening.
- The area remains residential in character during the evening, with no nearby businesses operating past 5:00pm. Evening commercial activity is concentrated within the North Perth Town Centre, beyond 200 metres from the site.

Refused Proposal

The site has been subject to multiple development approvals. A detailed record of the previous development approvals are provided in the agenda for the Ordinary Council Meeting held on [13 May 2025](#).

The most recent decision by Council was at the Ordinary Meeting held on 13 May 2025. Council resolved to refuse an application to amend a development approval to extend the operating hours for an existing Restaurant/Cafe and Small Bar.

The application proposed to vary the approved hours of 7:00am – 5:00pm, Monday to Sunday, to the following:

- Sunday to Wednesday: 7:00am – 5:00pm; and
- Thursday to Saturday: 7:00am – 9:00pm.

The application was refused for the following reasons:

1. *Pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, the objectives of the Residential zone of the City of Vincent's Local Planning Scheme No. 2, and the objectives of the City of Vincent Policy No. 7.5.21 – Sound Attenuation, the proposal to operate the Restaurant/Café and Small Bar land uses between 5:00pm and 9:00pm from Thursday to Sunday is incompatible with its setting and would have an adverse impact on the amenity and character of the locality, for the following reasons:*

- 1.1 *Pursuant to Clauses 67(g), (m) and (n) in Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, the proposed operation would result in undue amenity impacts on surrounding residential properties due to the anticipated increase in noise and the inability to adequately mitigate these impacts during the evening period; and*
- 1.2 *Pursuant to the objectives of the Residential Zone of the City of Vincent's Local Planning Scheme No. 2 and Policy No. 7.5.21 – Sound Attenuation, the proposal is not compatible with, nor complementary to, the surrounding residential context. Having regard to the subject sites immediate setting, which comprises residential development, the proposal would introduce activity and noise levels that would provide undue impacts to residential properties.*

Documents from the 13 May 2025 Ordinary Council Meeting could be found here; [Agenda](#) and [Minutes](#). **Attachment 6** includes a copy of the Council Meeting minutes and refused plans.

SAT Appeal & Process

The State Administrative Tribunal (SAT) is the primary place for the review of decisions made by Government Officials and industry boards and is also where a wide variety of original decisions are made.

For planning matters, if an applicant wishes to review a decision made by the City, they could apply to the SAT for appeal.

| Date | Action |
|--------------|---|
| 10 June 2025 | Landowner lodged an application with the SAT seeking a review of Council's decision. |
| 25 June 2025 | Directions hearing vacated. Mediation scheduled for 17 July 2025. |
| 17 July 2025 | Mediation session held. Mediation provides an opportunity to resolve disputes and explore constructive solutions. The City's officers and Mayor Xamon attended. The SAT invited the City to reconsider its decision under Section 31 of the SAT Act, following the applicant's agreement to submit further information addressing the refusal reasons. |

The key modifications made to the proposal are summarised in the Proposal section of this report. This included the provision of a revised Acoustic Report and Seating Plan, as well as the provision of a VMP.

In reconsidering its decision, Council may:

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

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

If Council reaffirms its refusal, then a directions hearing that is scheduled for 24 October 2025 may result in the matter proceeding to a SAT final hearing. This would result in the SAT determining the application in the absence of a mediated outcome.

DETAILS:

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of LPS2, the City's Non-Residential Development Parking Policy, the City's Licensed Premises Policy and the City's Sound Attenuation Policy.

| Planning Element | Use Permissibility/ Deemed-to-Comply/ Acceptable Outcomes (or equivalent) | Previously Approved | Requires the Discretion of Council |
|--------------------------------|--|------------------------|--|
| Land Use | | ✓ | |
| Non-Residential Parking Policy | ✓ | | |
| Licensed Premises Policy | ✓ | | |
| Sound Attenuation Policy | ✓ | | |

The application satisfies all deemed-to-comply and acceptable outcomes (or equivalent) standards in the City's policy framework.

Council's consideration is therefore limited to whether the proposed intensification of the use is acceptable, specifically the extension of operating hours until 9:00pm on Thursdays to Saturdays and the inclusion of six Special Event Trading days per year. This must be assessed against the objectives of the Residential zones and the relevant matters set out in Clause 67 of the Deemed Provisions.

Local Planning Scheme No. 2

In considering the appropriateness of the change in operating hours, Council is to have due regard to the objectives of the Residential zone, which are as follows:

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

The residential zone objectives are one matter that Council is to give due regard to in the consideration of this application under the Planning Regulations. This along with other relevant matters are set out below.

Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions)

In accordance with [Clause 67\(2\)](#) of the Deemed Provisions and in determining a development application, Council is to have due regard to a range of matters to the extent that these are relevant to the development application.

Administration's response to each matter requiring consideration is listed in the table contained in **Attachment 10**.

CONSULTATION/ADVERTISING:Refused Proposal

The original application, which was ultimately refused by Council, was advertised on three separate occasions. A detailed account of the previous community consultation is provided in the report presented to Council at its [13 May 2025](#) Ordinary Council Meeting and is summarised as follows:

- 25 October – 7 November 2024: A 14-day consultation period was undertaken in accordance with the Deemed Provisions.
- 9 January – 22 January 2025: A second 14-day consultation was undertaken following an administrative oversight, as initial letters had not been sent to apartment occupants within the subject site.
- 4 March – 11 March 2025: A further seven-day consultation was undertaken to address the proposed extension of evening trading hours.

Across the three consultation periods, 21 submissions were received: seven in support and 14 in objection. Where submitters lodged multiple responses across different periods, only one submission has been counted towards the total.

The key concerns related to noise, traffic, safety, car parking, and the venue's ongoing compliance with approved operating conditions and its impact on residential amenity.

The key comments of support related to the proposal's compatibility with the residential area, its contribution to local amenity, and its low-scale nature being suited to the neighbourhood.

Amended Proposal

Following SAT mediation, additional information was received on 1 and 11 August 2025. This information is included as **Attachments 2 to 5**.

The amended proposal and additional information were advertised as per the City's Community and Stakeholder Engagement Policy for seven days from 12 to 18 August 2025. The method of consultation included a notice on the City's website and email notification was sent to all previous submitters.

The City received four submissions, all objecting to the proposal. The key concerns raised are summarised as follows:

- The proposed extension of evening trading hours is considered inconsistent with the surrounding residential character.
- The premises has previously been observed not to adhere to approved conditions, including restrictions on operating hours, patron numbers, and the use of live music.
- Potential noise impacts from patrons, vehicle movements and waste removal during evening hours.
- Insufficient onsite parking, with concerns about patrons and delivery drivers parking illegally on verges.

The number of submissions received during the consultation period is not, in itself, a relevant planning consideration. The decision-maker is instead required to focus on the substance of the matters raised.

A summary of submissions received during the August 2025 consultation period, along with the applicant's response to the submissions received is provided in **Attachment 8**.

A summary with Administration's response to all submissions received across all consultation periods is provided in **Attachment 9**.

Design Review Panel (DRP):

Referred to DRP: No

The proposal was not referred to the DRP. This is because the application does not propose any modifications to the existing built form and does not meet the requirements for referral outlined in the DRP [terms of reference](#).

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions);
- *Environmental Protection (Noise) Regulations 1997*;
- City of Vincent Local Planning Scheme No. 2;
- Community and Stakeholder Engagement Policy;
- Policy No. 7.5.7 – Licensed Premises;
- Policy No. 7.5.21 – Sound Attenuation; and
- Policy No. 7.7.1 – Non-Residential Development Parking.

Planning and Development Act 2005

In accordance with Schedule 2, Clause 76(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Part 14 of the *Planning and Development Act 2005*, the applicant has applied to the SAT for a review of Council's decision to refuse the development application at its 13 May 2025 meeting.

RISK MANAGEMENT IMPLICATIONS:

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

Concerns regarding the potential risks associated with traffic and intersection management were raised over the course of the community consultation for the proposal. This would be addressed separately through a North Perth traffic study, which would provide recommendations for potential road safety measures on Venn Street and Fitzgerald Street. Administration estimates that the Study will be completed by the end of 2025. Engagement is anticipated to commence early 2026 with the study to be refined and presented to Council in mid-2026.

STRATEGIC IMPLICATIONS:

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

Innovative and Accountable

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

SUSTAINABILITY IMPLICATIONS:

This application does not contribute to any environmental sustainability outcomes. There is limited ability for the development to influence the environmental impact of the building on the site through this application. This is because it relates to a change of operation hours for an existing land use.

PUBLIC HEALTH IMPLICATIONS:

There are no public health implications from this application.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:**Summary Assessment**

The application has been assessed against the City's planning framework and approval is recommended for the following key reasons:

- The additional information provided by the applicant, including the revised Acoustic Assessment, VMP and Seating Plan, demonstrates that the use could be appropriately managed to operate compatibly within the surrounding residential context and without undue amenity impacts on adjoining properties.
- The proposed management measures introduce enforceable controls that support a predictable operating environment consistent with a 'Restaurant/Café' classification. Tangible strategies addressing noise, parking, and waste collection provide greater certainty of outcomes, reducing reliance on patron behaviour. Updated signage and internal messaging will reinforce appropriate parking practices and support the ongoing education of returning customers, particularly during extended operating hours.
- The proposal is consistent with the objectives of the Residential Zone, which seek to accommodate non-residential uses that are compatible with and complementary to surrounding residential development, and which enhance the amenity and character of the neighbourhood. The revised Acoustic Assessment confirms that predicted evening noise levels would remain lower than existing traffic noise from Fitzgerald Street and within the assigned limits, ensuring residential amenity is protected.
- Taken together, the acoustic margins of compliance and operational safeguards provide confidence that the extended evening hours would not result in unreasonable impacts and are consistent with the intent of both the Residential Zone and the City's Sound Attenuation Policy.
- The proposal includes up to six additional evenings per year, permitting trading until 9:00pm outside the standard Thursday–Saturday period. The revised Acoustic Assessment confirms that these additional evenings would comply with the assigned evening noise levels at the nearest sensitive receivers. Operations would remain subject to the same management controls as standard evening trading, with the operator required to provide prior written notification to the City and to adjoining and adjacent properties.

Consideration of Additional Information Against Council's Reasons for Refusal

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

Reason 1.1 relates to the anticipated increase in noise generated by the proposed extension of operation hours. This refers specifically to the inability to adequately mitigate these impacts, which would result in an undue effect on the amenity of surrounding residential properties, inconsistent with Clause 67(g), (m), and (n) of the Deemed Provisions.

Reason 1.2 relates to the incompatibility of the proposal with the surrounding residential context. This refers to the introduction of activity and noise levels that are not complementary to the residential setting, inconsistent with the objectives of the Residential zone and the City's Sound Attenuation Policy.

Applicant Information

To demonstrate that the proposed amended operating hours could meet the objectives of the Residential Zone, the applicant has submitted a revised Acoustic Assessment, VMP and Seating Plan (refer to **Attachments 2-5**). These documents set out management measures to ensure the premises could operate compatibly within the surrounding residential context.

The revised Acoustic Assessment, prepared by a qualified acoustic consultant, confirms that the proposal would comply with the relevant assigned noise levels under the *Environmental Protection (Noise) Regulations 1997*. This revised Acoustic Assessment was prepared to address deficiencies in the earlier report, particularly in relation to the methodology used to determine the applicable land use classification for noise modelling.

The revised Acoustic Assessment focuses on noise emissions from the operation of the premises, particularly alfresco patron noise, and concludes that the anticipated levels are more consistent with those of a Restaurant/Café than a typical Small Bar. This reflects the operational model set out in the VMP and Seating Plan, including:

- All patrons being seated at tables rather than standing or gathering at a central bar.
- A Seating Plan with no provision for a standing bar service area.
- No provision for live music or amplified entertainment, with only ambient background music permitted.
- An operational model where food service forms a core component of the offering, rather than the primary focus being alcohol service.

These features distinguish the premises from a conventional Small Bar and support the application of the 'Restaurant/Café' noise modelling standards within the revised assessment.

The assessment was undertaken in accordance with the Association of Australasian Acoustical Consultants guidelines for licensed premises. Patron noise was modelled conservatively at 53 dB (casual vocal effort, one person talking per table), consistent with the site's approved maximum patron capacity. This replaced the earlier approach of modelling one person per square metre (approximately 108 persons).

The revised assessment identifies the following key points:

- The alfresco areas would be limited to ambient music only with no significant levels of low frequency noise.
- External noise sources are limited to patron activity only, with no contribution from amplified music. The operator has confirmed this arrangement.
- Noise modelling considered scenarios with bifold doors both open and closed.

The revised assessment concludes that predicted noise levels would remain below the relevant assigned levels for residential receivers during the evening period (maximum permitted 49 dB), with modelling results of:

- Bifold doors closed: estimated 37 dB;
- Bifold doors open: estimated 40 dB.

The predicted levels are approximately 9 dB lower than the maximum permitted evening level, demonstrating a comfortable margin of compliance with the Noise Regulations.

Administration Comments

The amended proposal addresses Reasons 1.1 and 1.2. The proposed extension of operating hours would be consistent with the [objectives](#) of the Residential zone under LPS2, the [objectives](#) of City's Sound Attenuation Policy, and the matters requiring consideration under Clause 67 of the Deemed Provisions for the following reasons:

- **Consistency with Sound Attenuation Policy:** The City's Sound Attenuation Policy seeks to minimise adverse noise impacts to ensure the sustainable co-existence of a mix of land uses. In this context, Administration has reviewed the revised Acoustic Assessment and is satisfied with the methodology adopted, the tangible measures proposed, and the overall outcomes of the report.

The revised approach of the Acoustic Assessment moves away from reliance on patron behaviour and instead secures noise management through clear, measurable controls such as seated-only dining, no live music, limited internal speakers, and the physical layout of the premises.

The assessment demonstrates compliance with the Noise Regulations, with predicted evening noise levels at least 9 dB below the permitted limit at the closest residence. All other surrounding dwellings are also compliant, with predicted levels up to 18 dB below the assigned limit. This margin, combined with the operational safeguards, ensures the proposal would not generate unreasonable noise or adversely affect the amenity of nearby residents.

Under the Noise Regulations, evening noise limits are the same from Monday to Saturday, with stricter limits only on Sundays. The proposed hours fall within this framework and are demonstrated to comply.

- **Management Measures:** The revised VMP and accompanying revised Seating Plan introduce enforceable measures and controls that establish a more predictable operating environment for the premises. These measures provide greater certainty of outcomes by focusing on tangible strategies to mitigate off-site amenity impacts, rather than reliance on patron behaviour. These are detailed earlier in the report but include noise controls consistent with recommendations of the Acoustic Assessment, parking management, and daytime waste collection. To secure these outcomes, Administration recommends a condition of approval requiring the premises to operate in accordance with the revised VMP and Seating Plan.

Administration acknowledges past compliance concerns. These cannot be the determining factor in assessing the current application and any potential future non-compliance would be addressed through

the City's compliance processes. The recommended conditions requiring adherence to the revised VMP, Seating Plan and Acoustic Report provide clear and enforceable standards to allow effective monitoring and enforcement.

- Relationship with Surrounding Development & Amenity Impact: The objectives of the Residential Zone seek to accommodate non-residential uses where they are compatible with, and complementary to, surrounding residential development, and where they enhance the amenity and character of the neighbourhood. In this case, the site context, together with the revised operational model, provides confidence that the extended operating hours could be managed to achieve these objectives, whereby the evening operations remain complementary to the surrounding residential development.

The updated VMP, Seating Plan and Acoustic Assessment introduce tangible, enforceable measures that give greater certainty over how the premises would operate during the extended hours. These measures demonstrate that the use would remain consistent with the expectations of a Restaurant/Café and respond directly to previous amenity concerns. The proposal would therefore maintain compatibility with surrounding residential development and avoid adverse amenity impacts, as outlined below:

- Proximity to Traffic Noise: Ambient noise from Fitzgerald Street already exceeds the assigned evening limit, measured at 56 dB approximately 50 metres from the street. By comparison, predicted noise levels from the premises to surrounding properties range between 31 dB and 40 dB, which is 7–16 dB lower than the existing traffic noise. This demonstrates that the extended operating hours would not introduce a new or distinct noise source, as traffic noise remains the dominant environmental condition during the evening.
- Site Separation: The premises is buffered from surrounding dwellings by front fences, landscaping, and mature street trees along Fitzgerald and Venn Streets. While this separation was previously considered insufficient to manage noise impacts, the updated Acoustic Assessment demonstrates that predicted levels now comply with the assigned evening limits. This improvement is attributed both to the corrected methodology applied in the revised assessment and to the operational changes introduced through the updated Venue Management Plan (VMP) and Seating Plan. The earlier assessment overstated potential patron noise due to inaccurate modelling assumptions. With these matters addressed, and in combination with the existing physical separation and the nature of the use, the proposal is considered adequate to mitigate undue impacts on surrounding residential properties.
- Non-Residential Uses in the Residential Zone: Evening trading is typically associated with Commercial or Mixed-Use zones. In this instance the small scale of the premises (limited to a maximum of 32 patrons), its location adjacent to Fitzgerald Street, and the introduction of enforceable management controls provide confidence that the use could operate without undermining residential amenity. These circumstances demonstrate that evening trading at this site is capable of being complementary to surrounding residential development and represents a compatible outcome within the Residential Zone.
- Consistency with Licensed Premises Policy: The applicant proposes to operate the small bar component of the premises until 9:00pm to cater for patrons during the dinner period. This is consistent with the City's *Licensed Premises Policy*, which allows Small Bars in Residential zones to operate until 10:00pm. The Policy also does not restrict operating hours for Restaurant/Café uses, meaning the proposal sits comfortably within the established policy framework.
- Provision of Car Parking: The application does not propose changes to the car parking provision, which was previously approved and complies with the City's Non-Residential Development Parking Policy. Updated external and internal signage would direct patrons to use onsite bays and alternative transport options, supporting ongoing education for returning customers and helping to mitigate on-street parking impacts during the additional operating hours.

The City's Rangers have maintained regular patrols of Venn Street and report issuing an average of 1–2 infringements per month in 2025, a slight reduction from the 2024 average of 2 per month. This trend indicates a gradual improvement in parking behaviour. Ongoing Ranger monitoring and enforcement will support this progress and ensure that parking impacts remain manageable.

- Additional Evening Operations (Sunday to Wednesday): The proposal includes provision for up to six additional evenings of operation per calendar year, allowing the premises to trade until 9:00pm on days outside the standard Thursday to Saturday evening period. This flexibility is intended to cover public

holidays and celebratory occasions such as Christmas, New Year's Eve, Easter and other cultural events that may fall on a Sunday to Wednesday.

The City's Licensed Premises Policy provides guidance on appropriate operating hours for Small Bars within Residential zones, allowing operation until 10:00pm on any day of the week, including Monday to Wednesday. The proposed 9:00pm closing time for the additional evenings is consistent with this policy guidance and does not require the exercise of discretion under the Licensed Premises Policy.













The revised Acoustic Assessment confirms that predicted noise levels during these evenings would comply with the assigned limit of 49 dB under the Noise Regulations. This limit applies consistently across all evenings from Monday to Saturday, and until 10:00pm on Sundays, after which stricter night-time levels apply. The highest anticipated noise level remains comfortably within the applicable evening limit, including on Sundays and Public Holidays.

Operations during Special Event Evenings would be consistent with standard evening trading, with no increase in patron numbers, alterations to seating arrangements, or changes to noise controls. The approved management measures will continue to apply, providing a consistent framework to ensure the use is appropriately managed in line with the established operating model.

To provide oversight and assurance, Administration recommends a condition of approval limiting additional evening operations to six per calendar year between Sunday and Wednesday, with written notification to the City at least five business days in advance for each occasion.

9.2 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.

EXECUTIVE SUMMARY:

The purpose of this report is to consider an application for a Change of Use from Office and Warehouse to Industry – Light and Trade Display at 5-11 Howlett Street, North Perth (the subject site).

The subject site is zoned Commercial under the City's Local Planning Scheme No. 2 (LPS2). The site presents as a two-storey commercial building to Howlett Street.

The application proposes to use the existing commercial building for a small-scale manufacturing operation producing handmade bathroom baths and basins. The proposal also includes a showroom component to display the finished products, with incidental office spaces and staff amenities.

The proposed Industry – Light would operate between 7:00am to 3:00pm, Monday to Friday with a maximum of 10 staff. The Trade – Display (showroom) would operate from 10:00am – 2:00pm with a maximum of three customers being on the site at any one time. To allow for this to occur, the application proposes 12 car parking bays, utilising the existing car parking space to the east of the subject site.

There are no external works proposed as part of this application, with all work being contained internally for the purpose of converting the building to become suitable for manufacturing operations.

The key areas of discretion being sought under the planning framework relate to the land use acceptability, and the provision of car and bicycle parking spaces.

The applicant has provided an Operational Management Plan (OMP), which includes specific measures on how the land use would operate. The applicant's OMP demonstrates that the land use could be appropriately managed, ensuring that the onsite use would not unduly impact the amenity of the area.

All manufacturing activities would occur indoors, with noise-generating processes confined to internal sound-insulated rooms. External doors are to remain closed during operations. Dust and odour would be managed through fully filtered extraction systems, ensuring emissions are effectively controlled and any undue impacts on surrounding commercial and residential properties are minimised.

All manufacturing activities would occur indoors, with noise-generating processes confined to internal sound-insulated rooms. External doors are to remain closed during operations. Dust and odour would be managed through filtered extraction systems, ensuring emissions are effectively controlled and potential amenity impacts are minimised.

These measures are particularly important given the proximity of sensitive noise receptors, being nearby residential properties, and provide confidence that the land use is compatible with its context and could operate without generating unreasonable impacts on surrounding amenity.

The applicant submitted an acoustic report that confirm that noise levels generated from the land use operations during the proposed operating hours would comply with the relevant assigned noise levels under the *Environmental Protection (Noise) Regulations 1997*.

The proposed development is acceptable as considered against the planning framework and is recommended for approval subject to conditions.

PROPOSAL:

The application proposes to change the use of the subject site from Office and Warehouse to Industry – Light and Trade Display. A location plan is included as **Attachment 1**.

The proposal involves the establishment of a manufacturing business specialising in the production of handmade concrete products, including baths and basins. In addition to the manufacturing operations, the development incorporates a showroom (Trade Display) to exhibit finished products to customers, complemented by an ancillary office space and staff amenities to support the day-to-day functions of the business.

The integration of the office and showroom components means the proposal does not present as a typical industrial operation, but rather as a boutique-style business with both production and customer-facing elements operating within the same premises.

The subject site contains a vacant two-storey commercial building. No external works are proposed as part of this application, meaning the existing building form and presentation to the streetscape would remain unchanged. Internal modifications are proposed to adapt the ground floor for manufacturing and storage purposes, with the upper floor to be used for a showroom, office space, and staff amenities.

The internal modifications to the manufacturing component of the business include the construction of new enclosed rooms and the installation of uninsulated roof sheeting to the factory areas.

All manufacturing activities would be contained within the existing building footprint, with deliveries and associated vehicle movements restricted to the eastern car park, as well as via the roller door fronting Howlett Street to the north-west of the site. There is no vehicle access proposed to or from the rear Right of Way (ROW).

Key operational details are as follows:

- **Operating hours for manufacturing:** 7:00am to 3:00pm, Monday to Friday.
- **Staffing:** Maximum of 10 full-time employees on site at any one time.
- **Showroom Customer visits:** Up to two to three client visits per day by appointment between 9:00am-2:00pm.

- **Deliveries:** Incoming deliveries would occur twice weekly at 9:00am. Delivery trucks would access the site via the eastern car park, entered from Howlett Street, and unload goods through the roller door located on the building's eastern elevation. Each delivery would be completed within about 20 minutes.
- **Dispatch:** Outgoing deliveries would occur daily between 2:00pm and 3:00pm via the roller door to the west of the Howlett Street façade.
- **Operations:** All manufacturing activities are undertaken indoors and include:
 - Preparation of concrete moulds, mixing, pouring, demoulding, grinding and finishing.
 - Grinding processes carried out within an internal purpose-built room.
 - Dust captured through fully filtered extraction systems, with collected material disposed of as solid waste via the site's private waste contractor, supported by daily cleaning.
 - The use does not involve hazardous chemicals.
- **Waste management:** Waste would be collected twice weekly by a private contractor during operating hours. The bins would be collected onsite with trucks accessing the site via the eastern car park, entered from Howlett Street.
- **Dust and Odour Management:** Dust and odour would be managed by a filtered extraction system, with dust being vacuumed daily. The vacuumed bag would then be disposed of in the site's general waste bin. The control of dust and odours would be subject to compliance with the City's Health Local Law 2004.

The proposed development plans are included at **Attachment 2**. No elevation plans were submitted as the proposal does not include external modifications. The applicant's supporting Written Justification, OMP, Acoustic Report, Traffic Impact Statement, and Waste Management Plan have been included as **Attachment 3, 4, 5, 6, and 7** respectively.

Delegation to Determine Applications:

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

This is because the delegation does not extend to applications for development approval that that received more than five objections during community consultation. The proposal received 11 objections during community consultation.

BACKGROUND:

| | |
|-----------------------------|--------------------------------------|
| Landowner: | Springfield Farm Estate Pty Ltd |
| Applicant: | Taylor Burrell Barnett |
| Client: | Nood Co. Concrete |
| Date of Application: | 30 May 2025 |
| Zoning: | MRS: Urban LPS2: Zone: Commercial |
| Built Form Area: | Mixed Use Area |
| Existing Land Use: | Warehouse and Office |
| Proposed Use Class: | Industry – Light and Trade Display |
| Lot Area: | 1768m ² |
| ROW: | Yes – South |
| Heritage List: | No |

Site and Planning Context

The subject site is located on the southern side of Howlett Street, bound by commercial properties to the west and east, and a three-storey apartment complex to the south. Opposite the site, on the northern side of Howlett Street, includes a three-storey commercial building and a Single House.

The subject site and surrounding properties to the north, east, and west are zoned Commercial under LPS2. The property to the south of the subject site is zoned Mixed Use R80.

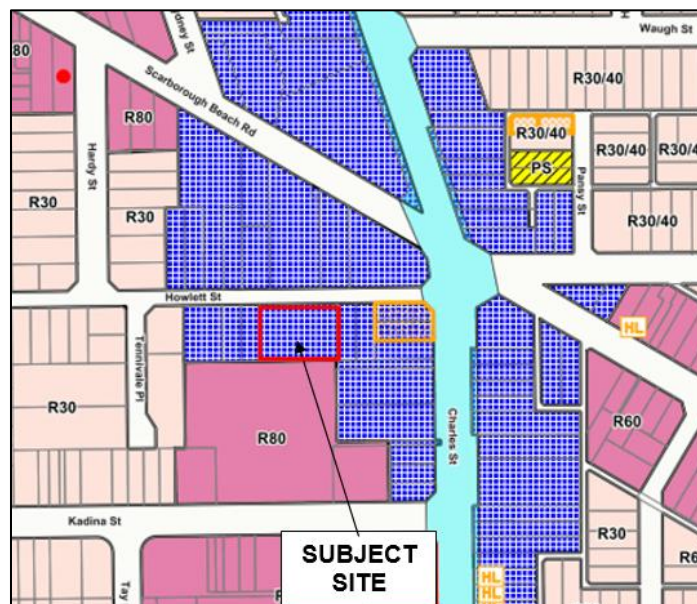


Figure 1 – Zoning context of subject site

The site accommodates a two-storey commercial building fronting Howlett Street. A 12-bay car park is located to the east of the site, with the building occupying the remainder of the lot.

The primary entrances into the building include:

- A reception entrance fronting Howlett Street;
- An outgoing delivery roller door and an adjoining door also fronting Howlett Street; and
- An incoming delivery roller door accessed via the car parking area.

The ground floor of the existing building includes storage rooms, a vehicle loading area, staff amenities, high-speed cash counting rooms, a vault, and supporting facilities.

The existing upper floor contains office space, additional staff amenities, and a gun shooting gallery accessed by a spiral staircase at the rear.

The rear (southern) elevation of the building comprises a solid blank wall, with a single window provided to the existing and proposed lunchroom space.

A ROW is located to the rear of the site, within private ownership (No. 8 Kadina Street). While the subject site benefits from a legal access easement over this laneway, it is not currently utilised for access due to a fence restricting vehicle entry.

History of the Site

The City's records show that approval was granted in 1983 for the site to be constructed and operate as an Armoured Car Depot and Cash Centre.

Since then, the premises has primarily been occupied by cash-handling and security businesses, including Chubb Security and Prosegur. Reflecting its former use, the building's walls were constructed with insulation and security infrastructure to safeguard stored cash and valuables.

While the proposed change of use would replace the former security-related operations, much of the internal wall structure would remain. Modifications are proposed to reconfigure sections of the internal layout to accommodate the manufacturing, showroom and office functions associated with the proposed land use.

Surrounding Context

The site forms part of a broader Commercial zoned precinct centred around the Charles Street, Angove Street and Scarborough Beach Road intersection, which accommodates a variety of commercial land uses in differing

scales and intensities. This precinct provides an active commercial focus before gradually transitioning east and south into mixed use and residential zoned areas.

The attached site context analysis and photographs included as **Attachment 11** highlight the subject site's relationship to surrounding commercial and residential development.

Immediate Surrounding Context

A detailed analysis of the adjoining properties has been undertaken and is summarised as follows:

- No. 1-3 Howlett Street – A single-storey commercial building immediately east of the subject site. The building is constructed up to the shared boundary, with a boundary wall extending 28 metres of the 36.2-metre boundary. This wall directly interfaces with the subject site's car parking and delivery area.
- No. 8 Howlett Street – A three-storey commercial building located north of the subject site, across Howlett Street, used as Offices.
- No. 10 Howlett Street – A two-storey Single House located north-west of the subject site, across Howlett Street, comprising:
 - Two vehicle access points to Howlett Street, with the eastern access point directly opposite the subject site's outgoing delivery point.
 - A verandah orientated towards Howlett Street, setback 12 metres from the street boundary.
 - A primary garden area to the north (rear), separated from Howlett Street by the dwelling.
- No. 13 Howlett Street – A two-storey commercial building immediately west of the subject site. The property operates as the shop and warehouse for Continental Food and Wine Wholesalers and includes:
 - Buildings constructed to both side boundaries, including the shared boundary with the subject site, with a boundary wall spanning the full length of the lot.
 - A loading and delivery area along Howlett Street involving truck and forklift movements.
 - Operating hours of 8:00am to 5:00pm, Monday to Friday.
- No. 1-62/8 Kadina Street – A four-storey apartment complex located immediately south of the subject site. The ground floor comprises garages with no major openings. The upper floors contain apartments with major openings orientated towards the subject site, separated from it by a 5.5-metre-wide private ROW.
- Nos. 1-12/333 Charles Street – A three-storey mixed use development located adjacent to the subject site. The ground floor presents a largely blank façade with parking located behind. Apartments are provided on the first and second floors, with major openings and balconies orientated towards the private ROW.
- No. 5 Scarborough Beach Road – A car park north of the subject site, on the opposite side of Howlett Street. A commercial development is located to the north of the car park.

Broader Surrounding Context

The wider area contains a mix of residential and commercial land uses. The site is located approximately 60 metres west of Charles Street, which is a Primary Distributor Road carrying high traffic volumes.

To the east, towards Hardy Street and Tennivale Place, the area transitions to a mix of commercial and residential uses. As shown in **Figure 1**, the subject site is located within a transitional area, primarily adjoining commercial properties, with low-density residential dwellings to the north of Howlett Street and higher-density residential development to the south.

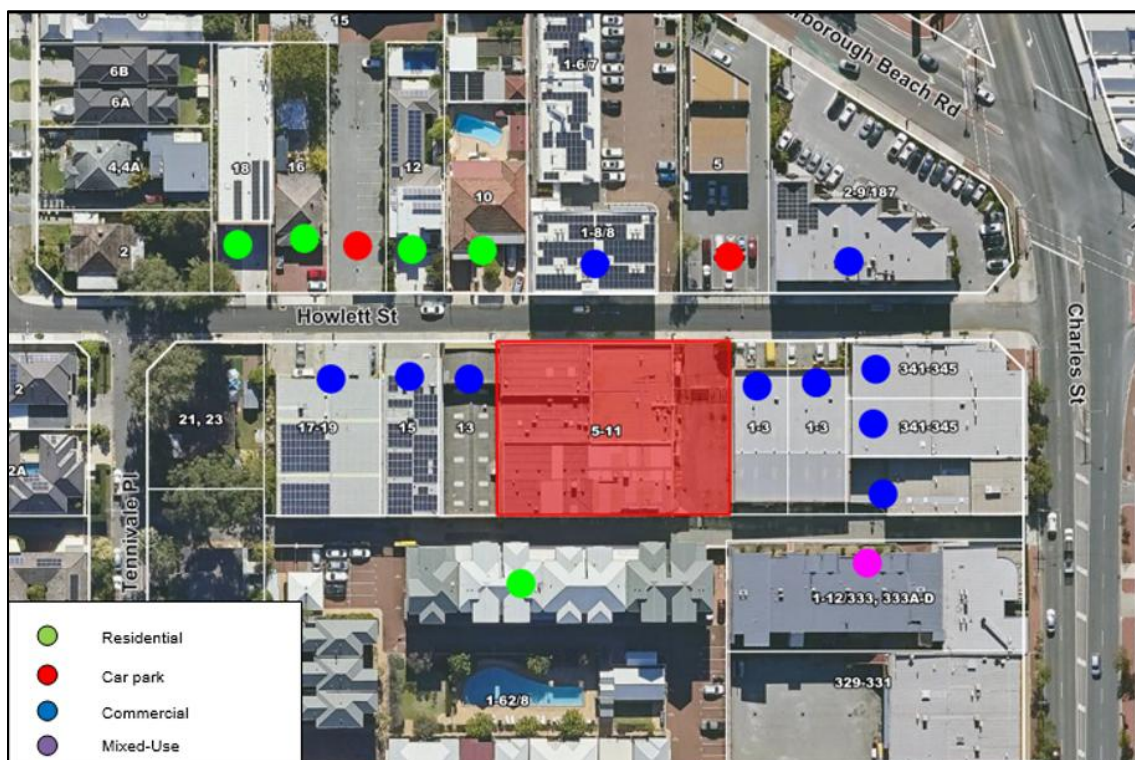


Figure 2: Land use context of the subject site

DETAILS:

Summary Assessment

The table below summarises the planning assessment of the proposal against the planning provisions of the LPS2, Local Planning Policy – Non-Residential Parking (Non-Residential Parking Policy), and Policy No. 7.5.21 – Sound Attenuation (Sound Attenuation Policy). In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the Detailed Assessment section following from this table.

| Planning Element | Use Permissibility/ Deemed-to-Comply | Requires the Discretion of Council |
|--------------------------|---|---------------------------------------|
| Land Use | | ✓ |
| Car Parking | | ✓ |
| Bicycle Parking | | ✓ |
| Sound Attenuation Policy | ✓ | |

Detailed Assessment

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

| Land Use | |
|---|---|
| Deemed-to-Comply Standard | Proposal |
| LPS – Zoning Table 'P' use. | <u>Commercial Zone:</u> Industry – Light: 'A' Use (<i>discretionary, subject to advertising</i>) <i>Note - 'Trade Display' is a 'P' land use within the Commercial Zone, meaning it is permitted and does not require discretion.</i> |

| Car and Bicycle Parking | |
|--|---|
| Deemed-to-Comply Standard | Proposal |
| Non-Residential Development Parking Policy | |
| <i>Car Parking</i> 24 bays based on the net lettable area of the site. | 12 parking bays provided |
| <i>Bicycle Parking</i> 3 short-term and 13 long-term bicycle parking spaces | Nil short-term and 4 long-term bicycle parking spaces provided. |

Planning and Development (Local Planning Schemes) Regulations 2015

In accordance with Clause 67(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Planning Regulations) and in determining a development application, Council is to have due regard to a range of matters to the extent that these are relevant to the development application. Administration's response to each matter requiring consideration is listed in the table contained in **Attachment 10**.

LPS2

In considering the appropriateness of the use, Council is required to consider the objectives of the Commercial zone under the LPS2, as follows:

- *To facilitate a wide range of compatible commercial uses that support sustainable economic development within the City.*
- *To ensure development design incorporates sustainability principles, with particular regard to waste management and recycling and including but not limited to solar passive design, energy efficiency and water conservation.*
- *To maintain compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.*
- *To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality*

CONSULTATION/ADVERTISING:

The first round of community consultation was undertaken in accordance with the Planning Regulations for a period of 14 days from 14 July 2025 to 28 July 2025. The method of consultation included a notice on the City's website, the erection of a sign on site and 122 letters being mailed to all the owners and occupiers of the adjoining properties (as shown in **Attachment 1**) in accordance with the City's Community and Stakeholder Engagement Policy.

During this consultation period, the City received a total of 13 submissions comprising:

- 11 objections (including five proforma submissions and six individually written letters);
- 1 submission of support; and
- 1 submission that neither supported nor objected to the proposal but provided comments.

A proforma submission is a pre-prepared template letter provided to community members, which they may sign and submit to express their objection.

The number of submissions received during the consultation period is not, in itself, a relevant planning consideration. The decision-maker is instead required to focus on the substance of the matters raised. These are summarised below.

The submission received in support of the proposal provided comment that the business would positively contribute to the street.

The key concerns that were raised in the submissions are summarised as follows:

- Concerns regarding manufacturing and delivery noise impacting the surrounding area.
- Concerns of surrounding properties and residents being exposed to hazardous materials.

- Concerns regarding waste disposal and drainage being managed improperly.
- Traffic impact statement fails to account for the existing 'No Stopping' yellow-line road marking that runs continuously along Howlett Street.
- The nature of the land use would set an adverse precedent for further industrial land uses within the area.
- The use is not compatible with the surrounding predominantly residential area and would be more appropriately located within a designated industrial area.
- Parking is not sufficient when considering the extent of employees and visitors and would result in a reliance on on-street parking.

Amended Information

Following the initial advertising period, the applicant provided revised and additional information in response to community feedback and a request for further detail. This included an OMP outlining the day-to-day operations of the proposed land use, covering delivery and manufacturing processes, noise mitigation measures, and waste and parking management.

In accordance with the Community and Stakeholder Engagement Policy, the proposal was re-advertised for seven days from 3 September 2025 to 10 September 2025. The purpose of the re-advertising was to give all previous submitters an opportunity to review the OMP and provide further comment. During this period:

- 3 previous submitters reaffirmed their objections on the same grounds as their original submissions.
- One additional submission raised concerns that the OMP did not address potential long-term health impacts from curing agents used in manufacturing and questioned whether noise emissions from machinery had been adequately tested.

A summary of submissions and Administration's response is included as **Attachment 8**. The applicant has provided a response to submissions which is included as **Attachment 9**.

Design Review Panel (DRP):

Referred to DRP: No

The proposal was not referred to the DRP. This is because the application does not propose any modifications to the existing built form and does not meet the requirements for referral outlined in the DRP [terms of reference](#).

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- *Environmental Protection (Noise) Regulations 1997*;
- City of Vincent Local Planning Scheme No. 2;
- Policy No. 7.5.21 – Sound Attenuation Policy;
- Local Planning Policy – Non-Residential Parking; and
- Community and Stakeholder Engagement Policy.

Planning and Development Act 2005

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

Innovative and Accountable

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

SUSTAINABILITY IMPLICATIONS:

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

PUBLIC HEALTH IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial/budget implications from this application.

COMMENTS:Summary Assessment

In assessing the application against the planning framework, it is recommended for approval. The following comments are of relevance:

- The proposed Industry – Light would be compatible and complementary to the existing commercial area and adjoining residential properties based on a combination of factors. These factors include the site context, the existing building, the operation measures proposed, and the intensity of the use.
- The subject site has a history of being used for commercial purposes, with the proposed development being a lower intensity than previous businesses operating from the site. The application does not propose any external works and would be adaptively reusing an existing building that supports commercial land uses.
- A key consideration under Clause 67 of the Deemed Provisions is the potential impact of emissions on nearby sensitive receptors, being the adjoining residential properties to the south. The application demonstrates that these impacts could be appropriately managed. All manufacturing activities would be undertaken indoors, with noise-generating processes located in purpose-built soundproof rooms, dust contained through filtered extraction systems, and odour emissions managed through internal extraction. These measures, supported by recommended conditions of approval, provide assurance that noise, dust and odour would not result in undue impacts on adjoining residential amenity.
- Sufficient management measures have been proposed to ensure the Industry – Light does not have an adverse impact on adjoining residential and commercial properties. These management measures have been proposed through the applicant's OMP and provides operational measures and procedures for activities including deliveries, manufacturing, complaints, and waste management. A recommended condition of approval has been included enforcing the implementation of these measures.
- The applicant has provided an acoustic report, which confirms that noise levels generated from the land use during proposed operating hours would comply with the relevant assigned noise levels under the *Environmental Protection (Noise) Regulations 1997*.
- The provision of onsite car parking is adequate for the proposed Industry – Light based on the proposed staff and visitor numbers.

Land Use and Location Acceptability

An assessment against the objectives of the Commercial zone and relevant matters of Clause 67(2) of the Planning Regulations is set out below.

Applicant Justification

The applicant's justification for the proposed land use is provided in **Attachment 3** and the supporting OMP is included as **Attachment 4**. The applicant justification is summarised as follows:

- Zoning: The site is zoned 'Commercial' under the LPS2. The proposed land use aligns with the zone's objectives for sustainable economic development and compatibility with surrounding uses.

- Low Impact Operations: The proposed activities (hand moulding and display of bathroom fixtures) are low impact and suitable for the location, whereby there would be minimal environmental and amenity impacts.
- Existing Infrastructure: The change of use applies to an existing two-storey commercial building, with only internal works proposed, making efficient use of existing infrastructure.
- Traffic and Parking: The site has sufficient parking capacity to accommodate the parking for employees and visitors. The nature of the land use would ensure delivery and visitor volumes are low and manageable.
- Noise Compliance: An Acoustic Report confirms that predicted noise emissions meet the projected assigned noise levels at all noise sensitive receptors, including all adjoining commercial and residential properties. The installation of additional roof insulation would further assist with reducing noise levels.
- Compatible with Surrounding Uses: The low impact Industry – Light use is appropriate to the site's commercial setting, with adjacent commercial and residential properties separated from the site by Howlett Street and a laneway. The operation's noise, waste, and parking is appropriately managed to avoid adverse impacts, ensuring compatibility with both commercial and nearby residential uses.
- Economic Development: The proposal would activate a vacant building, providing employment for up to 10 staff members and would support a local, growing business.

Operational Management Plan

The applicant has submitted an OMP, included as **Attachment 4**, which outlines the strategies proposed to minimise amenity impacts from operations. Key measures are summarised below:

- **Operating Hours and Staff**
 - 7:00am to 3:00pm, Monday to Friday (no weekend or after-hours operations).
 - Up to 10 staff and a maximum of three visitors per day, by appointment between 10:00am and 2:00pm.
- **Site Access and Parking** - Vehicle access via Howlett Street only (no ROW access). 12 onsite bays provided.
- **Deliveries and Loading**
 - Incoming deliveries twice per week after 9:00am, each taking ~20 minutes.
 - Outgoing deliveries daily between 2:00pm and 3:00pm.
 - Loading bay and roller door accessed from Howlett Street; external doors opened only during active loading.
 - Vehicles to reverse into site and exit in forward gear (no reversing onto Howlett Street).
- **Waste and Liquid Management** – Two 3m³ bins (general and recycling) collected twice weekly by a private contractor. Bins collected onsite via Howlett Street access. No liquid waste generated; water recycled through a filter press system.
- **Manufacturing, Dust and Noise** - All manufacturing occurs indoors. Grinding undertaken in a soundproof room. Dust managed via a filtered extraction system and daily vacuuming. Noise minimised by:
 - Closing external doors while equipment is operating.
 - Low-noise reversing beepers.
 - Equipment being located in enclosed, soundproofed areas.
 - Installing roof insulation, as recommended in the Acoustic Report.
 - Switching equipment off when not in use.
- **Community Relations and Complaint Management** - Operator contact details displayed at the entrance. Complaints acknowledged within two business days, logged and addressed, with the City notified of the issue and corrective actions.
- **Monitoring and Review** - Staff briefed on the OMP at induction and through refresher sessions. The Plan would be updated as necessary in response to complaints or City advice.

City Assessment

In assessing the application, the City has considered the objectives of the Commercial zone under LPS2, which aim to support compatible business activities, economic development, employment opportunities, and the amenity of surrounding areas. The proposal has also been assessed against Clause 67 of the Deemed Provisions, including its compatibility with the surrounding area and impacts on neighbouring amenity.

Overall, the proposed Industry - Light use is consistent with these objectives. The operations would be modest in scale and intensity, contained within an existing commercial building, and limited to standard business hours, ensuring the land use remains compatible with the site's surrounding commercial and mixed-use context.

The submitted OMP provides a clear framework for how the premises would operate, with tangible measures to manage noise, dust, traffic, and other operational impacts. These safeguards ensure that the proposal would integrate appropriately with its context and not result in adverse impacts on the amenity of surrounding properties.

- Site Context: The subject site is located within an established commercial area that accommodates a diverse mix of non-residential uses, including offices, food distribution warehouses, and retail outlets. These uses vary in scale and intensity, contributing to a commercially active environment. Site photos and a context analysis are included at **Attachment 11** to illustrate the existing character of the area and the relationship of the subject site to surrounding development.

The internal configuration of the building, combined with its surrounds, demonstrates that the site is appropriately suited to a small-scale light industry use. Compatibility with surrounding residential properties is achieved by containing all manufacturing indoors, limiting operations to standard business hours, and managing deliveries to avoid disruption. These measures ensure the use remains low impact and reduces potential adverse offsite amenity impacts.

The proposal supports the objectives of the Commercial zone by reactivating a vacant building, broadening the mix of local employment-generating uses, and complementing the established commercial character of the precinct.

- Operational Management Measures – Measures within the OMP set out clear and tangible strategies to ensure the proposed operations are compatible with the surrounding context and satisfy the relevant amenity and compatibility considerations under Clause 67 of the Deemed Provisions.
 - Manufacturing: All manufacturing activities would be undertaken indoors, with noise-generating processes confined to purpose-built sound-insulated rooms. External doors would remain closed during operations. Dust generated from grinding and finishing would be captured by a fully filtered extraction system, with collected material stored securely onsite before being removed by a licensed waste contractor as part of the regular waste collection service. Daily cleaning of work areas would further minimise accumulation. Odour emissions would also be managed through the extraction system. These measures provide assurance that emissions, including noise, dust and odour, would be appropriately contained and monitored, and that the proposed operations would not unduly impact on the amenity of adjoining properties.
 - Day time operating hours: The proposed hours of 7:00am to 3:00pm, Monday to Friday, are consistent with typical business hours in the surrounding commercial area and coincide with higher levels of activity and traffic on Charles Street, located 65 metres to the east. By limiting operations to these periods, the proposal avoids more sensitive times such as early mornings, evenings and weekends, when background noise levels are lower. Operating during times of higher ambient noise ensures that any impacts from the use are less perceptible, thereby reducing undue amenity impacts to nearby residential properties.
 - Deliveries: The delivery system has been designed to minimise amenity impacts through a combination of frequency, timing and operational controls.

Incoming deliveries would occur twice per week, scheduled mid-morning to avoid sensitive times, and would be brief (around 20 minutes) within the eastern car park. Outgoing deliveries would occur daily from the roller door to the north-west of the site, but are entirely within the building, ensuring noise is contained and not projected toward adjoining northern properties.

Additional measures include the use of low-noise reversing beepers on trucks and forklifts, restricting external door openings to periods of active loading only, and requiring vehicles to reverse into the site and exit in forward gear.

While there may be some disruption from outdoor deliveries to the southern residential properties, these impacts are expected to be minimal. The activity equates to less than 2 percent of overall weekly operating time (40 minutes per week) and occurs during the day when background noise levels are already higher. On this basis, delivery arrangements are considered predictable, short in duration and appropriately managed, and on-balance are not expected to result in undue amenity impacts to surrounding residential properties.

- Dust and Odour Management: Dust and odour emissions would be managed to ensure that amenity impacts on adjoining properties are minimised. All dust- and odour-generating activities, such as mixing, pouring, and grinding, would be undertaken indoors within separated rooms. These activities would be supported by fully filtered extraction systems to contain emissions at the source. Dust captured through the system would be vacuumed daily into enclosed bags, which would then be placed in the site's general waste bins for collection twice weekly by a private contractor.

The City regulates dust under the *Health (Miscellaneous Provisions) Act 1911* and the City's Health Local Law 2004. Clause 55 of the Local Law addresses the escape of dust, smoke, or fumes that may cause a nuisance. In practice, this means when emissions affect public health or comfort, interfere with the use of property, or cause 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 may require the operator to implement additional dust control measures and could issue formal notices under the Act.

On this basis, the proposed internal operations and waste management practices are sufficient to ensure that dust and odour do not result in adverse impacts on the amenity of adjoining residential or commercial properties.

- Complaint Management: To ensure the ongoing protection of the surrounding amenity, the applicant has included a complaint management process in the OMP. This process provides a clear mechanism for resolving any surrounding residents or businesses concerns, ensuring that the land use would remain compatible with the area during its ongoing operation.
- Residential Interface: The nearest and most sensitive receptors to the proposed use are the residential properties located to the south of the subject site, opposite the rear laneway (ROW). These dwellings are approximately 5 metres from the site boundary, creating a direct interface with the proposed development.

At this interface, the building presents as a double-storey boundary wall. The only opening on the southern elevation is a single ground-floor window to the proposed staff lunch room. The former upper-floor shooting gallery associated with the building's historic use is proposed to be repurposed as a document storage area, removing high-impact activity along this elevation at the upper level. Extraction fans are located on the roof, set back approximately 25 metres from the adjoining residential properties.

The submitted Acoustic Report assessed noise impacts on the adjoining residences and confirmed that predicted levels would comply with the *Environmental Protection (Noise) Regulations 1997*. Modelling shows that noise levels at the closest residential boundary would remain below the prescribed limits, providing a measurable margin of compliance and demonstrating that the proposed use could operate without causing adverse impacts on residential amenity.

Additional management measures further reduce potential impacts, including a requirement that roller doors remain closed at all times other than during scheduled deliveries, which would be limited to 20 minute periods twice per week.

Together, these arrangements, combined with the orientation of openings away from the residences, the building's solid boundary wall, and the separation of mechanical equipment, ensure that noise, dust, and visual intrusion are appropriately managed. On this basis, the proposed use is considered compatible with the adjoining residential context and satisfies the relevant matters under Clause 67.

- Noise Management: As discussed later in this report, the applicant submitted an Acoustic Report which modelled noise from manufacturing, deliveries, mechanical equipment and car parking. The assessment confirmed that predicted noise levels would comply with the *Environmental Protection (Noise) Regulations 1997*, subject to the installation of additional roof insulation as recommended. This demonstrates that the land use could operate without generating unreasonable noise impacts, reducing offsite amenity impacts to adjoining residential and commercial properties.
- History: The site has a long-standing commercial function, having previously operated as a warehouse and storage facility for security companies including Chubb and Prosegur. City records indicate that this historic use generated frequent and unscheduled truck movements, including at night, with potential impacts on the amenity of nearby properties. By contrast, the proposed light industry use would operate

during daytime hours only, with limited and scheduled truck movements. This change is expected to reduce the overall intensity of operations, providing greater predictability and improved amenity outcomes, while continuing the site's established contribution to local employment and commercial activity.

Car Parking

The proposed parking would satisfy the objectives of the Non-Residential Parking Policy for the following reasons:

- Provision of Onsite Car and Bicycle Parking: 12 car bays and four bicycle bays are proposed on site. This provision more accurately reflects the expected staffing levels and visitor numbers, rather than the net lettable area used to calculate the Acceptable Outcome. While the building has a large floor area, the manufacturing component requires relatively few staff, meaning the Acceptable Outcome would overstate actual parking demand. To further manage visitor parking, appointments are scheduled to avoid congestion and overlap, which is also recommended as a condition of approval.
- Availability of On-Street Parking: Although the onsite parking is sufficient to meet anticipated demand, additional capacity exists in nearby on-street bays to accommodate overflow if required. There are 42 bays located on the northern side of Howlett Street, between Charles Street and Pennant Street, which allow one-hour parking during the proposed operating hours. Data collected in 2018 recorded maximum occupancy at only 31 percent (at midday on Wednesdays and mid-morning on Fridays), indicating that ample on-street capacity remains available.
- Public Transport: The site is well served by public transport, including the high-frequency 990 bus route, with stops approximately 160 metres away on Scarborough Beach Road and 215 metres away on Charles Street. This proximity supports alternative modes of transport for staff and visitors, further reducing reliance on private vehicles.

On this basis, the proposed parking provision is considered appropriate for the scale and nature of the land use and consistent with the objectives of the City's policy.

Cash-in-lieu

The City's Parking Policy provides for cash-in-lieu contributions where it could be demonstrated that a development is unable to provide sufficient onsite parking.

In this case, sufficient onsite parking is proposed and Administration recommends waiving the requirement for cash-in-lieu, noting that:

- 12 onsite car bays are provided, which is sufficient to accommodate the expected parking demand generated by staff and scheduled visitors.
- The proposal does not rely on on-street parking to meet its needs, meaning the parking demand is appropriately managed within the site itself.

Acoustic Report

The applicant submitted an Acoustic Report in support of the proposal which is included as **Attachment 5**. The report assesses noise generated from the proposed use and its impact on surrounding properties.

The Acoustic Report assesses noise impacts associated with the following four operational scenarios:

- Warehouse and makers space operations;
- Mechanical services;
- Deliveries; and
- Car parking.

The report concludes that, based on conservative modelling of worst-case operating conditions, predicted noise levels during the proposed operating hours would comply with the assigned noise limits under the *Environmental Protection (Noise) Regulations 1997*. To further mitigate noise transfer, it recommends the installation of additional roof insulation (Bradford Anticon foil-faced 60 millimetres, installed without gaps) across the warehouse roof area. A condition of approval has been included requiring this insulation to be installed in accordance with the report.

The Acoustic Report has modelled the likely mechanical services using manufacturer specifications. The applicant has advised that purpose-built machinery is being sourced from overseas and cannot be directly tested or confirmed until the next stage in the process. To address this, a condition of approval requires the applicant to submit an updated Acoustic Report prior to the issue of a Building Permit. The updated report must remodel noise emissions based on the specifications of the actual plant and equipment to be installed, and demonstrate compliance with the *Environmental Protection (Noise) Regulations 1997*.







This staged approach is common for proposed developments, as detailed acoustic modelling of finalised equipment is often not possible until procurement is confirmed. Requiring an updated Acoustic Report at the Building Permit stage ensures that the assessment reflects the actual machinery, and that any necessary construction treatments are incorporated before installation. This provides assurance to the City and surrounding landowners that noise impacts have been appropriately assessed and mitigated.

In addition, a condition requiring the business to operate in accordance with the endorsed OMP would provide ongoing safeguards to minimise noise generation.

Notwithstanding these requirements, the use would remain subject to ongoing compliance with the *Environmental Protection (Noise) Regulations 1997*, with the City retaining the ability to enforce these standards if necessary.

| | |
|------------|---|
| 9.3 | 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.

EXECUTIVE SUMMARY:

The purpose of this report is to consider an application for development approval for three grouped dwellings at No. 389 Bulwer Street, West Perth (the subject site).

The subject site and surrounding properties are zoned Residential R80 under the City's Local Planning Scheme No. 2 (LPS2) and are within the Residential Built Form Area under the City's Policy No. 7.7.1 – Built Form (Built Form Policy). The subject site consists of a single-storey Single House with a total area of 382 square metres. The subject site slopes 1.5m from the Bulwer Street boundary to the right of way boundary.

The subject site proposes the creation of three lots, although no subdivision application has been lodged or approved. The proposed lots all meet the minimum lot size and average as per Table D of the Residential Design Codes (R Codes).

The elements of the proposal that require a design principle assessment and the exercise of discretion include the reduced street setbacks for the dwellings, the upper floors, and garages, the building height, solar access for adjoining properties, weather protection, driveway setback, lot boundary setbacks, private open space, and trees and landscaping.

The street setbacks of the proposed development are appropriate in the context of the subject site, where a mix of architectural styles are evident along both the Bulwer Street and Gallop Street streetscapes. The façade has been designed to provide interest to the street through the use of varied materials, balconies and openings oriented towards the public realm, and integrated landscaping. The design response is compatible with the surrounding area and the character of the existing streetscape, and has received support from DRP members.

The building height and reduced lot boundary setbacks would not adversely impact the established streetscapes or the amenity of adjoining properties. The fourth storey is located at the rear of the site and would not be readily visible from the street. It has been adequately setback from adjoining properties, providing a suitable transition to the lower-scale built form nearby. There are no overlooking concerns associated with the additional storey or the reduced setbacks.

The proposed development would not result in overshadowing that adversely affects the amenity of adjoining properties. The dwellings to the south-west and south-east would continue to receive sufficient sunlight to their primary living areas, private open spaces, and roof-mounted solar collectors throughout the year, including during the winter solstice.

The proposed landscaping across the site, including tree planting, would contribute to a high level of amenity for future residents and respond positively to the streetscape. The planting would also assist in softening the perceived bulk of the development when viewed from the street and adjoining properties. Each dwelling includes a sufficiently sized private open space in the form of a balcony, which would provide a high level of amenity.

The proposed development has been subject to revised plans throughout the assessment process, as detailed in the report below. These modifications have resulted in a proposal that is considered acceptable when assessed against the relevant planning framework. The development is recommended for approval, subject to conditions.

PROPOSAL:

The application proposes three grouped dwellings on the subject site which is currently occupied by a single dwelling. The development comprises two three-storey dwellings and one four-storey dwelling.

Each dwelling includes a ground floor garage, laundry and office. The first floors contain the primary kitchen, dining and living areas, together with a balcony. The second floors accommodate bedrooms and bathrooms. Unit C incorporates an additional fourth storey, providing a roof terrace with lounge and storage.

The primary street for Lot A is Bulwer Street, while Lot B and C's primary street is Gallop Street. Vehicle access to Lot A and Lot B is proposed from Gallop Street, while access to Unit C would be from the adjoining right of way (ROW).

The development plans are included in **Attachment 2**. The applicants solar access diagram is included as **Attachment 3**.

Delegation to Determine Applications:

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

This is because the delegation does not extend to proposals that propose a height of three storeys or more and do not meet the applicable Building Height deemed-to-comply standard or Acceptable Outcomes set by the R Codes response to the number of storeys.

The application proposes a four-storey development in area where the Built Form Policy sets a building height standard of three-storeys.

BACKGROUND:

| | |
|-----------------------------|---|
| Landowner: | Karl Pownall and Lisa Tibbits |
| Applicant: | Urbanista |
| Date of Application: | 30 April 2025 |
| Zoning: | MRS: Urban LPS2: Zone: Residential R Code: R80 |
| Built Form Area: | Residential |
| Existing Land Use: | Single House |
| Proposed Use Class: | Grouped Dwellings |
| Lot Area: | 382m ² |
| Right of Way (ROW): | Yes |
| Heritage List: | No |

Site Context and Zoning

The subject site is corner lot, bound by Bulwer Street to the north, a single storey single house to the east, a right of way to the south, and Gallop Street to the west. A location plan is provided as **Attachment 1**.

The subject site and all adjoining properties are zoned Residential R80 under the City's LPS2 and are located within the Residential Built Form Area under the Built Form Policy, with a building height standard of three storeys.

The subject site is 382 square metres and is capable of subdivision to create three lots.

Existing Streetscape

Bulwer Street and Gallop Street present differing streetscape characteristics, summarised as follows:

- **Bulwer Street** functions as an arterial road and includes a mix of architectural styles. Developments include a range of single houses, grouped dwellings, and multiple dwellings. High solid fencing is a prominent feature, restricting visibility of façades and reducing the sense of openness to the street.
- **Gallop Street** is a local road, and development primarily consists of single-storey and two-storey single houses in a variety of architectural styles, resulting in a streetscape with limited consistency.

Building heights along both streets are predominantly one and two storeys. There is one example of a three-storey multiple dwelling development located on Lawley Street, 50 metres to the east of the subject site. Beyond this, other developments that exceed three storeys are evident along Fitzgerald Street as well as further east along Bulwer Street beyond Fitzgerald Street. This includes the Hyde Park Hotel, which presents as two storeys but has an overall height comparable to a three-storey building. In addition, approval has been granted for a six-storey mixed use development at No. 338 Bulwer Street, which is yet to be constructed.

Where two-storey development occurs, the upper floors are predominantly aligned, or project forward of the ground floor, creating a varied built form profile. Balconies are either recessed or project forward, contributing to the diversity of streetscape presentation along both streets.

Directly to the west at No. 9 Gallop Street, there is an existing two-storey multiple dwelling development. The building is set back 3.7 metres from Bulwer Street, while along Gallop Street it presents a nil setback at the carport and a predominant setback of 1.5 metres to the main building. The upper floor features a varied relationship with the ground floor, with some portions projecting forward and others aligning in-line with the lower level.

In terms of car parking, both streetscapes include double and single carports and garages with varying front setbacks at ground level.

Future Context

The subject site and surrounding area is within a Residential R80 zone, where multiple dwellings are permitted and a building height standard of three-storeys applied. Properties that front Fitzgerald Street, which is located approximately 130 metres to the east of the subject site, are zoned Commercial under LPS2 and have a building height standard of six storeys.

Given this zoning framework, the locality is expected to transition towards higher-density development over time. This is because majority of the Residential R80 lots are of a sufficient size to enable subdivision into multiple smaller lots, accommodating single houses or grouped dwellings, or to accommodate mixed-use or multiple dwelling developments.

DETAILS:

Summary Assessment

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

| Planning Element | Deemed-to-Comply | Requires the Discretion of Council |
|---|------------------|------------------------------------|
| Private Open Space | | ✓ |
| Trees and Landscaping (Part C) | | ✓ |
| Water Management & Conservation | ✓ | |
| Size and Layout of Dwellings | ✓ | |
| Parking | ✓ | |
| Solar Access and Natural Ventilation (Internal) | | ✓ |
| Waste Management | ✓ | |
| Utilities | ✓ | |
| Open Space | ✓ | |
| Building Height/Storeys | | ✓ |
| Street Setback | | ✓ |
| Lot Boundary Setbacks/Boundary Walls | | ✓ |
| Garage setback | | ✓ |
| Site Works/Retaining Walls | ✓ | |
| Streetscape | | ✓ |
| Front Fence | ✓ | |
| Access | ✓ | |

| Planning Element | Deemed-to-Comply | Requires the Discretion of Council |
|----------------------------------|------------------|------------------------------------|
| Solar Access for Adjoining Sites | | ✓ |
| Visual Privacy | ✓ | |

R Codes Volume 1 – Part C

The R Codes advocate for contextual and site-specific development solutions. To facilitate good design outcomes, the R Codes Volume 1 provides two pathways for development assessment and determination.

Applications for development approval need to demonstrate that the proposal achieves the objectives of the R Codes Volume 1 and the requirements of each design element through either of the following pathways:

1. **Deemed-to-comply** – deemed-to-comply provisions provide a straightforward means for the development proposal to demonstrate that it satisfies the objectives and design principles of the R Codes. They outline the expected development standards that should be met through this pathway. If a planning element of an application meets the applicable deemed-to-comply standards then it is satisfactory and not subject to Council's discretion for the purposes of assessment against the R Codes.
2. **Design principle** – the design principles pathway offers an alternative merit-based approach when one or more of the deemed-to-comply provisions are not satisfied. This allows for innovative design responses that may be more context and site responsive.

Where a deemed-to-comply provision is not met, the proponent should provide sufficient justification to demonstrate how they have met or exceeded the requirements of the relevant design principles when this pathway is pursued.

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

The planning elements of the application that do not meet the applicable deemed-to-comply standards and requires the discretion of Council are provided in the below table.

Detailed Assessment

The deemed-to-comply assessment of the element that requires the discretion of Council is as follows:

| Private Open Space | |
|---|--|
| Deemed-to-Comply Standard | Proposal |
| R Codes Part C – Clause 1.1 C1.1.1 – Primary gardens are to: <ul style="list-style-type: none"> • Max roof cover: Be entirely open to the sky. • Minimum dimension: 3 metres. | Lot A <ul style="list-style-type: none"> • Roof coverage: 6.6 square metres • Minimum dimension: 1.5 metres. Lot B <ul style="list-style-type: none"> • Minimum dimension: 1.5 metres. Lot C <ul style="list-style-type: none"> • Minimum dimension: 1.5 metres. |
| Trees and Landscaping | |
| Deemed-to-Comply Standard | Proposal |
| R Codes Part C – Clause 1.2 C1.2.1 – 15 per cent of Lot B (17 square metres of Lot B) is to consist of soft landscaping with a minimum dimension of 1 metre. | 10.7 percent (12.1 square metres) of Lot B consists of soft landscaping with a minimum dimension of 1 metre. |

| Solar Access and Natural Ventilation | |
|---|--|
| Deemed-to-Comply Standard | Proposal |
| R Codes Part C – Clause 2.2 C2.2.4 – Grouped Dwellings are to include a major opening to the primary living space that is orientated between north-west and east, with an adjoining uncovered open area that has a minimum dimension of 3.0 metres by 3.0 metres. | Lot C proposes a major opening that faces north-west to a covered outdoor living area. |
| Building Height | |
| Deemed-to-Comply Standard | Proposal |
| Built Form Policy – Clause 5.3 C3.2.1 – Building height is to be in accordance with the following: <ul style="list-style-type: none"> • Storeys: 3-storeys. • Wall height: 9 metres. • Concealed roof height: 10 metres. | Lot B <ul style="list-style-type: none"> • Wall height: 9.5 metres. Lot C <ul style="list-style-type: none"> • Storeys: 4-storey. • Concealed roof: 12.5 metres. |
| Street Setbacks | |
| Deemed-to-Comply Standard | Proposal |
| Built Form Policy – Clause 5.3 Clause 5.1.1 – Primary street setbacks required: <ul style="list-style-type: none"> • Lot A: 5.1 metres • Lot B and Lot C: 2.6 metres Clause 5.1.4 – Walls on upper floors to be set back 2 metres behind the predominant ground floor building line. Clause 5.1.5 – Balconies to be set back 1 metre behind the predominant ground floor building line. Clause 5.1.7 – Secondary street setbacks on upper floors are to be 1.5 metres behind each portion of the ground floor setback. | Primary street setbacks provided: <ul style="list-style-type: none"> • Lot A: 2.5 metres • Lot B: 2.3 metres • Lot C: 1.5 metres All lots' upper floors are in line with or forward of the ground floor. Lot A: Balcony is 0.5 metres forward of ground floor. Lot B and C: Balconies are in line with ground floor. Lot A: Upper floor in-line secondary street ground floor. |
| Lot Boundary Setbacks | |
| Deemed-to-Comply Standard | Proposal |
| R Codes – Clause 3.4 South-East Boundary First Floor <ul style="list-style-type: none"> • Staircase – washroom of Lot B: 3 metres • Kitchen of Lot B – Living/Dining of Lot C: 3 metres South-East Boundary Second Floor <ul style="list-style-type: none"> • Staircase of Lot A: 3 metres • Bathroom of Lot A: 3 metres • Ensuite of Lot A–ensuite of Lot C: 3 metres • Robe of Lot C: 3 metres South-East Boundary Third Floor <ul style="list-style-type: none"> • Terrace Store of Lot C: 3 metres • Terrace of Lot C: 3 metres | South-East Boundary First Floor <ul style="list-style-type: none"> • Staircase – washroom of Lot B: 2.5 metres • Kitchen of Lot B – Living/Dining of Lot C: 1.5 metres South-East Boundary Second Floor <ul style="list-style-type: none"> • Staircase of Lot A: 2.5 metres • Bathroom of Lot A: 1.5 metres • Ensuite of Lot A–ensuite of Lot C: 2.5 metres • Robe of Lot C: 1.5 metres South-East Boundary Third Floor <ul style="list-style-type: none"> • Terrace Store of Lot C: 2.5 metres • Terrace of Lot C: 1.5 metres |

| Garage Setback | |
|---|---|
| Deemed-to-Comply Standard | Proposal |
| Built Form Policy – Clause 5.4 | |
| Clause 5.4.2 – Garages are to be setback 500 millimetres behind the dwelling alignment (excluding any porch portico verandah or balcony or the like). | Lot B garage is in line with dwelling alignment |
| Streetscape | |
| Deemed-to-Comply Standard | Proposal |
| R Codes – Clause 3.6 | |
| Front doors are to be protected from the weather with a minimum dimension of 1.2 metres. | Lot C front door weather protection dimension: 1 metre. |
| Solar Access for Adjoining Sites | |
| Deemed-to-Comply Standard | Proposal |
| R Codes – Clause 3.9 | |
| Shadow to No. 8 Gallop Street permitted: 25%. | Shadow to No. 8 Gallop Street proposed: 34%. |

The above elements of the proposal do not meet the specified deemed-to-comply standards and is discussed in the Comments section below.

CONSULTATION/ADVERTISING:

Community consultation was undertaken in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (Planning Regulations) a period of 14 days between 4 June 2025 and 18 June 2025. The method of consultation included a notice on the City's website and 98 letters being sent to landowners and occupiers within a 100m radius of the subject site, as shown in **Attachment 1** in accordance with the City's Community and Stakeholder Engagement Policy.

At the conclusion of the consultation period a total of five submissions were received. This included one submission neither supporting or objecting the proposal and four submissions objecting the proposal. No submissions supporting the proposal were received.

The number of submissions received during the consultation period is not, in itself, a relevant planning consideration. The decision-maker is instead required to focus on the substance of the matters raised. These are summarised below.

Concerns raised in the submissions are summarised as follows:

- There are no examples of four storey developments in the area. The proposal is not keeping in with the existing character of the area.
- The development would have an adverse impact on adjoining properties in relation to overshadowing and undue building bulk.
- The reduced lot boundary setbacks are not keeping in with the character of surrounding houses and results in visual privacy concerns.
- Building height would impact the views of significance to the Hyde Park treescape and would likely overwhelm and dominate adjoining properties.
- The shortfall of landscaping would result in the development being dominated by concrete, making it an unpleasant building.
- The street setbacks are insufficient and too close to the footpath. This is not keeping in with the existing streetscape.
- Garages are proposed to be too close to footpath, which would impact the safety of pedestrians using the footpath.

A summary of submissions received along with Administration's responses are provided in **Attachment 4**. The applicant's response to the submissions received are provided as **Attachment 5**.

In accordance with the City's Community and Stakeholder Engagement Policy, the plans were not readvertised as the amended plans reduced/removed deemed-to-comply departures and do not propose new or greater departures to the deemed-to-comply standards. Previous submitters have instead been notified of the changes made to the plans following community consultation.

Design Review Panel (DRP)

Referred to DRP: Yes

The proposal was referred on three occasions to the City's DRP Chair for comment as considered against the 10 principles of good design. The table below provides a summary of this application's design review assessment progress.

| Design Review Progress | | | |
|--|---|---|--|
| | Supported | | |
| | Pending further attention – refer to detailed comments provided | | |
| | Not supported | | |
| | Insufficient information provided by applicant to assess | | |
| | DRP Member | | |
| | Referral 1 – Plans dated 6 June 2025 | Referral 2 – Plans dated 29 July 2025 | Referral 3 – Plans dated 4 Sept 2025 |
| Principle 1 – Context & Character | | | |
| Principle 2 – Landscape Quality | | | |
| Principle 3 – Built Form and Scale | | | |
| Principle 4 – Functionality & Built Quality | | | |
| Principle 5 – Sustainability | | | |
| Principle 6 – Amenity | | | |
| Principle 7 – Legibility | | | |
| Principle 8 – Safety | | | |
| Principle 9 – Community | | | |
| Principle 10 – Aesthetics | | | |

A summary of all the DRP Chair comments that were provided during the design review process that required review and further attention are included below:

- It is recommended that accurate site levels be shown on elevations and 3D renders to reflect the 1m fall indicated in the survey and ensure the proposal is realistically depicted.
- Soft landscaping should be increased across all lots, including deep soil zones, planting areas, and tree canopy coverage, to meet R Codes and City policy requirements. Existing trees may not meet deep soil requirements, and planting details (species, pot/tree sizes, reticulation) should be provided. Native, water-wise species are encouraged to support biodiversity and local character. It is recommended to engage a landscape professional to improve the overall landscape design quality.
- Lots B and C lack usable outdoor space. It is recommended to incorporate generous on-structure landscaping on Lot C's roof terrace and enhance landscaping in front setbacks to positively contribute to the streetscape.
- It is recommended to increase setbacks to Bulwer Street and Gallop Street to better align with City policy.
- The Lot B garage is oversized and positioned forward of the dwelling. It is recommended to relocate the garage to increase the primary setback and comply with the City's garage alignment policy.
- The 4-storey townhouse at the rear exceeds the height envelope and creates an abrupt interface with the single residence to the south. It is recommended to consider relocating the 4-storey unit to Lot B to improve contextual sensitivity and transition.
- The overall lack of landscaping and usable ground-level open space suggests overdevelopment of the site.
- It is recommended to provide screening on the east side of Lot C's roof terrace to maintain privacy for the adjacent neighbour.
- AC units, bins (3-bin FOGO system), and utility meters are not shown on the drawings. It is recommended to include these and position them to minimise visual and amenity impacts.

- External materials and colours are generally supported; however, it is recommended to specify products, finishes, and colour selections on the elevations or in a materials schedule.

In response to comments and recommendations received from the DRP Chair, Administration and community consultation comments, and following two meetings between the applicant and Administration, the applicant made the following key changes over the course of the application process:

- The adjoining properties are shown on the 3D renders.
- The applicant engaged with a landscape architect to increase the extent of soft landscaping for all lots. The landscape architect proposed additional trees, including within the primary street setbacks of all lots and within the Bulwer Street road reserve.
- The Gallop Street setback for Lot B was increased from 1.5 metres to 2.3 metres. The Bulwer Street setback for Lot A, and the Gallop Street setback for Lot C, remained unchanged.
- On structure landscaping was added on all balconies and was also incorporated to the perimeter of the roof top terrace.
- Lot B useable outdoor space was increased, by increasing the primary street setback area. Additional landscaping was provided to Lot C's roof terrace.
- Lot B's garage was setback to be behind the ground floor predominant building line.
- The applicant incorporated screening to a height of 1.6m on the south and east elevations of the roof terrace.
- The applicant updated the elevation plans to reflect the sites topography
- External colours and materials were included on the plans.
- Sustainability measures incorporated, which included the addition of PV solar panels, EV chargers and heat pumps.
- Bin stores, AC units, and the electric metre were represented on the plans.

The DRP Chair has reviewed the latest set of plans that were submitted to the City on 3 September 2025. The table below provides a summary of the DRP Chair's comments that have not been addressed, along with Administration's response:

| DRP Comments Received | Administration Comments |
|---|---|
| <p>Principle 3 – Built Form and Scale</p> <p>The applicant is encouraged to increase the setback to Bulwer Street to more closely align with the City's policy requirements.</p> | <p>The acceptability of the reduced setback to Bulwer Street is addressed in detail in the Comments section of this report. In summary, the proposed setback is largely consistent with that of the adjoining eastern property and aligns with the established setbacks of recent developments to the west at No. 9 Gallop Street and No. 395 Bulwer Street. The proposal therefore reflects the existing streetscape context while also responding to the transition towards higher-density development. Impacts of building scale are mitigated through articulation, variation in materials and colours, window placement, and landscaping within the front setback.</p> |

| | |
|--|--|
| <p>The applicant is encouraged to make Lot B the 4-storey unit, to establish more of a transition to the lower intensity dwellings.</p> | <p>The transition provided by the proposed development is considered acceptable. This is achieved through the building's setback, façade articulation, and the integration of landscaping at the ground level, balcony, and rooftop terrace of Lot C.</p> <p>Visibility of the fourth storey from adjoining southern residential properties is reduced, as the pergola element is a lightweight, open structure set in from the boundary. The solid walls of the terrace lounge and store are setback 6.2 metres from the right of way, which significantly reduces visibility and limits perceived building bulk when viewed from the south.</p> <p>The fourth storey also meets the deemed-to-comply setbacks from the east and south, with further mitigation provided through landscaping, façade articulation, and variation in materials and colours.</p> <p>Collectively, these design features reduce visual dominance and ensure an appropriate transition to the adjoining lower-intensity properties</p> |
| <p>Principle 5 – Sustainability</p> <ul style="list-style-type: none"> Limited environmentally sustainable design (ESD) features are shown. The applicant is encouraged to incorporate active ESD measures such as solar panels, rainwater reuse, EV charging, all-electric systems, energy monitoring, heat pump HWS, and double glazing. <p>The applicant is encouraged to complete a Life Cycle Assessment for the project.</p> | <p>The proposal incorporates a number of ESD initiatives as shown on the proposed development plans, including:</p> <ul style="list-style-type: none"> Solar PV systems to all lots EV charging infrastructure within all garages Heat pump hot water systems to all units Window awnings and hoods to north and west-facing elevations to reduce heat gain LED lighting throughout All-electric appliances (no gas) to all units In-ground and on-structure landscaping, including increased canopy cover and verge planting. <p>While the City encourages the preparation of Life Cycle Assessments, these are not mandated under the Built Form Policy or the Residential Design Codes. Notwithstanding this, the inclusion of the above measures demonstrates a considered approach to sustainability and would contribute positively to the development's overall lifecycle performance, delivering tangible energy and water savings.</p> |

LEGAL/POLICY:

- Planning and Development Act 2005;*
- Planning and Development (Local Planning Schemes) Regulations 2015;*
- City of Vincent Local Planning Scheme No. 2;
- Residential Design Codes Volume 1 – Part C;
- Community and Stakeholder Engagement Policy; and
- Policy No. 7.1.1 – Built Form Policy.

Planning and Development Act 2005

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

Planning and Development (Local Planning Schemes) Regulations 2015

In accordance with Clause 67(2) of the Deemed Provisions in the Planning Regulations and in determining a development application, Council is to have due regard to a range of matters to the extent that these are relevant to the development application.

The matters for consideration relevant to this application relate to the compatibility of the development within its setting, amenity and character of the locality, consistency with planning policies and advice from the DRP.

Residential Design Codes Volume 1 - Part C

The R Codes were gazetted on 10 April 2024. The changes to R Codes Volume 1 resulted in a split Volume 1 of the R Codes into Part B and Part C, as follows:

- Part B applies to all single houses R40 and below, grouped dwellings R25 and below, and multiple dwellings in areas coded R10-R25.
- Part C applies to all single houses R50 and above, grouped dwellings in areas coded R30 and above, and multiple dwellings in areas coded R30 to R60.

This proposal has been assessed against Part C of the R Codes. This is because the proposal relates to a Grouped Dwelling development on property coded Residential R80.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

Innovative and Accountable

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

SUSTAINABILITY IMPLICATIONS:

The City has assessed the application against the environmentally sustainable design provisions of the City's Policy No. 7.1.1 – Built Form. These provisions are informed by the key sustainability outcomes of the City's Sustainable Environment Strategy 2019-2024, which requires new developments to demonstrate best practice in respect to reductions in energy, water and waste and improving urban greening.

PUBLIC HEALTH IMPLICATIONS:

There are no impacts on the priority health outcomes of the City's Public Health Plan 2020-2025 from this report.

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial or budget implications from this report.

COMMENTS:Summary Assessment:

In assessing the application against the planning framework, it is recommended for approval. The following key comments are of relevance:

- Building Height and Character: Portions of the development exceeding the maximum building height standard are confined to the rear of the site, minimising their visibility and impact. The design responds

positively to the transitional character of the locality and is consistent with the strategic intent for higher-density development in this area.

- Overshadowing: Shadow impacts to adjoining properties are minimal and acceptable as primary garden areas and major openings to habitable rooms of neighbouring dwellings retain adequate solar access.
- Streetscape Integration: The dwellings incorporate key design elements already established in the locality, including consistent upper-floor setbacks and balconies, ensuring the proposal reinforces and contributes positively to the existing streetscape character.
- Bulk and Scale: Building bulk is effectively reduced to adjoining properties and streetscapes through a combination of articulated walls, balconies, varied setbacks, material diversity, and the integration of landscaping in-ground and on-structure. This design response has been supported by the City's DRP Chair as an appropriate outcome for the site.
- Private Open Space: Each dwelling is provided with functional and usable outdoor living areas, directly accessible from primary living spaces, enhancing residential amenity and providing opportunities for entertaining and leisure.
- Landscaping and Trees: The development includes deep soil areas capable of supporting tree planting to all dwellings, along with high-quality landscaping throughout the site. These elements will soften the built form, enhance amenity for future residents, and contribute positively to the broader streetscape.

Building Height, Lot Boundary Setbacks, and Solar Access for Adjoining Sites

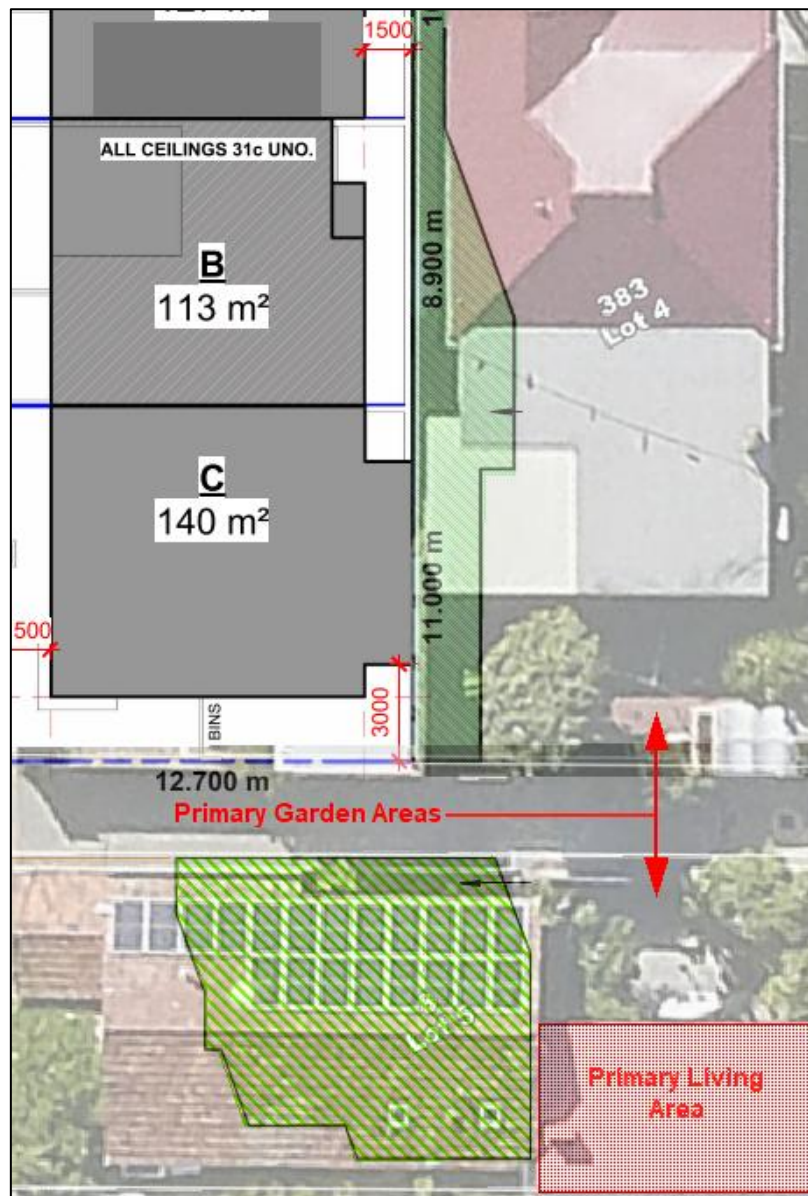
The proposed building height, lot boundary setbacks, and solar access for adjoining sites satisfy the relevant [Design Principles](#) of the R Codes and [Local Housing Objectives](#) of the Built Form Policy for the following reasons:

- Presentation to the Street: The proposal includes a maximum building height of four storeys in an area identified for three storeys under the Built Form Policy. Lots A and B are proposed at three storeys, with the additional height confined to Lot C to accommodate a terrace lounge and store. The distribution of height across the site ensures the bulk of the development remains consistent with the intended three-storey streetscape, while the additional level is modest in scale and carefully designed to integrate with its surroundings.
 - Bulwer Street: The development presents as three storeys when viewed from Bulwer Street, as the fourth storey is located to the rear. This maintains consistency with the existing and desired streetscape character.
 - Gallop Street: The proposal introduces the first four-storey element within the Gallop Street streetscape. Its bulk and visibility are reduced through a series of design measures that limit its scale and soften its presentation:
 - The pergola is a lightweight, open structure that does not contribute to building mass.
 - Rooftop planters with cascading vegetation visually soften the upper level and break down the appearance of bulk when viewed from Gallop Street and adjoining properties.
 - The solid components of the fourth storey (terrace lounge and store) are set back 6.2 metres from the right of way and stepped in from the southern edge of the building. This creates a clear transition in scale and assists in stepping the development down to the adjoining single-storey dwelling to the south.
 - The fourth storey sits 1.3 metres above the pitch of the third storey, creating a modest step in height rather than a dominant additional level.
 - The overall length of the fourth storey is restricted to 4.8 metres of the 28.9-metre western boundary, ensuring a limited streetscape presence.
 - Variation in materials, including recycled brick, concrete, and lightweight cladding, creates articulation and further reduces perceived bulk and scale.
 Collectively, these measures ensure the built form appropriately responds to the surrounding context, with building bulk and scale carefully moderated. The proposal achieves a height and scale that respect the prevailing one- to three-storey character, while also acknowledging the higher-density development envisioned and emerging within the surrounding area.
- Future Desired Character: The proposal aligns with the evolving character of the area, where gradual redevelopment is introducing higher-density housing and mixed-use development. The additional height is consistent with this planned transition and supports the Built Form Policy objective of accommodating increased density in appropriate locations while maintaining a respectful interface with existing lower-scale dwellings.
- Overshadowing: The proposed development would maintain adequate solar access to adjoining properties because:

- Solar Access for Adjoining Property to South-East (383 Bulwer Street): While reduced setbacks are proposed along the south-east boundary, the impact on solar access to No. 383 Bulwer Street would be minimal. As shown in green highlight in **Figure 1**, at the winter solstice, shadowing would fall primarily on a wall without major openings and affect only a small western portion of the property's primary outdoor living area. The development would not result in shadowing to the larger eastern portion of the garden. In addition, the existing dwelling at No. 383 Bulwer St already casts shadow over its own outdoor living area due to its orientation, meaning the proposal would not materially alter the property's current solar access conditions.
- Solar Access for Adjoining Property to South-West (8 Gallop Street): At the winter solstice, most of the overshadowing from the proposed development would fall to the roof of 8 Gallop Street, shown in green highlight within **Figure 1** below. The primary garden and rear primary living areas of No. 8 Gallop Street would remain unaffected and continue to receive northern sunlight.

The roof of 8 Gallop Street contains north-facing solar collectors that would experience overshadowing at winter solstice. These solar panels would be shadowed from a deemed-to-comply three-storey development, with the additional fourth storey not contributing to or increasing the extent of overshadowing.

Overshadowing is measured at midday on 21 June (winter solstice), representing the worst-case scenario. This approach does not capture the broader availability of solar access throughout the day and across other seasons. In practice, the solar collectors would continue to receive sunlight in the morning and afternoon on 21 June, and greater access across other months within the year. These outcomes are demonstrated in the applicant's solar access study included as **Attachment 3**.



- ***Figure 1: Proposed Winter Solstice Overshadowing (Green) and its Impact on Sensitive Areas of Adjoining Properties (Source: Applicant Shadow Diagram with CoV annotations)***
- Overlooking: The proposal meets the deemed-to-comply standards for visual privacy under the R Codes. The roof terrace incorporates planter boxes along the edges, which provide further screening and reduce potential overlooking to adjoining properties.
- Transition Between Adjoining Properties: The adjoining properties to the south-east and south-west are currently single-storey dwellings. The transition from the proposed development and these properties has been accommodated through a range of design measures detailed below.
 - South-east interface: The adjoining property at No. 383 Bulwer Street is a single-storey dwelling with limited outlook towards the proposed development. This is due to the ~1.5 metre side setback and the rear patio, which is built up to the shared boundary. As a result, primary views to the development are from the rear garden.

The potential impact of reduced lot boundary setbacks and additional height when viewed from the south-east is mitigated through articulation in wall height and setbacks, varied window opening typologies, and the use of a diverse material palette including grey blockwork, white render, concrete-look finishes and lightweight metal cladding. These elements break down building massing, soften the interface, and reduce the perception of bulk when viewed from the south-east.

- South-west interface: The development has been designed to reduce the perception of bulk and scale when viewed from the adjoining property to the south at No. 8 Gallop Street. Articulation is

achieved through varied wall setbacks and wall heights, together with a diverse material palette including grey blockwork, red recycled brick, white cladding, lightweight metal cladding, and a mix of window typologies. These features break up the building mass and introduce visual interest to the façade.

In addition, landscaping is incorporated both in-ground and on-structure, including tree planting at ground level and cascading landscaping to the roof terrace, which softens the interface and provides a greener outlook. The fourth storey is set back 6.2 metres from the southern ROW boundary and, due to the location of the built form below, is not visible from No. 8 Gallop Street. This ensures the overall scale of the development presents as a three-storey building to the adjoining southern property.

- **Views of Significance:** The identified view of significance in the area includes the Perth CBD, located to the south-east of the subject site. Properties on the northern side of Bulwer Street currently have access to views of the City. The properties that may be impacted are all single-storey dwellings, where views are already partially restricted. While the proposed development may further restrict these views, the portion of the building responsible for this impact is the three-storey portion, which meets the deemed to comply height. The fourth storey does not contribute to the obstruction of views, as it has been located at the rear of the site, away from Bulwer Street, to minimise visual impact.

Street and Garage Setbacks

The proposed street and garage setbacks satisfy the relevant [Design Principles](#) of the R Codes and [Local Housing Objectives](#) of the Built Form Policy for the following reasons:

Consistency with the Streets:

- **Immediate Context:** The proposed street setbacks are appropriate in the immediate context for the following reasons:
 - **Bulwer Street:** The street features a varied built form, with traditional single-storey dwellings located east of the subject site and more contemporary two-storey developments to the west across Gallop Street. The proposed 5.1 metre setback provides a balanced transition, sitting between the larger setbacks evident to the west and the smaller 3.7 metre setbacks provided by No. 9 Gallop Street and No. 395 Bulwer Street to the east.

There are examples of contemporary developments along Bulwer Street that incorporate upper floors that are aligned with, or project forward of, the ground floor. The proposal adopts a similar approach, ensuring consistency with the established built form. Examples of this condition are evident at Nos. 383 and 395 Bulwer Street, No. 9 Gallop Street, and No. 43 Violet Street. There are additional examples of this built form on Bulwer Street to the east of Fitzgerald Street, which has seen a greater amount of redevelopment into higher-density developments.

The subject lot occupies a transitional position between multiple dwelling development to the west and single houses to the east. The proposed design responds by providing a design that mediates between adjoining properties, while incorporating upper floor and balcony setbacks consistent with patterns along the streetscape.

- **Gallop Street:** The immediate context of Gallop Street comprises a mix of single and two-storey dwellings. To the south of the subject site, across the right of way, is a single-storey dwelling at No. 8 Gallop Street. This dwelling includes a carport positioned forward of the main building line, with posts located on the lot boundary.

Opposite the subject site, the multiple dwelling development at No. 9 Gallop Street presents as two storeys, with a nil setback to the carport and a 1.5 metre setback from the ground and upper floors. The upper level is aligned with the ground floor, with car parking located towards the southern portion of the site. Two balconies project forward of the building line, contributing to the streetscape presence.

The proposed development has been designed to positively integrate into this established context. The Gallop Street façade incorporates a variety of materials, balconies that provide articulation and passive surveillance, and garage setbacks that maintain clear sightlines along the street. Together,

these elements enhance visual interest, promote street activation, and ensure the development contributes positively to the evolving streetscape character.

Building Bulk

The proposed development has been designed to positively contribute to the Bulwer Street and Gallop Street frontages by incorporating features that moderate bulk and enhance streetscape character. Key elements include:

- Balconies and Openings: Open-sided balconies with on-structure landscaped planters are positioned to both street elevations, providing articulation and visual permeability that reduce the dominance of upper floors. These elements reflect patterns already established in the surrounding area and positively contribute to a more active and engaging streetscape.
- Driveway and Garage Width: The use of singular-width garages for Lots A and B fronting Gallop Street avoids blank, garage-dominated façades and allows space for landscaping within the setback areas. The double-width garage for Lot C is located along the right-of-way, reducing impact on Gallop Street and maintaining a positive street interface.
- Materials: A mix of high-quality materials, including metal cladding, concrete render, recycled brick, white face brick, and timber fencing, introduces variety, breaks up building mass, and contributes to the evolving material character of Bulwer and Gallop Streets. A condition of approval ensures the development is constructed in accordance with the proposed material schedule.
- Soft Landscaping and Trees: Nine new trees are proposed within the primary and secondary street setbacks, supported by deep soil areas and complementary planting. This landscaping softens the built form, enhances amenity, and provides a positive green contribution to the streetscape. There is also on-structure landscaping visible from both streets, to soften the built form and positively contribute to the surrounding streetscapes.
- DRP Support for the Streets Presentation: The DRP supported the street presentation, acknowledging that the combination of articulation, landscaping, and material diversity results in a development that reduces bulk while positively contributing to the character of both street frontages.

Private Open Space and Solar Access and Natural Ventilation

The proposed Private Open Space and Natural Ventilation would satisfy the relevant [Design Principles](#) of the R Codes for the following reasons:

- Location: Each dwelling includes a first-floor balcony that is directly accessible from the primary living, dining, and kitchen areas, providing functional and convenient opportunities for entertaining and leisure. All private open spaces are oriented to the northern aspect of the site to maximise access to sunlight and natural ventilation, and each is roofed to ensure usability throughout the year.
- Functionality and size: The size and dimensions of each dwelling's private open space allow them to be functional and usable. The first-floor balconies range between 14 and 17 square metres, which is sufficient to accommodate an outdoor dining table.
- Secondary Private Open Space Areas: Lot A also incorporates a secondary garden area within the primary street setback, accessible from the ground floor office, while Lot C benefits from an additional private open space on the roof terrace, accessible from the terrace lounge and via internal stairs to other habitable rooms.
- Landscaping: Landscaping has been incorporated to garden areas at ground floor, as well as on-structure to the balconies and roof terrace, which positively contribute to the amenity of these spaces while also softening the built form of the development.
- Solar Access and Natural Ventilation: The proposed private open spaces have been appropriately orientated to facilitate solar access and natural ventilation. The private open spaces are located on the north-west and south-west elevations, allowing for exposure to the afternoon sun and opportunities for cross ventilation. Each balcony is proposed to be roofed, allowing for protection against weather elements, allowing for the space to be used throughout the year.
- Solar Gain to Primary Living Space: The primary living spaces of all dwellings include sufficient glazing to optimise winter solar gain and natural light. Lots A and B feature north-west orientated major openings that are uncovered, allowing for full solar access. Lot C also includes a north-west orientated major opening, though it is covered by the balcony roof. Despite this, the primary living space would still receive daylight through the major opening, with additional sunlight entering via the staircase window.

Trees and Landscaping

In addition to the deemed-to-comply standards of the R Codes, the application has also been assessed against the landscaping provisions of the Built Form Policy. The deemed-to-comply landscaping standards set out in the Built Form Policy have not been approved by the WAPC. As such, these provisions are given regard only in the assessment of the application and do not have the same weight as other policy provisions.

The proposed extent of landscaping and trees satisfies the relevant [Design Principles](#) of the R Codes and [Local Housing Objectives](#) of the Built Form Policy for the following reasons:

- **Location of Landscaping:** The development proposes for landscaping to be incorporated across the site, including within the street setback areas and within private open spaces, including the balconies and the Lot C roof terrace. The type of landscaping proposed has been outlined in the applicants landscaping plan, included in **Attachment 2**, and includes small to medium sized trees, and featured planting, such as flowers and shrubs. The location of landscaping would positively contribute to the streetscapes, would provide high levels of amenity to the future residents, and would assist with softening the bulk of the development when viewed from the street.
- **Primary Street Setback Areas:** The application proposes sufficient landscaping within all lots' primary street setback areas. This is demonstrated by each lot achieving the deemed-to-comply requirement of providing 30 percent of the front setback area as landscaping, with Lots A-C proposing 34 percent, 31.8 percent, and 47.7 percent respectively. The extent of landscaping proposed within these areas would positively contribute to the streetscape, while assisting in reducing the overall building bulk and scale of the development when viewed from the street.
- **Tree Planting & Canopy:** The proposal retains one existing frangipani and plants eight new trees. These are located within the primary street setbacks to Gallop Street and Bulwer Street, within on-site deep soil areas, and in private open spaces, with additional on-structure planting to balconies and the Lot C roof terrace. At maturity, the new trees are expected to reach approximately 4 to 8 metres and collectively deliver about 41.2 percent canopy cover across the site, up from about 15 percent at present. This will also provide shade to pedestrian paths along both street frontages.
- **Environmental Benefits:** The proposed planting and deep soil areas would contribute to improved urban air quality and increased tree and vegetation coverage. While the application seeks to remove six existing trees, it proposes the planting of eight new trees and the retention of one existing tree. The additional trees will provide canopy coverage, predominantly to the front setback and street interface. This ensures the landscaping proposed makes a meaningful contribution to the City's green canopy and helps reduce the impact of the urban heat island effect.
- **Permeable Paving:** Permeable paving is proposed to the each of the driveway areas adjacent to the garages. This would reduce the amount of hardstand areas and assist in water infiltration and support the growth of trees that are proposed to be planted adjacent to these driveways.

Streetscape

The proposed development satisfies the relevant [Design Principles](#) of the R Codes, as the reduced 1 metre depth of the front door's weather protection would continue to provide effective coverage and a practical point of refuge from sun and rain for residents and visitors, ensuring the intent of the standard is met.

10 INFRASTRUCTURE & ENVIRONMENT

Nil

11 COMMUNITY & BUSINESS SERVICES

11.1 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.

PURPOSE OF REPORT:

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

DELEGATION:

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

BACKGROUND:

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

DETAILS:

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

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

Explanation of Material Variances

The materiality thresholds used for reporting variances are 10% and \$20,000, respectively. This means that variances will be analysed and separately reported when they are more than 10% (+/-) of the year-to-date budget and where that variance exceeds \$20,000 (+/-). This threshold was adopted by Council as part of the budget adoption for 2025/26 and is used in the preparation of the statements of financial activity when highlighting material variance in accordance with *Financial Management Regulation 34(1) (d)*.

In accordance with the above, all material variances as at 31 August 2025 have been detailed in the variance comments report in **Attachment 1**.

Revenue by Nature or Type (on page 1) is tracking lower than the YTD budgeted revenue by \$105,243 (0.2%). The following items materially contributed to this position:

- An unfavourable timing variance in Operating grants, subsidies and contributions of \$389,557.
- An unfavourable variance in Service charges due to lower Underground Power Service charges \$90,077.
- A favourable variance in interest earnings of \$174,792 mostly due to a timing variance.

- A favourable variance of \$145,779 in Rates revenue mainly due to a timing variance.
- A favourable variance of \$28,138 in Other revenue mainly due to a timing variance.
- A favourable variance of \$25,682 in Fees and Charges due to a timing variance.

•
Expenditure by Nature or Type (on page 1) is favourable, attributed by an under-spend of \$3,342,462 (26.6%). The following items materially contributed to this position:

- \$2,480,746 favourable Depreciation expense due to timing variances.
- \$708,958 favourable Materials and Contracts mainly due to timing variances.
- \$203,320 favourable Employee related costs due to timing variances.

•
Surplus Position

The surplus position brought forward to 2025/26 is \$5,082,483 compared to the adopted budget amount of \$4,160,616. It is anticipated the actual opening surplus figure will be adjusted after the year audit has been finalised in November 2025.

The favourable opening surplus position is mainly due to capital carry forwards, higher operating revenue due to higher fees and charges and a higher brought forward Financial Assistance Grant payment, and lower operational expenditure.

Underground Power charges of \$1.3m have been included in the 2024/25 result to account for costs incurred in the previous financial year.

An adjustment will be made at Mid-Year Budget Review 2025/26 to reduce the budgeted grant revenue in lieu of the higher brought forward payment, reduce operational costs to account for Underground Power charges recognised in the prior year and account for capital carry forward amounts.

Content of Statement of Financial Activity

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

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

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

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

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

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

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

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

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

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

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

6. Cash Backed Reserves (Note 6 Page 13)

The cash backed reserves schedule provides a detailed summary of the movements in the reserve portfolio, including transfers to and from the reserve. The balance as at 31 August 2025 is \$30,106,492.

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

The notices for rates and charges levied for 2025/26 were issued on 23 July 2025. *The Local Government Act 1995* provides for ratepayers to pay rates by four instalments. The due dates for each instalment are:

| | Due Date |
|-------------------|-----------------|
| First Instalment | 29 August 2025 |
| Second Instalment | 31 October 2025 |
| Third Instalment | 2 January 2026 |
| Fourth Instalment | 6 March 2026 |

At 31 August 2025, the outstanding rates debtors balance was \$29,955,352 including Underground Power service charges. The percentage of collectable outstanding rates and service charges at this date were 51.04% and 58.03% respectively.

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

Total trade and other receivables at 31 August 2025 were \$4,663,954. Below is a summary of the significant items with an outstanding balance over 90 days:

- \$2,525,526 relates to unpaid infringements over 90 days. Infringements that remain unpaid for more than two months are referred to the Fines Enforcement Registry (FER), which then collects the outstanding balance on behalf of the City for a fee.
- \$138,263 relates to cash-in-lieu car parking debtors. In accordance with the *City's Policy 7.7.1 Non-residential parking*, Administration has entered into special payment arrangements with long outstanding cash in lieu parking debtors to enable them to pay their debt over a fixed term of five years.

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

As at 31 August 2025, the Centre reported a net operating surplus of \$351,807 against the year-to-date budgeted deficit of \$168,501.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

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

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

Innovative and Accountable

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

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

Our community is satisfied with the service we provide.

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

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





PUBLIC HEALTH IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

As contained in this report.

11.2 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 |

PURPOSE OF REPORT:

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

DELEGATION:

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

BACKGROUND:

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

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

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

DETAILS:

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

| FUND | CHEQUE NUMBERS/ BATCH NUMBER | AMOUNT |
|--|---------------------------------|-----------------------|
| Municipal Account (Attachment 1, 2 and 3) | | |
| EFT Payments | 3222-3228 | \$4,436,689.38 |
| Payroll by Direct Credit | August 2025 | \$1,772,149.83 |
| Sub Total | | \$6,208,839.21 |
| Cheques | 82803 | \$ 252.15 |
| Sub Total | | \$ 252.15 |
| Direct Debits (including Credit Cards) | | |
| Lease Fees | | \$ 23,536.08 |
| Loan Repayments | | \$526,508.83 |
| Bank Charges – CBA | | \$ 23,529.08 |
| Credit Cards | | \$ 17,609.35 |
| Sub Total | | \$ 591,183.58 |
| Total Payments | | \$6,800,274.94 |

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

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

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

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

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

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

“13. Lists of Accounts

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

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

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

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

RISK MANAGEMENT IMPLICATIONS

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

STRATEGIC IMPLICATIONS:

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

Innovative and Accountable

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

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

Our community is satisfied with the service we provide.

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

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

PUBLIC HEALTH IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

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

11.3 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.

PURPOSE OF REPORT:

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

DELEGATION:

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

BACKGROUND:

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

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

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

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

Total funds invested in the month of August 2025 were \$12.3 million and \$7.2 million of funds matured during the same period.

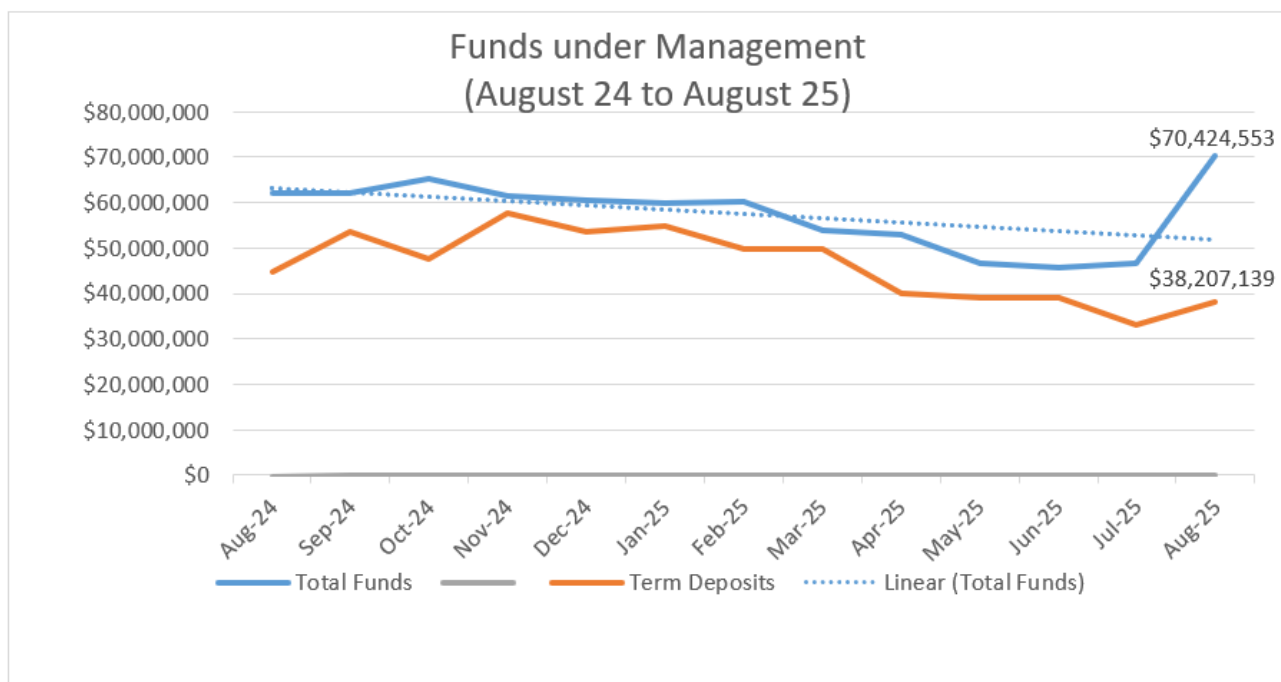
Investment Status

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

As at 31 August 2025, the total funds held in the City's operating accounts (including on call) was \$70,424,553 compared to \$62,204,462 for the period ended 31 August 2024. All funds are interest bearing as at 31 August 2025.

The total term deposit investments for the period ended 31 August 2025 were \$38,207,139 compared to \$44,606,168 for the period ended 31 August 2024.

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



Interest Status

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

| Total Accrued Interest Earned on Investment | Budget Annual | Budget YTD | Actual YTD | % of YTD Budget | FY24/25 Actual |
|---|------------------|----------------|----------------|-----------------|------------------|
| Municipal | 860,000 | 91,887 | 131,928 | 143.58% | 1,269,032 |
| Reserve | 800,000 | 203,100 | 202,076 | 99.50% | 1,200,000 |
| Subtotal | 1,660,000 | 294,987 | 334,004 | 119.67% | 2,469,032 |
| Leederville Gardens Inc. Surplus Trust* | 0 | 0 | 34,295 | N/A | 197,586 |
| Total | 1,660,000 | 294,987 | 368,299 | 124.85% | 2,666,618 |

*Interest estimates for Leederville Gardens Inc. Surplus Trust were not included in the 2025/26 Budget as actual interest earned is restricted.

The City has a weighted average interest rate of 3.98% for current investments compared to the Reserve Bank 90 day accepted bill rate for August 2025 of 3.61%.

Sustainable Investments

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

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

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

| Short Term Rating (Standard & Poor's) or Equivalent | Direct Investments Maximum %with any one institution | | Maximum % of Total Portfolio | |
|---|--|------------------|------------------------------|------------------|
| | Guideline | Current position | Guideline | Current position |
| A-1+ | 30% | 45.7% | 90% | 58.9% |
| A-1 | 25% | 0% | 90% | 0% |
| A-2 | 20% | 11.2% | 90% | 41.1% |

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

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS

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

STRATEGIC IMPLICATIONS:

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

Innovative and Accountable

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

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SUSTAINABILITY IMPLICATIONS:

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










PUBLIC HEALTH IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

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

12 CHIEF EXECUTIVE OFFICER**12.1 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 2 October 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.

12.2 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

PURPOSE OF REPORT:

To report to Council the proceedings of the Audit and Risk Committee at its meeting held on 3 September 2025 in accordance with clause 2.21(1) of the City's Meeting Procedures Local Law 2008.

DELEGATION:

In accordance with Section 5.22(2) of the *Local Government Act 1995*, the minutes of a meeting of a committee are to be submitted to the next ordinary meeting of the council for confirmation.

BACKGROUND:

The City's Audit and Risk Committee is a statutory committee of Council, established in accordance with Section 7.1A of the *Local Government Act 1995*. The role of the Audit and Risk Committee is to provide independent advice and assurance to Council over the City's risk management, internal controls, legislative compliance and financial management.

The Audit and Risk Committee meets approximately every three months and comprises of up to three external independent members (one of which is the Audit and Risk Committee Chair) and four Elected Members.

DETAILS:**5.1 Annual Self-Assessment 2025**

The Committee reviewed the outcomes of the Annual Self-Assessment and endorsed actions including development of a skills matrix, reinforcement of the Code of Conduct, in-camera sessions with the internal auditor, and improved agenda management.

5.2 OAG Reports – Purchasing Cards, Personal Leave, and Land Transactions

The Committee reviewed the City's evaluation of the OAG reports. The Committee was satisfied with the assessment of compliance against the OAG's purchasing card recommendations but requested a more detailed evaluation of compliance with the personal leave recommendations, in the same format. The Committee also requested further input from the Senior Land and Legal Advisor regarding processes for major and minor land transactions.

5.3 Audit and Risk Committee Forward Agenda 2025

The Committee noted the updated Forward Agenda, including deferral of the next three-year Internal Audit Plan to early 2026 following finalisation of the existing Year 3 Program.

5.4 Corporate Risk Register and Deep Dive Reviews

The Committee considered the City's Corporate Risk Register and outcomes of deep dive reviews, including risks relating to high-risk food inspections and workforce planning. The Committee noted that two medium risks (IDs 11 and 12) relating to the polyphagous shothole borer are outside Council's risk appetite and agreed to receive a six-month deep dive into the financial impacts.

5.5 Review of the City's Audit Log

The Committee reviewed the Audit Log, noting that Audit Action EA:2024/14 *Excessive Leave Balances* should remain open. The Executive Manager Human Resources is to attend the next meeting to provide assurances regarding the proposal to close out this action.

6 General Business

The Committee discussed the status of the current Year 3 Internal Audit Program and requested that action plans with deadlines be agreed between the internal auditor and relevant managers. The Committee also requested a tracking dashboard and ongoing governance reporting of audit status.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

In accordance with Section 5.22(2) of the *Local Government Act 1995* the minutes of a meeting of a committee are to be submitted to the next ordinary meeting of the council for confirmation.

The Audit and Risk Committee Terms of Reference govern the functions, powers and membership of the Committee.

RISK MANAGEMENT IMPLICATIONS:

Low: It is low risk for Council to consider the report and minutes of the Audit and Risk Committee meeting on 3 September 2025 as the Committee provides advice and assists Council to fulfil its governance and oversight responsibilities in relation to financial reporting, risk management, internal controls, legislative compliance, ethical accountability, and the internal and external audit functions.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Innovative and Accountable

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

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

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

PUBLIC HEALTH IMPLICATIONS:

There are no implications to the priority health outcomes of the City's Public Health Plan 2020-2025.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

13 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

**14 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN
(WITHOUT DISCUSSION)**

Nil

15 REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

16 URGENT BUSINESS

Nil

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

Nil

18 CLOSURE