



CITY OF VINCENT

NOTES

Council Briefing

12 March 2024

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**NOTES OF CITY OF VINCENT
COUNCIL BRIEFING
HELD AS E-MEETING AND AT THE ADMINISTRATION AND CIVIC CENTRE,
244 VINCENT STREET, LEEDERVILLE
ON TUESDAY, 12 MARCH 2024 AT 6.00PM**

PRESENT:	Mayor Alison Xamon	Presiding Member
	Cr Alex Castle	North Ward
	Cr Suzanne Worner	North Ward
	Cr Nicole Woolf	North Ward
	Cr Jonathan Hallett	South Ward
	Cr Ashley Wallace	South Ward
	Cr Sophie Greer	South Ward
	Cr Ashlee La Fontaine	South Ward
IN ATTENDANCE:	David MacLennan	Chief Executive Officer
	Peter Varris	Executive Director Infrastructure & Environment
	Rhys Taylor	Chief Financial Officer
	Jay Naidoo	A/Executive Director Strategy & Development
	Luke McGuirk	Manager Engineering (left at 7.25pm after Item 8.5)
	Lisa Williams	Executive Manager Communications & Engagement (left at 7.23pm after Item 8.5)
	Karsen Reynolds	A/Manager Development & Design (left at 7.23pm after Item 8.5)
	Mitchell Hoad	A/Manager Strategic Planning & Specialist Planner
	John Corbellini	Director Major Projects (Left at 7.09pm after Item 5.4)
	Joslin Colli	Executive Manager Corporate Strategy & Governance
	Wendy Barnard	Council Liaison Officer
Public:	Approximately eight members of the public.	

1 DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY

The Presiding Member, Alison Xamon, declared the meeting open at 6.00pm and read the following Acknowledgement of Country statement:

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

2 APOLOGIES / MEMBERS ON APPROVED LEAVE OF ABSENCE

Cr Ron Alexander is an apology for this meeting.

3 PUBLIC QUESTION TIME AND RECEIVING OF PUBLIC STATEMENTS

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

3.1 Louise Schneider of Mt Lawley – Item 6.1

Spoke regarding the recommendation.
Full details of her statement can be found [here](#).

The Presiding Member, Alison Xamon, thanked Ms Schneider for his comments.

2. Ralph Groom of Mt Lawley – Item 6.1

Spoke regarding the recommendation.
Full details of his statement can be found [here](#).

3. Marie Slyth of West Perth – Item 8.4

Spoke regarding the recommendation.
Full details of her statement can be found [here](#).

The Presiding Member, Alison Xamon, thanked Ms Slyth for her comments.

4. Dudley Maier of Highgate – Item 8.4

Spoke regarding the recommendation.
Full details of his statement can be found [here](#).

The Presiding Member, Alison Xamon, thanked Mr Maier for his comments.

5. Peter Eastwood of West Leederville – Item 5.4

Spoke regarding the recommendation and provided photographs which were circulated to Elected Members.
Full details of his statement can be found [here](#).

The Presiding Member, Alison Xamon, thanked Mr Eastwood for his comments.

6. Greg Eastwood of Dianella - Item 5.4

Spoke regarding the recommendation.
Full details of his statement can be found [here](#).

The Presiding Member, Alison Xamon, thanked Mr Eastwood for his comments.

7. Pauline Holdaway of West Leederville – Item 5.4

Spoke regarding the recommendation.
Full details of his statement can be found [here](#).

The Presiding Member, Alison Xamon, thanked Ms Holdaway for her comments.

The following comments were submitted in writing prior to the Briefing:

Trish Byrne of Burswood – Item 5.4

NO. 71 (LOT: 200; D/P: 92012) EDWARD STREET AND NO. 120 (LOT: 1001; D/P: 29129) CLAISEBROOK ROAD, PERTH - PROPOSED EXTENSION OF TIME TO EXISTING CONCRETE BATCHING PLANTS

As landowners within the North Claisebrook precinct, we sincerely thank the City staff and Council for your ongoing efforts related to the relocation of the batching plants, your recognition of the importance of this issue to the community, and critically, your recommendation to not support the development applications made to the State Government under Part 17 (Special provisions for COVID-19 pandemic relating to development applications) of the Planning and Development Act 2005, for the continued operation of the two existing Concrete Batching Plants at No. 71 Edward Street (application reference SDAU-069-23) and No. 120 Claisebrook Road (application reference SDAU-068-23)

We support the below statements as contained within the RAR, and provide additional commentary as follows:

RAR statement: The Concrete Batching Plants are inconsistent with the provisions, purpose, and intent of the City's Local Planning Scheme No. 2 (LPS2). LPS2 zones the sites as Mixed Use R160 with the objective to provide for a range of housing choices and affordability, and encouraging a mix of compatible and complimentary uses.

We trust that WAPC will also support the City's views which are in direct contrast to the statements made by the applicants in their development applications which read as follows:

"There have not been any significant relevant changes to LPS2 in terms of the provisions applicable to the Subject Site since the Minister's determination in 2018. Given the Scheme presently recognises the concrete batching plant land use to continue operations, albeit until a specified time, it is considered that to extend that time frame would not be inconsistent with the purpose and intent of LPS2 when considering the purpose for which the timeframe was inserted as well in considering the broader State strategic framework discussed further below."

Further, in her Reasons for the Determination of the conditional development approval, dated 10th October 2018, we also acknowledge the Minister's statements:

- 3 "Ongoing operation of the concrete batching plants on the subject sites in perpetuity would adversely impact on the opportunity to establish an urban community with commensurate amenity, as is intended under the local scheme"
- 4 "The granting of development approvals which will be limited to terms expiring on 30 June 2024 provides certainty to the local community and the operators of the concrete batching plants with respect to development intentions for the area, and allows sufficient time to facilitate the transitioning of the concrete plants from the subject sites"

It is abundantly clear that to extend the time frame would be wholly inconsistent with the purpose and intent of LPS2 and broader strategic framework for the precinct.

With proximity to the CBD being a core argument of the Applicants' submissions, we also draw the City and Council's attention to the following:

AS 1379-2007 Specification and supply of concrete

"4.2.5 Period for completion of discharge

Discharge of all the concrete in a batch shall be completed within 90 min from the commencement of mixing as specified in Clause 4.2.2.2, Clause 4.2.2.3 or Clause 4.2.2.4, or before proper placement and compaction of the concrete can no longer be accomplished, whichever occurs first."

By their own statements, Holcim and Hanson are the only two batching plants that operate from these locations within 5km of the CBD. Boral and BGC operate from batching plants located outside of the CBD or CBD fringe and yet can supply concrete to major CBD projects. See images below.

REPRESENTATIVE PLANTS IN EACH REGION

Boral operates 12 concrete plants in Western Australia. This EPD covers a sub-section of our plants in the Perth region. Our background LCA report shows that the Boral Concrete Osborne Park plant is representative for surrounding Perth plants that have similar supply chains and mix designs.

- Boral Concrete Muchea
- Boral Concrete Neerabup
- Boral Concrete Bayswater
- Boral Concrete Spearwood
- Boral Concrete Canning Vale
- Boral Concrete Rockingham

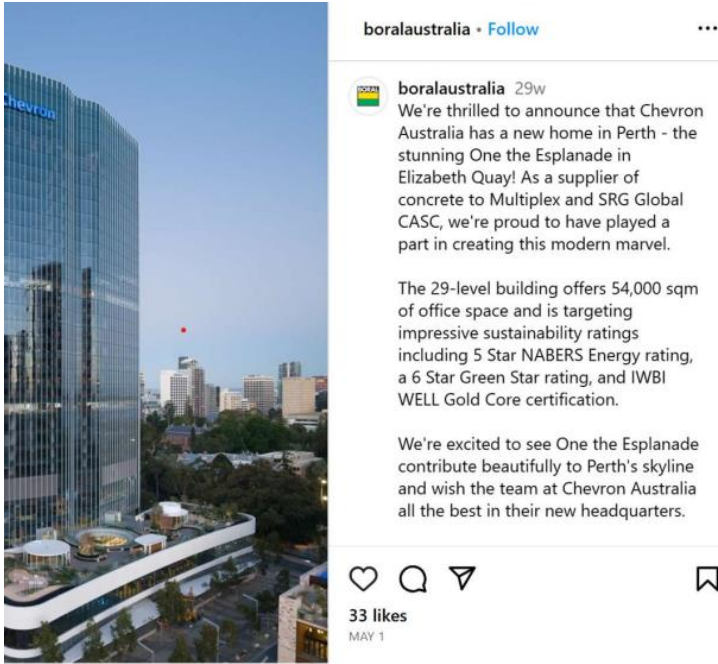


BGC Concrete

[Home](#) ▾ | [Products](#) ▾ | [Services](#) ▾ | [Concrete Calculator](#) | [Downloads](#) ▾ | [Contact Us](#) ▾ | [Moora Concrete Operation](#)

Please contact your nearest plant to place an order for Structural Concrete, Polished and Exposed Mixes or L-Stone (Limestone Paving)

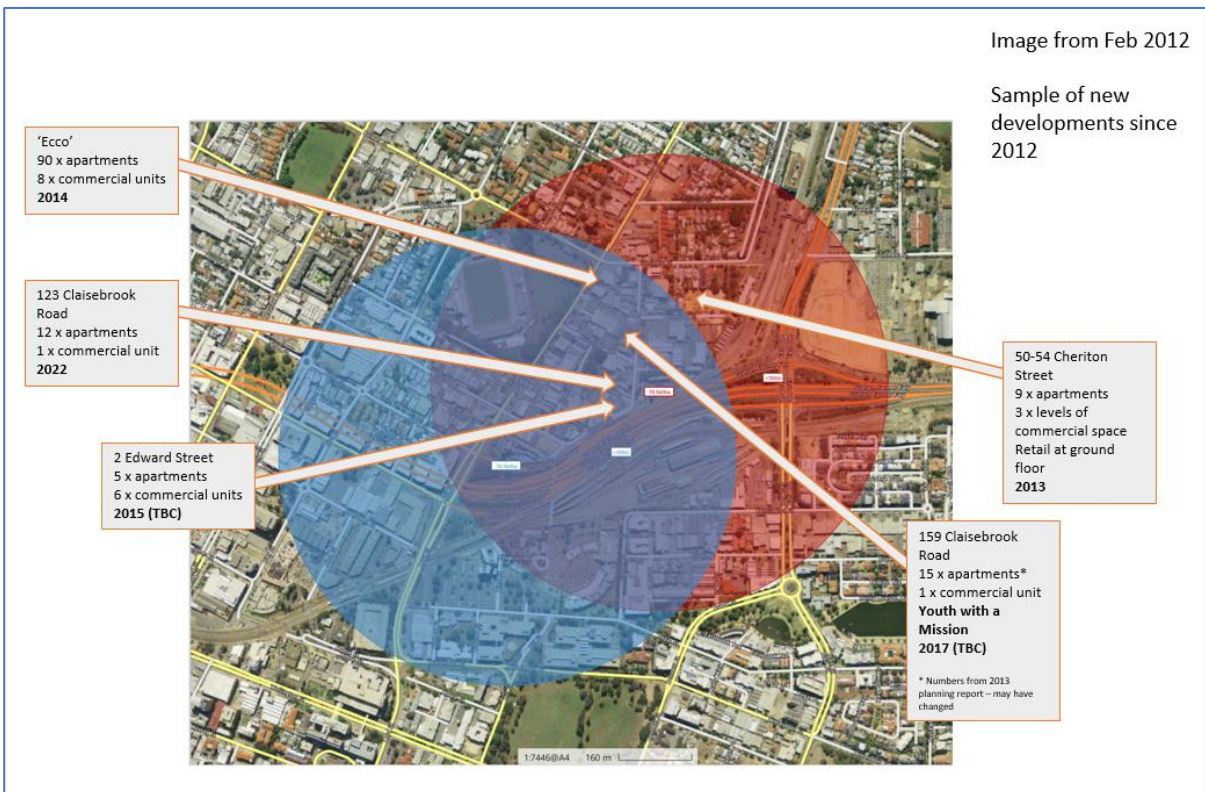
Plant Details	Map	Structural Concrete	Polished and Exposed Mixes	L-Stone
Armadale ☎ (08) 94976090	📍	✓		
Bassendean ☎ (08) 62204788	📍	✓		
Canning Vale ☎ (08) 93344533	📍	✓		
Hazelmere ☎ (08) 94422440	📍	✓	✓	✓
Mandurah ☎ (08) 62204786	📍	✓	✓	✓
Naval Base ☎ (08) 62204784	📍	✓	✓	✓
Quinns ☎ (08) 62204782	📍	✓	✓	✓

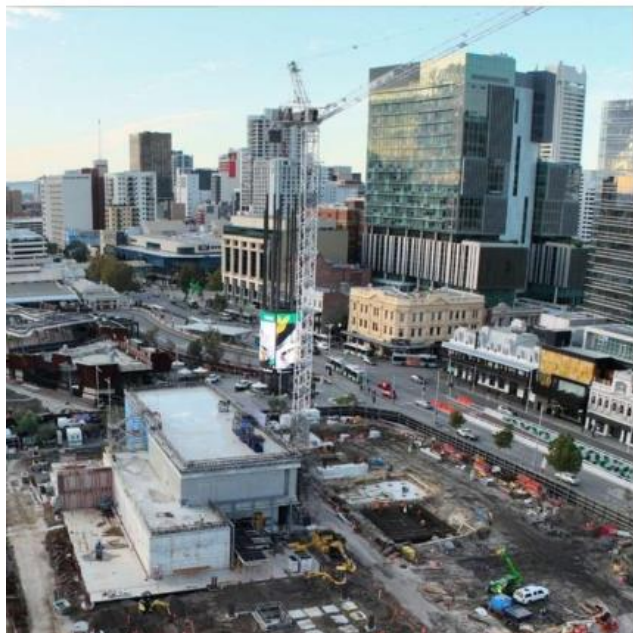


There are numerous locations with suitable industrial land use zoning within a 90-minute buffer. It is difficult to accept that Boral can have 12 sites outside of the CBD or CBD fringe, BGC have 7 locations providing structural concrete, and yet Holcim and Hanson continue to argue the importance of the CBD location and seemingly impossible task of sourcing an alternative location.

RAR statement: The increase in sensitive uses within the locality over time consistent with LPS2 and the North Claisebrook Planning Framework has meant that the amenity disturbances from the existing Concrete Batching Plants are now more impactful than they were previously.

Below is a sample of some of the new developments within the precinct with red and blue circles representing the 500metre buffers, (some developments of which progressed under the belief the batching plants would be relocating by 30 June 2024). The changes to the surrounding built form cannot be ignored.





boralaustralia • Follow



boralaustralia We're thrilled to supply concrete for the innovative ECU City Campus development in collaboration with Multiplex/SRG Global CASC.

This landmark project in Perth's CBD will become a hub for technology, creativity, and business.

The first concrete pour took place in January 2023, with construction due to be completed in late 2025!

#Boral #BuildingSomethingGreat #ECUCity #PerthCBD
#Concrete #Construction #ConstructionMaterials
#edithcowanuniversity #perthcitydeal

24w

RAR Statement: The continued operation of the sites is impacting on the existing and growing number and intensity of sensitive uses in the area and is inhibiting the delivery of high-density mixed use development and increased housing opportunities within the area.

The North Claisebrook Planning Framework speaks to the City of Vincent Perth and Peel @ 3.5 million target of an additional 11,490 dwellings and 25,270 people by 2050.

123 Claisebrook Road, Perth was developed on the understanding the batching plants were to relocate by 30 June 2024. These units are now being held as rentals with a sale of individual units not currently practical given the uncertainties of the future of the batching plants, which would inevitably lead to under-pricing of the units in the market. 28 Gladstone, capable of a 20-unit development under the recent North Claisebrook Planning Framework, will now be placed on hold, pending the outcomes of these applications. It is again extremely frustrating that the time and efforts of the City of Vincent and the community in developing this Framework, and responding to the previous rounds of requested extensions, will have gone to waste should the Commission grant an approval. This would discredit the local planning process and make a mockery of community engagement.

Whereas Holcim and Hanson have both argued their continued presence at this location is “a critical component to supplying major Government infrastructure projects and significant private building developments (including housing)”, we would argue that by their continuation, they are locking land assets that could otherwise be developed as prime transit orientated development residential hubs. We note developments such as that at 150, 152 & 158 Claisebrook have applied for another extension of their original approvals granted 2014 – last extended in 2018 (116 apartments).

This precinct is ideally suited to and capable of delivering much needed accommodation for key workers given the proximity to the Royal Perth Hospital, St John of God in Mount Lawley, WA Police headquarters, and bus and train links, however is in a forced holding pattern.

Questions or requests for the City's consideration:

We reasonably request greater transparency around the Government Stakeholder Working Group process, with difficulty in sourcing alternative locations being one of the main arguments in Holcim and Hanson's request for extensions:

- Have Holcim and Hanson demonstrated to the City/Council (or are the City aware if it has been demonstrated to WAPC) a forward book order that confirms they are supplying major Government infrastructure projects and significant private building developments (including housing) in Perth CBD that need to be, or can only be, serviced from these exact locations within 5kms of the CBD.
- Have details of the property searches to date and general Working Group efforts been provided to the City / Council for transparency and in support of their core justifications?

Whereas we firmly believe Handon and Holcim have had ample time to source alternative locations, and community is clearing stating enough is enough and no extensions should be considered, we take this opportunity to comment on the proposed conditions, should this be the unfortunate outcome:

- As proposed by the City, any minor extension must have strict enforceable conditions aligned to critical dates. Can the City confirm how / who would enforce fine for offences for non-compliance with any development approval condition, and instruments available to apply such fines? i.e. application of Planning and Development Act 2005, Part 13 Enforcement and legal proceedings, Division 2 Offences

We also request the following additional conditions be considered to improve the amenity of the community, in the unfavourable event they are granted a time limited extension:

- At Holcim and Hanson’s own cost, prepare an updated landscape concept and place plan (to the satisfaction and approval of the City of Vincent in consultation with community) and thereafter implement the landscape and place plan (to include such features as murals to large street facing walls etc.) within an agreed timeframe – suggest 31 December 2024
- Suggested mural type artwork as follows:



- <https://theartssociety.org/arts-news-features/how-one-arts-society-got-involved-arts-project-streets>



- <https://www.australiansiloarttrail.com/bonny-hills>

- Reduce permitted operational hours from currently permitted 24 hours, to 6am – 10pm Monday to Saturday. Operations remain not permitted on Sunday or public holidays

Whereas we firmly believe there is no justification within the applications for any extension to be granted, should the WAPC be of the view to approve the development application, we would request for the Council to propose an extension of 18-24 months maximum.

Administration Response

- *The City has not been provided with information on developments and projects for which either Hanson or Holcim are supplying concrete. The City also understands that this has not been provided to the WAPC as part of either application.*
- *The City has not been provided with any specific details related to property searches in support of relocation options for Hanson or Holcim.*
- *Administration has been liaising with the Department of Planning, Lands and Heritage (DPLH) in relation to the responsible authority for the enforcement of conditions.*

The DPLH have advised that it would usually be responsible for administering and enforcing development approvals granted by the Western Australian Planning Commission (WAPC), however the nature of the subject applications for the continuation of a land use would likely be a collaborative approach with the City should there be further approvals granted.

Administration will continue to liaise with the DPLH to confirm the approach to compliance should the WAPC grant any extension of time.

The Planning and Development Act 2005 provides for a range of enforcement options which includes fines. Enforcement options would be contemplated based on the nature of any breach of development approval.

- *Administration has not included the suggested condition requiring the provision of public art project/s for the following reasons:*
 - *Administration has recommended that Council not support any continuation of the concrete batching plant operations beyond June 2024.*
 - *The draft conditions included in Administration's recommended submission are there to ensure the use actually ceases if any approval is granted rather than suggest that an approval could be in any way appropriate.*
 - *Including conditions that relate to landscaping or public art may create a perception that these additions would in some way mitigate or reduce the impact of the continued concrete batching plant operations on the community when that would not be the effect of such additions.*

Notwithstanding this it would be open to either Hanson or Holcim to pursue providing public art or additional landscaping to any development approval.

- *Administration is of the view that the operating hours should be informed by a noise assessment, which has not been undertaken for either site since 2010 and 2011. The noise assessment would be required to consider the noise impacts on sensitive uses which have occurred in the area in the last 13 to 14 years.*

Given these changes to the area it is expected that the current 24 hour operations would be required to be restricted to ensure compliance with the Environmental Protection (Noise) Regulations 1997.

There being no further speakers, Public Question Time closed at approximately 6.28pm.

4 DECLARATIONS OF INTEREST

Cr Ashlee La Fontaine declared an impartiality interest in Item 8.4 Responses to Motions Carried at the Annual General Meeting of Electors held on 1 February 2024. The extent of her interest is that one of the residents who proposed a motion supported her election campaign.

Mayor Alison Xamon declared an impartiality interest in Item 5.4 No. 71 (Lot: 200; D/P: 92012) Edward Street and No. 120 (Lot: 1001; D/P: 29129) Claisebrook Road, Perth - Proposed Extension of Time to Existing Concrete Batching Plants. The extent of her interest is that she lives within the North Claisebrook Planning Framework area and has been an active member of the community.

Mayor Alison Xamon declared an impartiality interest in Item 7.5 Proposal to Hold Events at Leederville Oval. The extent of her interest is that she is a member of the East Perth Football Club, who have a lease of a portion of the Leederville Oval.

REPORTS CALLED OUT

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

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

COUNCIL MEMBER	ITEMS TO BE DISCUSSED
Cr Worner	5.2, 5.3 and 8.5
Cr Hallett	9.1
Cr Greer	8.4

REPORTS WITH DISCUSSION**6.1 BEAUFORT STREET PRECINCT AREA ROAD SAFETY TREATMENTS**

- Attachments:**
1. Harold St_Survey Analysis_240216
 2. Highgate Precinct Wide Traffic Analysis
 3. Node#1 - Concept Drawing - Beaufort Street and Harold Street Intersection

RECOMMENDATION:**That Council:**

1. **REQUESTS** Administration to apply to Main Roads WA for approval of Harold Street becoming a formal one-way street either from Vincent Street to Beaufort Street, or from Beaufort Street to Vincent Street;
2. **Subject to Main Roads WA approval to point 1, SUPPORTS** a capital works project to convert Harold Street from a bi-directional street to a one-way street in the 2024-2025 financial year; and
3. **SUPPORTS** the development of a 6-year Road Safety Implementation Plan to design and deliver the “Beaufort Street Nodes” project and other projects identified within the precinct-wide Highgate traffic analysis report within attachment 2.

CR HALLETT:

How many residents are there on Harold Street?

MANAGER ENGINEERING:

There are 17 residences accessing Harold Street between Vincent Street and Beaufort Street. This excludes Challis Apartments.

CR LA FONTAINE:

Please provide more information on the proposed 1 way on Harold Street, and more info on the Mary St exit community consultation?

MANAGER ENGINEERING:

(Attachment 7 – 9 September 2014 Council Report - Mary Street)

CR LA FONTAINE

Mini roundabouts were mentioned, can the results of the mini roundabouts trial review be included?

MANAGER ENGINEERING:?

(Attachment 5 – 18 May 2021 Council Report Mini Roundabouts. There is a Mini Roundabouts Pilot Review – Post Survey Analysis which is to be discussed at a Council Workshop meeting.

CR LA FONTAINE

Broome St roundabout blackspot, community consultation notes be included?

MANAGER ENGINEERING:

Attachment 4 – Broome and Wright Street – Community Survey Results).

CR LA FONTAINE

Austrroads guidelines part 8 be included in briefing notes?

MANAGER ENGINEERING:

(Attachment 3 - Austrroads Guideline LATM – Part 8).

8.4 RESPONSES TO MOTIONS CARRIED AT THE ANNUAL GENERAL MEETING OF ELECTORS HELD ON 1 FEBRUARY 2024

Attachments: 1. Annual General Meeting of Electors Minutes 1 February 2024

RECOMMENDATION:

That Council NOTES and ENDORSES the following recommendations provided by Administration to the General Business motions carried at the Annual Meeting of Electors held on Thursday 1 February 2024 for the reasons outlined in the report:

1. **Motion 4.1(1) – Laneways** - That Council NOTES that condition surveys are undertaken on all the laneways and upgrades are prioritised according to the condition ratings.
2. **Motion 4.2 – Dust at Menzies Park** - That Council REQUESTS Administration identifies a temporary solution to stabilise and mitigate dust on this section of verge.
3. **Motion 4.3**
 - (1) **Rat Running Character Area Cleaver Precinct** – That Council REQUESTS Administration complete a “Traffic Calming Warrant” score on this area in the 2023/24 financial year and if warranted, consider traffic calming treatments to mitigate issues such as rat running and any other road safety concerns.
 - (2) **Bunnings Traffic Impact** – That Council NOTES:
 - Main Roads WA is already undertaking a road safety program on this intersection and the City is providing information and support as required; and
 - The Department of Transport (DoT) is planning to undertake a future traffic study of the Pickle District which proposes to include this intersection.
 - (3) **Colvin Lane** – That Council NOTES Colvin Lane has sufficient signage including speed advisory signs as noted in the report.
 - (4) **Bunnings Traffic Impact** – That Council NOTES the Department of Transport (DoT) is planning to undertake a future traffic study of the Pickle District.
 - (5) **Cleaver Precinct Character Area** – That Council NOTES:
 - Conditions of the Development Approval for the Bunnings development require the preparation of Management Plans prior to commencement of development to manage vehicle movements to the site, and
 - Administration will send a notification to residents within the area bound by Carr Street, Cleaver Street, Newcastle Street and Fitzgerald Street prior to issuing an occupancy permit for the development. This notification will provide information on how to report instances of delivery and service vehicles using the residential streets if this is observed.
4. **Motion 4.4: Polyphagous Shot Hole Borer** – That Council NOTES the CEO’s creation of a Hyde Park Reference Group to provide a forum to engage with stakeholders and community members into the City of Vincent’s restoration of tree canopy and associated plantings post Polyphagous Shot Hole Borer treatment works.
5. **Motion 4.5(1): e-Waste** – That Council NOTES the various e-waste disposal options already available to residents and REQUESTS Administration to advertise these disposal options to increase community awareness.

6. **Motion 4.5(2): Publishing Policy Related Guidelines** – That Council NOTES the Policy Development and Review Policy outlines Council's position in relation to Local Government Decision Making and the hierarchy of documents guiding decision making and responsibilities.
7. **Motion 4.5(3): Beaufort Street Footpath** –
- That Council REQUESTS:
- Administration program upgrades of the footpaths in the Mount Lawley-Highgate Town Centre in accordance with condition assessment priorities; and
 - Administration review the service level requirements and costs to ensure that footpaths and public paving in areas subject to high pedestrian traffic (including town centres) are maintained in a clean and attractive state, and the findings be presented to a Council Workshop by June 2024.
8. **Motion 4.5(4): Elected member responses to the community** – That Council NOTES that the adopted Code of Conduct is consistent with the *Local Government (Model Code of Conduct) Regulations 2021*.
9. **Motion 4.5(5): Organisation Review** – That Council NOTES results of the FY 22 Australasian Local Government Performance Excellence Program and annual service unit planning undertaken by the organisation provide sufficient metrics to inform organisation planning and structure.

MAYOR XAMON:

If there was an opportunity for small waste – good Sammy conversation to see if they would provide a bin? Can we get some info as to if they think that option is viable and if not, why not?

EXECUTIVE DIRECTOR INFRASTRUCTURE AND ENVIRONMENT:

Feedback from Good Sammys not to hand at time of publishing Briefing Notes – will be provided to Council once obtained.

CR CASTLE:

Motion 4.2 – explanation as to why only a temp solution is being sought, and what could be considered as a permanent solution? Can we consider putting a timeframe around this, and suggest a pathway?

EXECUTIVE DIRECTOR INFRASTRUCTURE AND ENVIRONMENT:

Temporary solution to mitigate dust and disturbance on the verge to deal with immediate parking taking place. Long term permanent solution – looking into sustainable drainage options that incorporated parking within the next 12 months.

CR WORNER:

Has Council approached west one to discuss traffic on Colvin Lane? It would be worth having a chat

EXECUTIVE DIRECTOR INFRASTRUCTURE AND ENVIRONMENT:

Noted. Administration will consider stakeholder engagement subject to nature of traffic movements in laneway.

5.4 NO. 71 (LOT: 200; D/P: 92012) EDWARD STREET AND NO. 120 (LOT: 1001; D/P: 29129)
CLAISEBROOK ROAD, PERTH - PROPOSED EXTENSION OF TIME TO EXISTING
CONCRETE BATCHING PLANTS

Ward: South

Attachments: 1. Location Plan
2. Minister's 2018 Approval
3. Recommended Conditions

RECOMMENDATION:

That Council:

1. **MAKES** a submission to the Western Australian Planning Commission regarding the development applications made to the State Government under Part 17 (Special provisions for COVID-19 pandemic relating to development applications) of the *Planning and Development Act 2005*, for the continued operation of the two existing Concrete Batching Plants at No. 71 Edward Street (application reference SDAU-069-23) and No. 120 Claisebrook Road (application reference SDAU-068-23) and advises the Western Australian Planning Commission that:

1.1 The City of Vincent **DOES NOT SUPPORT** the development applications as they are inconsistent with the matters that the Western Australian Planning Commission is to have due regard to in accordance with Section 275(6) of the *Planning and Development Act 2005* for the following reasons:

- The Concrete Batching Plants are inconsistent with the provisions, purpose, and intent of the City's Local Planning Scheme No. 2 (LPS2). LPS2 zones the sites as Mixed Use R160 with the objective to provide for a range of housing choices and affordability, and encouraging a mix of compatible and complimentary uses.

The 'Industry' land use, which the Concrete Batching Plant operation would fall within, is an X use in the Mixed Use zone under LPS2 and is a use that is not permitted by LPS2 in these locations. LPS2 provides an additional use of Concrete Batching Plant for the two sites but includes a condition stating that this "*additional use will expire 30 June 2024.*"

In support of LPS2 the City's endorsed Local Planning Strategy identifies for the Concrete Batching Plants to relocate from the area to facilitate transit-oriented developments in close proximity to the Perth CBD within the Claisebrook area which is identified as a 'High Density Mixed Use' and 'Planned Urban Growth' area.

The City's approved North Claisebrook Planning Framework local planning policy provides for a clear statement of intent for the Cityscape subprecinct of which the Concrete Batching Plants are located in. This seeks to provide for a greater intensity of development that capitalises on the proximity to the Perth CBD and Claisebrook Station by providing landmark transit-oriented developments.

An extension of the Concrete Batching Plant use on these sites beyond 30 June 2024 would be inconsistent with the Local Planning Strategy, LPS2 and North Claisebrook Planning Framework;

- The Concrete Batching Plants are inconsistent with the principles of orderly and proper planning as they are an incompatible industrial use within an area that is zoned Mixed Use R160 under LPS2 and has already been developed as high density mixed use.

The continued operation of the sites is impacting on the existing and growing number and intensity of sensitive uses in the area and is inhibiting the delivery of high-density mixed use development and increased housing opportunities within the area.

The relocation of the Concrete Batching Plants at the earliest opportunity would be a matter of state and regional significance as it would finally allow for the provision of high density infill development, providing an estimated 3,258 additional dwellings in the immediate locality consistent with the City's Local Planning Strategy, LPS2 and North Claisebrook Planning Framework;

- The increase in sensitive uses within the locality over time consistent with LPS2 and the North Claisebrook Planning Framework has meant that the amenity disturbances from the existing Concrete Batching Plants are now more impactful than they were previously.

These impacts would continue to increase as the number and intensity of these sensitive uses increase in line with LPS2 and the North Claisebrook Planning Framework;

- The Concrete Batching Plants have operated from their respective locations prior to the COVID-19 Pandemic and the continued operation would not provide for any greater economic investment, jobs, housing or activity to the region in response to this.

The relocation of the Concrete Batching Plants at the earliest opportunity would provide the opportunity for revitalisation of the North Claisebrook area by unlocking two strategic development sites and would have a wider economic benefit to the broader area, including an anticipated 3,258 additional dwellings in the North Claisebrook Planning Framework area alone that would provide much needed housing; and

- The Concrete Batching Plants continue to be inconsistent with broader State policies including Directions 2031, Perth & Peel @ 3.5 Million, the Central Sub-regional Planning Framework, the Capital City Planning Framework, and State Planning Policy 1 – State Planning Framework.

These policies seek to achieve consolidated urban form by providing infill development that is adjacent to activity centres, station precincts and urban corridors, and within close proximity to the Perth CBD and public transport connections, with these sites on the boundary of the CBD and adjacent to the Claisebrook Train Station; and

1.2 Should the Western Australian Planning Commission be of the view to approve the development applications then Council:

- a) **ADVISES** that any approval should require a set a of short term relocation gateways that the operators must achieve in order to continue operating, as well as decommissioning of each of the sites at the expiry of any extension.

Such conditions would facilitate the economic investment, jobs, housing and activity sort for the area by requiring the relocation of both Concrete Batching Plants in the shortest possible time. This would allow for the redevelopment potential of the region to be realised consistent with the local and state planning framework;

- b) **PROVIDES** recommended conditions that are included in Attachment 3; and
- c) **REQUESTS** that all possible options be considered by the State Government to prevent land banking and to ensure that redevelopment of both sites occurs consistent with the City's Local Planning Strategy, LPS2 and North Claisebrook Planning Framework as a matter of state and regional significance.

This includes the making of an Improvement Plan area in accordance with Part 8 of the *Planning and Development Act 2005*; and

- 2. PROVIDES** a copy of the report and accompanying attachments from the agenda of the Council Meeting on 19 March 2024 to the Western Australian Planning Commission.

MAYOR XAMON:

Can information be provided on the process to refer an application under Section 38 of the *Environmental Protection Act 1986* and request wording for this to be added to further strengthen the City's submission?

DIRECTOR MAJOR PROJECTS:

DWER have advised the following in relation to referrals under Section 38 of the *Environmental Protection Act 1986*:

- Referrals are most commonly undertaken by the proponent as part of a self-assessment. Referrals can also occur by a third party or a decision-maker.
- Third party referrals should provide information in relation to the nature of the use and technical information to validate any conclusions to inform whether an assessment is required.
- In investigating a third party referral DWER can also request information from the proponent to inform whether an assessment is requirement.

As set out above Administration has updated the recommendation to advise the WAPC not to determine the subject applications until they are satisfied that any necessary approvals under the *Environmental Protection Act 1986* have been obtained.

MAYOR XAMON:

Request draft wording for a condition which provides for a maximum two year approval period.

DIRECTOR MAJOR PROJECTS:

A draft amended condition has been prepared below:

That Recommendation 1.2(b) be updated to read as follows:

- b) PROVIDES recommended conditions that are included in Attachment 3 with the exception of the following:

- Conditions 1 and 2 being amended respectively for No. 71 Edward Street, Perth and No. 120 Claisebrook Road, Perth which reads as follows:

No. 71 Edward Street, Perth

1. Subject to Condition 2, this approval is granted for a limited period expiring 30 June 2026;
2. Notwithstanding Condition 1, this approval will lapse on:
 - a) 30 June 2025, if by that date a development approval under the *Planning and Development Act 2005* and a building permit under the *Building Act 2011* have not been obtained for the development and construction of a new concrete batching plant on an alternative site to No. 71 (Lot 200) Edward Street, Perth; or
 - b) 30 December 2025, if by that date the new concrete batching plant has not been substantially commenced on the alternative site the subject of paragraph (a) above; or
 - c) 30 June 2026, if by that date the new concrete batching plant the subject of paragraph (a) above has not been completed at an alternative site and has commenced operating;

No. 120 Claisebrook Road, Perth

1. Subject to Condition 2, this approval is granted for a limited period expiring 30 June 2026;
2. Notwithstanding Condition 1, this approval will lapse on:
 - a) 30 June 2025, if by that date a development approval under the *Planning and Development Act 2005* and a building permit under the *Building Act 2011* have not been obtained for the development and construction of a new concrete batching plant on an alternative site to No. 120 (Lot 1001) Claisebrook Road, Perth; or
 - b) 30 December 2025, if by that date the new concrete batching plant has not been substantially commenced on the alternative site the subject of paragraph (a) above; or
 - c) 30 June 2026, if by that date the new concrete batching plant the subject of paragraph (a) above has not been completed at an alternative site and has commenced operating;

CR HALLETT:

Can Administration confirm if there have been any referrals to the Department of Water and Environmental Regulation (DWER) in accordance with Section 38 of the *Environmental Protection Act 1986* for either of the Concrete Batching Plants?

DIRECTOR MAJOR PROJECTS:

Due to confidentiality, DWER have not been able to advise if there are any current Section 38 referrals for either Concrete Batching Plant.

CR WALLACE:

Can Administration confirm if either a licence or works approval have been issued for either Concrete Batching Plant by DWER, or if licences are required or have otherwise been waived?

DIRECTOR MAJOR PROJECTS:

The requirements for a licence and/or works approval are set out in the Environmental Protection Act 1986 and is administered by DWER.

The City is not responsible for administering the Environmental Protection Act 1986 but is responsible for enforcing any development approvals granted under the Planning and Development Act 2005 as well as the Environmental Protection (Noise) Regulations 1997.

Ultimately it is the proponent's responsibility to ensure that Concrete Batching Plants have obtained and are operating in accordance with all approvals required by the relevant legislation.

Administration has contacted DWER but has yet to receive confirmation that either Site has the necessary approvals under the Environmental Protection Act 1986.

Because of this Administration has updated the recommendation to advise the Western Australian Planning Commission (WAPC) not determine the subject applications until they are first satisfied that any necessary approvals under the Environmental Protection Act 1986 have been obtained.

CR WALLACE:

Could a dust study be required through the recommended conditions to include an assessment of the dust which is being emitted from the both plants, not just management measures? Request draft wording for a condition be provided.

DIRECTOR MAJOR PROJECTS:

Yes. A requirement for a dust study to be provided as part of the updated Environment Management Plan has been included in the recommended conditions.

UPDATE TO REPORT FOLLOWING COUNCIL BRIEFING

In addition to the changes set out above Administration has made a number of other updates to the report. These include:

- Updating the Recommendation to endorse the Mayor and/or Chief Executive Officer write to the WAPC requesting the initiation of an Improvement Plan over a portion of the North Claisebrook area.
- Updating the Consultation/Advertising section of the report to reflect an additional two submissions that was received following the publishing of the Council Briefing agenda. The total number of submissions the City has been provided with is 10. All of these do not support the proposed applications.

Including additional information in relation to the proposed Improvement Plan, including a new Attachment 4 which shows the area.

UPDATE TO ATTACHMENT 3 FOLLOWING COUNCIL BRIEFING

Administration has updated the recommended conditions in Attachment 3 and were informed by legal advice received by Administration following the Council Briefing.

The intent and content of the conditions remains as proposed, with the extent of the changes to provide for further clarity and ensure the enforceability of these conditions.

The updated conditions are below (with the changes emphasised):

Recommended Conditions – 71 Edward Street, Perth
Conditions:

Approval Period

1. Subject to Condition 2, this approval is granted for a ~~term~~ **limited** period expiring 30 June 2027;
2. Notwithstanding Condition 1, this approval will lapse on:
 - a) 30 June 2025, if by that date a development approval under the Planning and Development Act 2005 and a building permit under the Building Act 2011 have not been obtained for the development and construction of a new concrete batching plant on an alternative site to No. 71 (Lot 200) Edward Street, Perth; or
 - b) 30 June 2026, if by that date the new concrete batching plant has not been substantially commenced on the alternative site **the subject of paragraph (a) above**; or
 - c) 30 June 2027, if by that date the new concrete batching plant **the subject of paragraph (a) above** has not been completed at an alternative site and ~~an occupancy certificate obtained for that plant under the Building Act 2011~~ **has commenced operating**;
3. When this approval ~~lapses~~ **expires** under Condition 1 or **lapses** at an earlier time under Condition 2, this approval will cease to have any effect from the date on which it **expires or lapses**, with the exception of Conditions 4, 5, **6** and ~~6-7~~;

Site Decommissioning

4. Within 6 months of the date of this approval ~~lapsing~~ **expiring** under Condition 1 or **lapsing** at an earlier time under Condition 2, all ~~on-site~~ **buildings and** structures shall be removed from the site **by the landowner/operator**;
5. Within 6 months of the date of this approval ~~lapsing~~ **expiring** under Condition 1 or **lapsing** at an earlier time under Condition 2: ~~an investigation for soil and groundwater contamination is to be carried out to determine the extent of any contamination and if remediation is required, to the satisfaction of the Western Australian Planning Commission, on advice from the Department of Water and Environmental Regulation;~~
 - a) **A suitably qualified environmental consultant must be engaged to investigate whether there has been any soil or groundwater contamination at the site and to prepare a report detailing the extent of any soil or groundwater contamination at the site and recommending any remediation works required to remediate any contamination (Contamination Report); and**
 - b) **a copy of the Contamination Report must be provided to the Western Australian Planning Commission by the landowner/operator;**
6. Within 9 months of the date of this approval ~~lapsing~~ **expiring** under Condition 1 or **lapsing** at an earlier time under Condition 2 a **Decommissioning Plan (Decommissioning Plan)** for the site must be submitted to the Western Australian Planning Commission for its approval, on advice from the City of Vincent and the Department of Water and Environmental Regulation **by the landowner/operator**.

The **Decommissioning Plan** is to include:

- a) ~~Investigation for soil and groundwater contamination is to be carried out to determine if remediation is required~~ **The results and recommendations of the Contamination Report;** and
- b) ~~If required, remediation, including validation of remediation, of any contamination identified shall be completed~~ **Any additional remediation works required to ensure that the entire site is suitable for a future residential or other sensitive use; and**

- c) **Procedures for certifying that any required remediation works have been properly carried out;**

7. ~~The approved Decommissioning Plan in Condition 6 shall be implemented in its entirety by the~~ **landowner/operator** within 24 months of the date of the approval lapsing under Condition 1 or at an earlier time under Condition 2, unless otherwise agreed by the Western Australian Planning Commission;

~~All contamination investigation and remediation works are to be validated by the Department of Water and Environmental Regulation to the satisfaction of the Western Australian Planning Commission;~~

Environmental Management Plan

8. Within 28 days of the date of this approval the Environmental Management Plan prepared by Strategen-JBS&G dated 14 May 2021 shall be updated **by the landowner/operator** and submitted to the Western Australian Planning Commission for approval on the advice of the City of Vincent.

The updated Environmental Management Plan is to address the following:

- a) Provide a new environmental noise assessment which:
- Includes an assessment of the noise impacts of the operations of the plant on surrounding sensitive receiver (including from vehicle movements); **and**
 - **Demonstrates** compliance with the assigned levels of the Environmental Protection (Noise) Regulations 1997, including any management measure or modification to the existing development and/or operations that would be required to ~~de-se~~ **demonstrate compliance;**
- b) Specify **that** truck and semi-trailer access routes ~~to be~~ **are** limited to Lord Street and Edward Street only **and that** truck movements shall not extend beyond **Lord Street and Edward Street** ~~this~~ into the local road network unless for the purposes of deliveries to sites within the area bound by Lord Street, the Graham Farmer Freeway, the railway reserve and Summers Street; **and**
- c) Specify that **heavy vehicles such as** trucks and semi-trailers ~~access to the site is managed so that heavy vehicles are not queuing or idling~~ **must not queue or idle** within the road network while waiting to enter **site;** and

9. The plant is to operate in accordance with the Environmental Management Plan approved in Condition 8 subject to:

- a) **The landowner/operator submitting** an annual review of the **Environmental Management Plan for the approval of the Western Australian Planning Commission on advice of the City of Vincent. The annual review shall be submitted within 12 months of** ~~after~~ each year following the granting of approval; and
- b) The inclusion on the environmental management plan of any addenda necessary to address any specific matter identified by either Hanson Constructional Materials Pty Ltd, the Western Australian **Planning** Commission, or the City of Vincent between annual reviews. These addenda are to form part of the Environmental Management Plan;

10. ~~This approval limits access to the site by Trucks and semi-trailers to anytime~~ **are only permitted** Monday to Saturday inclusive (excluding public holidays) ~~only~~, unless otherwise restricted under the approved Environmental Management Plan; ~~in accordance with Condition 9 to meet the assigned levels of the Environmental Protection (Noise) Regulations 1997.~~

Landscaping

11. **The landowner/operator** ~~Landscaping is to be maintained~~ **maintain on-site landscaping** in accordance with the Landscape Management Plan dated 26 June 2012, or other landscaping management plan approved by the Western Australian Planning Commission on advice from the City of Vincent; and

General

12. Where any of the above conditions have a time limitation for compliance and the condition is not met in the required timeframe, the obligation to comply with the requirements of the condition continues while the approved development exists.

Advice Note

1. **The landowner/occupier is advised that all contamination investigation and remediation works are to be validated by the Department of Water and Environmental Regulation to the satisfaction of the Western Australian Planning Commission.**

Recommended Conditions – 120 Claisebrook Road, PerthConditions:Approval Period

1. Subject to Condition 2, this approval is granted for a term expiring 30 June 2027;
2. Notwithstanding Condition 1, this approval will lapse on:
 - a) 30 June 2025, if by that date a development approval under the Planning and Development Act 2005 and a building permit under the Building Act 2011 have not been obtained for the development and construction of a new concrete batching plant on an alternative site to No. 120 (Lot 1001) Claisebrook Road, Perth; or
 - b) 30 June 2026, if by that date the new concrete batching plant has not been substantially commenced on the alternative site **the subject of paragraph (a) above**; or
 - c) 30 June 2027, if by that date the new concrete batching plant **the subject of paragraph (a) above** has not been completed at an alternative site and ~~an occupancy certificate obtained for that plant under the Building Act 2011~~ **has commenced operating**;
3. When this approval ~~lapses~~ **expires** under Condition 1 or **lapses** at an earlier time under Condition 2, this approval will cease to have any effect from the date on which it **expires or lapses**, with the exception of Conditions 4, 5, **6** and ~~6-7~~;

Site Decommissioning

4. Within 6 months of the date of this approval ~~lapsing~~ **expiring** under Condition 1 or **lapsing** at an earlier time under Condition 2, all ~~on-site~~ **buildings and structures** shall be removed from the site **by the landowner/operator**;
5. Within 6 months of the date of this approval ~~lapsing~~ **expiring** under Condition 1 or **lapsing** at an earlier time under Condition 2: ~~an investigation for soil and groundwater contamination is to be carried out to determine the extent of any contamination and if remediation is required, to the satisfaction of the Western Australian Planning Commission, on advice from the Department of Water and Environmental Regulation;~~
 - a) **A suitably qualified environmental consultant must be engaged to investigate whether there has been any soil or groundwater contamination at the site and to prepare a report detailing the extent of any soil or groundwater contamination at the site and recommending any remediation works required to remediate any contamination (Contamination Report); and**
 - b) **A copy of the Contamination Report must be provided to the Western Australian Planning Commission by the landowner/operator;**
6. Within 9 months of the date of this approval ~~lapsing~~ **expiring** under Condition 1 or **lapsing** at an earlier time under Condition 2 a **Decommissioning Plan (Decommissioning Plan)** for the site must be submitted to the Western Australian Planning Commission for its approval, on advice from the City of Vincent and the Department of Water and Environmental Regulation **by the landowner/operator**.

The **Decommissioning Plan** is to include:

- a) ~~Investigation for soil and groundwater contamination is to be carried out to determine if remediation is required~~ **The results and recommendations of the Contamination Report;** and
- b) ~~If required, remediation, including validation of remediation, of any contamination identified shall be completed~~ **Any additional remediation works required** to ensure that the entire site is suitable for a future residential or other sensitive use; **and**
- c) **Procedures for certifying that any required remediation works have been properly carried out;**

7. The ~~approved Decommissioning Plan in Condition 6~~ shall be implemented in its entirety **by the landowner/operator** within 24 months of the date of the approval lapsing under Condition 1 or at an earlier time under Condition 2, unless otherwise agreed by the Western Australian Planning Commission;

~~All contamination investigation and remediation works are to be validated by the Department of Water and Environmental Regulation to the satisfaction of the Western Australian Planning Commission;~~

Environmental Management Plan

8. Within 28 days of the date of this approval the Environmental Management Plan prepared by Holcim dated 12 December 2023 shall be updated **by the landowner/operator** and submitted to the Western Australian Planning Commission for approval on the advice of the City of Vincent.

The updated Environmental Management Plan is to address the following:

- a) Provide a new environmental noise assessment which:
 - Includes an assessment of the noise impacts of the operations of the plant on surrounding sensitive receiver (including from vehicle movements); **and**
 - **Demonstrates** compliance with the assigned levels of the Environmental Protection (Noise) Regulations 1997, including any management measure or modification to the existing development and/or operations that would be required to ~~use~~ **demonstrate compliance;**
- b) Specify **that** truck and semi-trailer access routes ~~to be~~ **are** limited to Lord Street, Edward Street, Caversham Street and Claisebrook Road (south of Caversham Street) only **and that** truck movements shall not extend beyond **Lord Street, Edward Street, Caversham Street and Claisebrook Road (south of Caversham Street)** ~~this~~ into the local road network unless for the purposes of deliveries to sites within the area bound by Lord Street, the Graham Farmer Freeway, the railway reserve and Summers Street;
- c) Provide for all truck and semi-trailer access between the hours of 7pm to 6am to only occur from Caversham Street, with no access to occur from Claisebrook Road. Updated internal traffic flows should be provided demonstrating how this would occur; and
- d) Specify that **heavy vehicles such as** trucks and semi-trailers ~~access to the site is managed so that heavy vehicles are not queuing or idling~~ **must not queue or idle** within the road network while waiting to enter **site;**

9. The plant is to operate in accordance with the Environmental Management Plan approved in Condition 8 subject to:

- a) **The landowner/operator submitting an annual review of the Environmental Management Plan for the approval of the Western Australian Planning Commission on advice of the City of Vincent. The annual review shall be submitted within 12 months of after** each year following the granting of approval; and
- b) The inclusion on the environmental management plan of any addenda necessary to address any specific matter identified by either Holcim Australia Pty Ltd, the Western Australian **Planning** Commission, or the City of Vincent between annual reviews. These addenda are to form part of the Environmental Management Plan;

Site Access

10. ~~This approval limits access to the site by Trucks and semi-trailers to anytime~~ **are only permitted Monday to Saturday inclusive (excluding public holidays) only**, unless otherwise restricted under the approved Environmental Management Plan; ~~in accordance with Condition 9 to meet the assigned levels of the Environmental Protection (Noise) Regulations 1997.~~

Landscaping

11. **The landowner/operator** ~~Landscaping is to be maintained~~ **maintain on-site landscaping** accordance with the Landscape Management Plan dated 26 June 2012, or other landscaping management plan approved by the Western Australian Planning Commission on advice from the City of Vincent; and

General

12. *Where any of the above conditions have a time limitation for compliance and the condition is not met in the required timeframe, the obligation to comply with the requirements of the condition continues while the approved development exists.*

Advice Note

1. **The landowner/occupier is advised that all contamination investigation and remediation works are to be validated by the Department of Water and Environmental Regulation to the satisfaction of the Western Australian Planning Commission.**

DRAFT AMENDED CONDITIONS

Administration has provided draft amended conditions in response to requests from Elected Members, as well as the public gallery and public questions received.

Administration can provide reasons and a response should Elected Members advise that they wish for any of these to be formally prepared prior to the Council Meeting.

5.3 NO. 121 (LOT: 2; D/P: 1080) FITZGERALD STREET, WEST PERTH - PROPOSED CHANGE OF USE FROM OFFICE TO RESIDENTIAL BUILDING (SHORT TERM ACCOMMODATION) INCLUDING ALTERATIONS AND ADDITIONS

Ward: South

Attachments:

1. Location and Consultation Plan
2. Development Plans
3. Parking Management Plan
4. Management Plan
5. Code Of Conduct
6. Noise Management Plan
7. Acoustic Report
8. Sustainability Statement
9. Waste Management Plan
10. Summary of Submission - Applicant's Response
11. Summary of Submissions - Administration's Response
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 development application for a proposed Change of Use from Office to Residential Building (Short Term Accommodation) including Alterations and Additions at No. 121 (Lot: 2; D/P: 1080) Fitzgerald 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 10:

1. Development Approval

This approval is for a Change of Use from Shop to Residential Building (Short Term Accommodation) including Alterations and Additions as shown on the approved plans dated 20 February 2024. No other development forms part of this approval;

2. Use of Premises

2.1 This approval is for a Residential Building as defined in State Planning Policy 7.3: Residential Design Codes Volume 1. The use of the subject land for any other land use may require further approval from the City;

2.2 The operation shall be carried out in accordance with the definition of Short Term Accommodation/Short Stay Accommodation as defined in the City of Vincent Local Planning Policy: Short Term Accommodation, to the City's satisfaction;

Means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period;

2.3 The total number guests staying the premises shall be limited to 47 persons at any one time, to the satisfaction of the City; and

2.4 A maximum of 1 staff member on site at any given time, who are also not a guest of the premises, to the satisfaction of the City;

3. Management Plan and Code of Conduct

3.1 The premises shall operate in accordance with the approved Management Plan and Code of Conduct dated 30 January 2024, to the satisfaction of the City; and

3.2 The approved Code of Conduct shall be provided to guests at the time of check-in and displayed in a prominent location where it is visible to guests, to the satisfaction of the

City;

4. Car Parking and Access

- 4.1 Prior to the first occupation or use of the development, two parking bays shall be provided on-site, as depicted on the approved plans, to the satisfaction of the City. The car bay accessed from Fitzgerald Street, shall be reserved as a dedicated pick up/drop off bay. The car bay accessed from the right of way should be reserved as for staff car parking only;
- 4.2 Prior to the first occupation or use of the development, the pick up/drop off car parking bay shall be marked and clearly signposted as a dedicated drop off/pick up bay with a maximum time restriction of 15 minutes, to the satisfaction of the City;
- 4.3 The premises shall operate in accordance with the approved Parking Management Plan dated 11 December 2024, the satisfaction of the City;
- 4.4 All pedestrian access levels shall match into existing verge and footpath levels, to the satisfaction of the City; and
- 4.5 Three bicycle parking spaces shall be provided on-site in accordance with Australian Standard AS2890.3 prior to the occupation or use of the development, to the satisfaction of the City;

5. Building Design

- 5.1 Prior to the issue of a Building Permit, a detailed schedule of external finishes including materials, colour schemes and details, that are generally consistent with those shown on the approved plans, shall be submitted to and approved by the City. The development shall be finished in accordance with the approved schedule prior to the use or occupation of the development, to the satisfaction of the City;
- 5.2 All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and surrounding properties to the satisfaction of the City; and
- 5.3 The roof of the proposed addition shall have a maximum solar absorptance rating of 0.4, to the satisfaction of the City;

6. Façade Design

- 6.1 Doors and windows and adjacent floor areas fronting Fitzgerald Street shall maintain an active and interactive relationship with the street, to the satisfaction of the City;
- 6.2 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;
- 6.3 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; and
- 6.4 The portion of the courtyard wall to the Fitzgerald Street elevation, as indicated in red on the approved plans, shall provide a minimum of 50 percent visual permeability, to the satisfaction of the City;

7. Landscaping

7.1 Prior to the issue of a Building Permit, a detailed landscape and reticulation plan for the development site, shall be submitted to and approved by the City, to the satisfaction of the City. The plan shall be drawn to a scale of 1:100 or 1:200, shall be generally in accordance with the plan previously provided to the City dated 11 August 2023, and show the following:

- The location and type of proposed plants, including pot sizes, and permeable paving treatments;
- Areas to be irrigated or reticulated;
- The *Callistemon 'Kings Park Special'* tree shall be minimum of 35 litres;
- The *Syzygium Australe 'Straight and Narrow'* species shall be replaced with an alternative species, on advice of the City's Parks Team; and
- The roof top planter bed depth and volume, and roof top planter bed access provisions for maintenance. The planter bed shall have a minimum depth of 0.5 metres;

to the satisfaction of the City;

7.2 All works shown in the approved landscape and reticulation plan as identified in Condition 5.1 shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

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;

9. Waste Management

9.1 Prior to the issue of a Building Permit, an updated Waste Management Plan, shall be submitted to and approved by the City, to the satisfaction of the City. The plan shall include details of the following:

- Two bins located in the rear car bay area to be relocated within the drying court area, to ensure suitable vehicle access for the rear car bay;
- Waste collection times;

9.2 The updated Waste Management Plan, as required by Condition 9.1, shall be implemented at all times to the satisfaction of the City; and

9.3 Waste and refuse generated on the site by the development shall be collected by a private contractor at the expense of the applicant/landowner;

10. Acoustic Report and Noise Management

10.1 Prior to the issue of a Building Permit, an updated acoustic report shall be submitted to and approved by the City, to the satisfaction of the City. The updated acoustic report shall demonstrate compliance with the City's Policy No. 7.5.21 – Sound Attenuation, namely in relation to the construction of the building and mechanical services;

10.2 The updated report, as required by Condition 10.1, should be generally consistent with the report provided to the City, dated 11 December 2023, and should modify the recommendation for a 1.8 metre high fence to be provided in the front setback area, as included in the Environmental Noise Assessment recommendations, to remove the requirement for fence of Colourbond construction and ensure the fence can be provided in a high quality material and with suitable vehicle sightline truncations incorporated into the design provided, to the satisfaction of the City.

10.3 The recommended measures of the report required, as required by Condition 10.1, shall be implemented, to the satisfaction of the City; and

10.4 The premises shall operate in accordance with the approved Noise Management Plan dated 11 December 2023, to the satisfaction of the City; and

11. Construction Management Plan

Prior to the issue of a Building Permit, a Construction Management Plan that details how the construction of the development will be managed to minimise the impact on the surrounding properties (including demolition and/or forward works), shall be submitted to, and approved by the City. The Construction Management Plan is required to address the following concerns that relate to any works to take place on the site:

- Public safety, amenity and site security;
- Contact details of essential site personnel;
- Construction operating hours;
- Noise control and vibration management;
- Air, sand and dust management;
- Stormwater and sediment control;
- Soil excavation method;
- Waste management and materials re-use;
- Traffic and access management;
- Parking arrangements for contractors and subcontractors; and
- Consultation plan with nearby properties.

At 7.09pm Director Major Projects left the meeting and did not return.

At 7:12 pm, Cr Ashley Wallace left the meeting.

MAYOR XAMON:

In relation to the issue of the parking, can I just have it confirmed that if there is only going to be the one parking bay that is required and that we will not be issuing any further parking permits for that particular business?

A/MANAGER DEVELOPMENT & DESIGN:

Commercial parking permits would not be issued for the proposed business.

The City's Parking Permits Policy identifies that commercial enterprises with a parking restriction on their street may be issued with a commercial parking permit for bona fide employees, as designated by the City.

The proposed development could be eligible for a commercial parking permit. This is because Fitzgerald Street contains parking restrictions for on-street bays and the business would have bona fide employees.

The application does not propose to utilise street parking for employees, as detailed in the Parking Management Plan (PMP) provided by the applicant. The PMP confirms that due to the operation of the business only one parking bay would be required to be utilised by staff which is provided at the rear of the site.

This means that parking demand generated by the proposed development would be provided on-site. This is based on the PMP and the issuing of a commercial parking permit would not be necessary for the proposal.

The recommended Determination Advice Notes have been updated to include an additional advice note confirming that commercial parking permits would not be issued by the City for the use of any guest or employee.

CR WORNER:

Is utilising residents as staff an established model that the operator has employed in their other business? Is the operator confident in being able to utilise the same system in this facility as well?

A/MANAGER DEVELOPMENT & DESIGN:

Administration has confirmed with the operator that the proposed model of operation is consistent with the

model utilised for their other business, being the Spinners Hostel located at No. 342 Newcastle Street, Perth.

The applicant advised that the model of utilising guests as employees is also an industry standard used by other operators in the hostel industry.

CR HALLETT:

One of the specific concerns from locals was them using the parking of the adjacent property because there is no fence between there.

Just wondering if you can run through if there is anything we can do in terms of conditions to stop that or whether there is a need for any additional signage that is paid for by the applicant.

A/MANAGER DEVELOPMENT & DESIGN:

Parking unauthorised and without consent on another landowner's property is not permitted but is not a matter that can be dealt with as part of a development approval.

Administration is satisfied that parking arrangements would be suitably managed within the subject site, in accordance with the management measures identified within the PMP.

If in the case that unauthorised parking did occur on the adjoining properties, Administration would recommend in the first instance that neighbours engage directly with one another to resolve any issues.

In the case that the adjoining landowners did want the ability for infringements to be issued if unauthorised cars park on their property, they are able to apply to the City's Ranger Services Team for the commercial bays on the site to be registered with the City.

It would be the responsibility for the adjoining property owner to provide any alternate physical restrictions for unauthorised parking to their site, such as fencing or signs. The City cannot require the subject site's landowner/operator to secure the adjoining property from unauthorised parking by any driver.

CR HALLETT:

Are you able to tell me more about the transparent Perspex sheet that is proposed to be installed on top of portions of the wall and if we have any images of what that would look like?

CR WALLACE:

I appreciate that we don't like Colourbond for amenity reasons, does Administration have a view on if Perspex is a better amenity outcome or will we be pushing for another kind of treatment?

A/MANAGER DEVELOPMENT & DESIGN:

Amended plans have been provided and Perspex is no longer being proposed as part of the northern acoustic wall.

The Perspex sheet was one option provided by the acoustic consultant to ensure compliance with the Noise Regulations, whilst meeting vehicle sightline requirements. There are alternative options available.

The City's Built Form Policy does not preclude Perspex from being provided as fencing materiality if it is of a high-quality design and is maintained to a high standard for the life of the development.

*Following the Council Briefing Session, the applicant provided amended plans indicating the proposed design of the acoustic wall to the northern boundary. This is shown in **Image 1** below.*

These plans have been reviewed by the acoustic consultant and who has confirmed that the proposal would meet relevant Noise Regulation requirements. This means that the northern acoustic wall as shown is suitable to achieve attenuate the noise and without the need for the Perspex sheet to be included in the design.

The recommended conditions of approval in the Officer Report and the development plans have been updated to reference this amended northern acoustic wall.

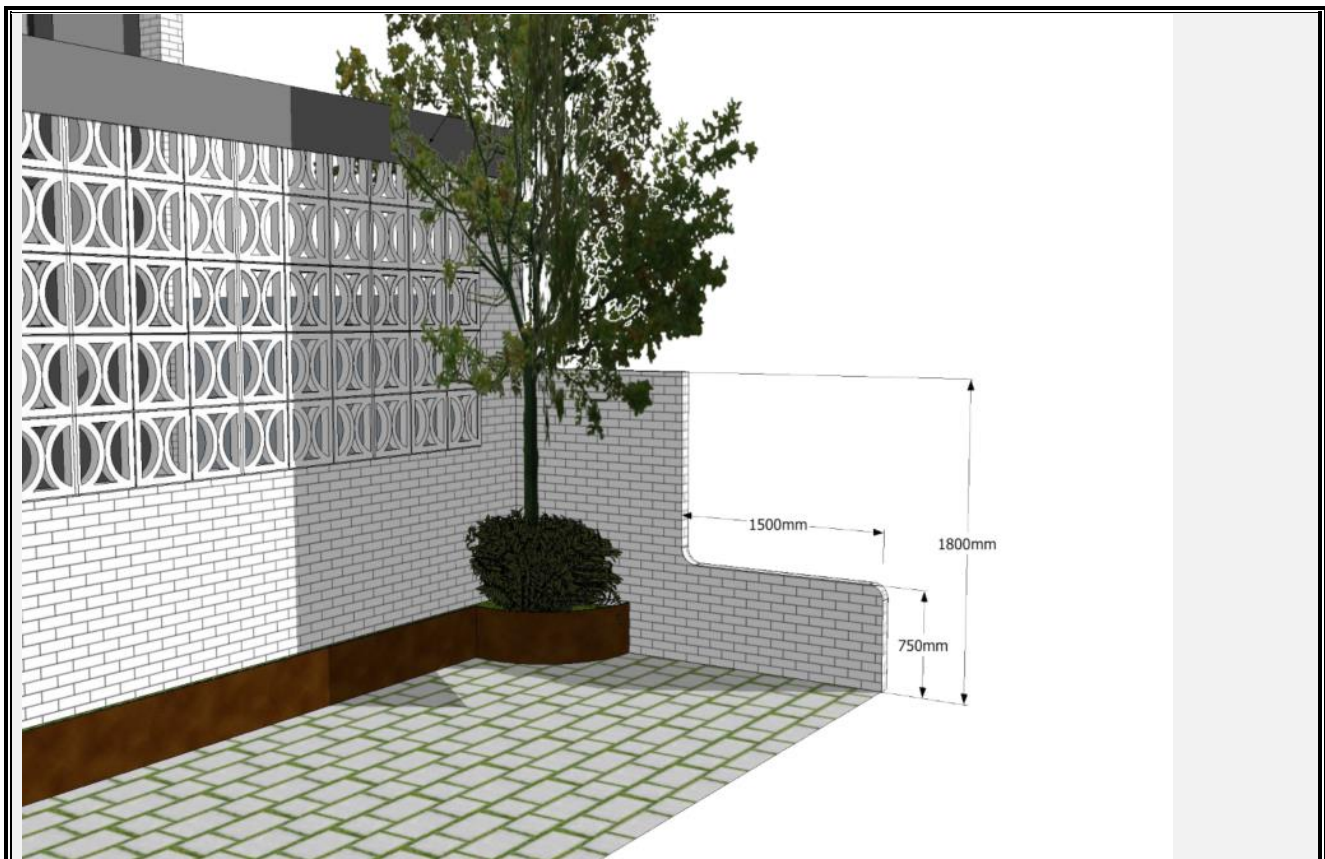


Image 1. Source: Attachment 2 – Amended Development Plans showing northern acoustic wall

CR WOOLF:

I just wanted to confirm that, if the change of use application is approved, would ventilation be something that the City's Health Team would then consider from a health and safety perspective prior to occupancy?

A/MANAGER DEVELOPMENT & DESIGN:

Yes, this would be considered at the building permit stage and prior to occupancy.

As a lodging house/hostel, the proposed development would be a Class 3 building which has certain ventilation requirements under the National Construction Code (NCC) [Part 3.8.5 Ventilation | NCC \(abc.gov.au\)](#).

The proposed skylights would meet the minimum ventilating area and minimum floor area standards under the NCC.

The details of the skylights would be confirmed with the applicant's private building surveyor when lodging the building permit application for the proposed development.

CR WOOLF:

I'm just wondering if we can confirm that the bike racks being proposed are the type that is ideal for scooter use given that that is being promoted in their policy?

A/MANAGER DEVELOPMENT & DESIGN:

Yes, the bicycle storage being proposed can accommodate scooters.

The bicycle storage proposed by the proposed development would be located internally within the building.

*The applicant proposes to install hanging bicycle racks within this storeroom (see **Image 2** below) for the parking of three bicycles.*

The internal bicycle storage room would be sufficient in size to accommodate the parking of three e-scooters in addition to the storage of the three hanging bicycles. E-scooters are also able to be stored on the hanging racks.



Image 2. Source: Applicant.

ADDITIONAL INFORMATION:

Changes have been made to the Detailed Assessment table in the Officer Report.

This is because the Officer Report erroneously included an assessment against General Requirements for other zones in addition to those applicable to the 'Residential and Mixed-Use Zones'. Only the 'Residential and Mixed-Use Zones' standards are applicable because the site is zoned Mixed Use under LPS2.

These updates do not impact the comments provided by Administration in the Officer Report and do not increase any areas of discretion in the application.

5.2 NO. 12 (LOT: 609; D/P: 49287) LINDSAY STREET, PERTH - PROPOSED ALTERATIONS AND ADDITIONS TO OFFICE**Ward:** South Ward

- Attachments:**
1. Consultation and Location Plan
 2. Development Plans
 3. Heritage Impact Statement
 4. Applicant Photos of Steel Floor Tiles
 5. 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 Alterations and Additions to Office at No. 12 (Lot: 609; D/P: 49287) Lindsay Street, Perth in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 5.

1. Development Plans

This approval for Alterations and Additions to Office as shown on the approved plans dated 13 November 2023 and 9 January 2024. No other development forms part of this approval;

2. Works

- 2.1 All works shall be undertaken in accordance with the details and annotations as indicated on the approved plans which forms part of this approval, to the satisfaction of the City;
- 2.2 All works shall be carefully undertaken to ensure that minimal damage occurs to original building fabric, to the satisfaction of the Heritage Council of Western Australia; and
- 2.3 Security camera surface mounted conduit is to be colour matched to the adjacent surface to minimise the impact to the original fabric and setting, to the satisfaction of the Heritage Council of Western Australia;

3. Stormwater

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

4. Documented Record

Within 28 days of completion of the approved works, a photographic record of the works undertaken (internal and external) shall be submitted to the City for inclusion in its Historical Archive Collection, to the satisfaction of the City.

At 7:15 pm, Cr Ashley Wallace returned to the meeting.

CR WORNER:

What is going to happen to the tiles when they are removed and stored? How do we know they are not going to deteriorate further? Has any consideration been given to how can we utilise them in some other way?

A/MANAGER DEVELOPMENT & DESIGN:

The removed tiles would be treated with a rust inhibitor to prevent deterioration of the tiles during their storage. Removal and treatment of the affected tiles would prevent the heritage significant fabric from deteriorating beyond repair if left in situ.

The tiles would be stored on-site in a labelled weatherproof container within the internal roof space above the staff kitchen on the ground floor.

The Heritage Council of Western Australia (HCWA) provided support for the storage method and storage location of the tiles.

Administration have updated the Officer Report recommendation to include a condition of approval to ensure the tiles are stored in an appropriate manner to preserve the tiles during storage. The condition will require details of how this condition has been satisfied in writing to be submitted to the City within 28 days of the approved works being completed. The applicant and the HCWA were both supportive of this condition of approval.

The proposal is consistent with the heritage agreement between the HCWA and the NDS which requires all significant fabric at the subject site to be maintained and preserved to an appropriate standard. This requirement of the heritage agreement would also apply to the steel floor tiles in storage.

The benefits of the proposal to remove and store affected tiles include:

- Preservation of the existing heritage significant steel floor tiles by preventing their degradation, so they can be utilised at a later date. Floor mats currently cover the tiles because the surface needs to be slip resistant. But the mats are preventing airflow to the tiles and are trapping moisture. This causes the tiles to rust and degrade;*
- Ensure that the building meets National Construction Codes standards pertaining to safe site access and the requirement for slip-resistant walking surfaces to the entry to this commercial building; and*
- Supporting the NDS in fulfilling their conservation duties as outlined in the heritage agreement. This is to maintain and preserve all heritage significant fabric at the subject site.*

The overall result of the proposal is that the landmark heritage building is maintained and remains in continued use by the NDS.

Regarding interpretation of the steel tiles that hold heritage significance, the HCWA advised that an interpretation approach was considered when the proposal was referred for comment but was limited due small extent of tiles to be removed. Approximately 24 square metres of steel floor tiles to the entry lobby would be retained and would remain visible for appreciation and interpretation by users and visitors of the building. An interpretation approach would be warranted if wholesale removal was proposed.

CR GREER:

What is the preferred storage model for the tiles and what does on-site mean?

A/MANAGER DEVELOPMENT & DESIGN:

As mentioned above, the removed tiles would be stored in a weatherproof labelled container within the internal roof space of the building at the subject site. This is consistent with advice from the HCWA.

8.5 INFORMATION BULLETIN

- Attachments:**
1. Minutes of the Catalina Regional Council Meeting held on 15 February 2024
 2. Unconfirmed Minutes of the Mindarie Regional Council Meeting held on 29 February 2024
 3. Unconfirmed Minutes of Sustainability and Transport Advisory Group 8 February 2024
 4. Unrecoverable Parking Infringements Write-Off
 5. Update on the Innovate Reconciliation Action Plan 2022/24, the Access & Inclusion Plan 2022/27 and the Youth Action Plan 2020/26
 6. Statistics for Development Services Applications as at the end of February 2024
 7. Register of Legal Action and Prosecutions Monthly - Confidential
 8. Register of Legal Action - Orders and Notices Quarterly - Confidential
 9. Register of State Administrative Tribunal (SAT) Appeals - Progress Report as at 27 February 2024
 10. Register of Applications Referred to the Metro Inner-North Joint Development Assessment Panel - Current
 11. Register of Applications Referred to the Design Review Panel - Current
 12. Nature Play in the Park program outcome
 13. Register of Petitions - Progress Report - March 2024
 14. Register of Notices of Motion - Progress Report - March 2024
 15. Register of Reports to be Actioned - Progress Report - March 2024
 16. Council Workshop Items since 22 November 2023
 17. Council Briefing Notes - February 2024

RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated March 2024.

CR WORNER:

Can you please provide additional information regarding the State Administrative Tribunal review of refusal of the signage development application at No. 412-414 Fitzgerald Street, North Perth?

A/MANAGER DEVELOPMENT & DESIGN:

The State Administrative Tribunal application located at No. 412-414 Fitzgerald Street, North Perth (corner of Fitzgerald and Forrest Streets) relates to a current development application that seeks to amend a previous development approval relating to window signage. A summary of this application is provided below.

- *A Chemist Warehouse business operates from the premises and displays signage on the windows in accordance with a development approval issued by City on 23 July 2021.*
- *The applicant lodged an amended development application in April 2022 that sought to amend conditions of the 2021 approval. These conditions relate to requirements for an active and engaging street frontage to be provided to areas of windows not covered by approved signage. The amendment is sought to allow the retention of existing solid internal blinds that are closed at all times, located behind all windows facing Fitzgerald Street and Forrest Street.*
- *The proposed amended application has not been determined and, pursuant to clause 75(2) of Schedule 2 to the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions), the City is to be taken to have refused the application. That being the case, the applicant has lodged an application for review of the City taken to have refused the amendment application with the State Administrative Tribunal, pursuant to clause 76(2) of the Deemed Provisions.*

The SAT has scheduled the matter for mediation between the parties on 25 March 2024.

The purpose of the mediation is to allow the parties to discuss the issues related to the matter and to identify whether there are any potential solutions to resolve these. The outcomes from the mediation may be that the matter is listed for a further mediation, that the matter is scheduled for a final hearing, or that Administration is invited to reconsider its decision.

CR WORNER:

Could you please provide additional information regarding the Development Assessment Panel report due for No. 168 Scarborough Beach Road, can we get a copy?

A/MANAGER DEVELOPMENT & DESIGN:

The current Development Assessment Panel (DAP) application located at No. 168 Scarborough Beach Road, Mount Hawthorn seeks approval to redevelop the site into a four-storey commercial development, including a Child Care Premises and Restaurant/Café.

The Restaurant/Café component is located to the ground floor, orienting to Scarborough Beach Road, and with carparking located behind, accessed from the rear laneway.

The Child Care Premises is proposed on the first, second and third floors of the building.

Administration is awaiting additional information to be submitted by the applicant. Once this is received, Administration will prepare a Responsible Authority Report (RAR) that provides a recommendation to the DAP. The RAR due date will be confirmed once the amended plans and additional information have been received.

A copy of the RAR will be available on the DAP's website after it has been submitted by Administration. A website link to this, together with details of the DAP meeting to determine this application, will be sent to all community consultation submitters.

This information will also be updated on the page dedicated to this item on the City's Imagine Vincent website.

Further information relating to this proposal, including the proposed plans and its progress, can be found on Imagine Vincent here:

No. 168 (Lots 1-4) Scarborough Beach Road, Mount Hawthorn | The City of Vincent.

The Development Assessment Panel Meeting Register as part of the Information Bulletin has been updated with the current status of the this application, as mentioned above.

CR GREER:

Reconciliation Access Plan, Access and Inclusion Plan, there is a great list of achievements, but can we get any information on anything not on track, if there is anything of note?

EXECUTIVE MANAGER COMMUNICATIONS & ENGAGEMENT

The AIP and YAP are on track. There has been one scheduling delay to one of the deliverables in the RAP:

<i>Maintain relationship with Noongar Outreach Services and host two events per year to grow relationship.</i>	<i>Sep-23</i>	<i>A gathering with Noongar Outreach is planned for late June/ early July 2024. The relationship continues to be maintained through regular, ongoing work with the organisation.</i>
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7.5 PROPOSAL TO HOLD EVENTS AT LEEDERVILLE OVAL**Attachments: 1. Map of Leederville Oval Leased Area****RECOMMENDATION:****That Council:**

1. Subject to the approval of the Minister of Lands, **APPROVES** the grant of licence to Newox Pty Ltd (ACN 640 888 599) for the use of a portion of Leederville Oval, 246 (Lot 500) Vincent Street, Leederville on the following key terms:

- 1.1 Initial Term:** Two (2) years as follows:
Events including use of Leederville Oval:
1 October 2024 to 7 January 2025; and
1 October 2025 to 7 January 2026.
- Events solely using internal common area, club rooms and car park:
1 October 2024 to 30 September 2026.
- 1.2 Option Term:** Two x One (1) year term as follows:
Events including use of Leederville Oval:
1 October 2026 to 7 January 2027; and
1 October 2027 to 7 January 2028;
- Events solely using internal common area, club rooms and car park:
1 October 2026 to 30 September 2027; and
1 October 2027 to 30 September 2028;
- both at the absolute discretion of the City.
- 1.3 Licence Fee:** 1 October 2024 to 30 September 2026:
Based on City of Vincent's fees and charges applicable to Leederville Oval for financial year 2024/25.
- 1 October 2026 to 30 September 2028:
Based on City of Vincent's fees and charges applicable to Leederville Oval as at 1 July of the respective financial year.
- No fees apply for single day events on the oval that meet the following criteria:
- a. Entry is free of charge or low cost and open to all members of the community
 - b. Event is single day in duration with bump in and bump out taking place within a 24 hour period before and after event day
 - c. Event is family friendly in terms of content and activities being suitable for all ages and fostering a positive and inclusive atmosphere
 - d. If alcohol is to be sold on the oval, it must be confined to one self-contained area to be limited in capacity.
- 1.4 Licence Area:** Portion of Leederville Oval, being oval section, common area section, additional facilities, and car parking area (i.e. all of Lot 500 Vincent Street, Leederville except the areas leased to East Perth Football Club Inc., Subiaco Football Club Inc. and the Department of Local Government, Sport and Cultural Industries).

- 1.5 **Permitted Purpose:** To host a number of events focused around food, music or family friendly entertainment.
Proposed events under this Licence shall be operated in keeping with the deliverables of the City's Public Health Plan, including:
- a) The event activities shall not be focused on the consumption of alcohol;
 - b) Alcohol advertising, marketing, promotion and sponsorship shall be limited; and
 - c) All events shall be smoke and vape free.
- 1.6 **Outgoings:** Lighting as per City of Vincent's fees and charges adopted as at 1 July annually.
- 1.7 **Cleaning and Maintenance:** Licensee's responsibility.
- 1.8 **Make good:** Licensee's responsibility, including through bond payment for turf repair by City.
- 1.9 **Approvals** The licensee shall make all relevant applications to the City, prior to each event, for approval under relevant Environmental Noise, Building and Health legislation.
- 1.10 **Redevelopment:** If the City:
- a) wishes to develop the Land or its surrounds; or
 - b) determines that it can no longer maintain the Land in a safe and occupiable condition,
- the City, may upon providing the Licensee with 3 months' prior notice, require the Licensee to surrender the licence over the Land.
2. Subject to the Minister's approval in Recommendation 1 and final satisfactory negotiations being carried out by the Chief Executive Officer, **APPROVES BY ABSOLUTE MAJORITY** the grant of licence to Newox Pty Ltd (ACN 640 888 599) for the use of a portion of Leederville Oval, 246 (Lot 500) Vincent Street, Leederville on the key terms set out in 1. Above, including the fees and charges included therein, and **AUTHORISES** the Mayor and the Chief Executive Officer to affix the common seal and execute the Licence; and
3. **NOTES** that the event organiser would be required to inform the community of event details ahead of events.

NO QUESTIONS

9.1 NOTICE OF MOTION - MAYOR ALISON XAMON - PROTECTION AND PROMOTION OF TREES ON PRIVATE LAND

That Council:

1. **NOTES** the critical role that tree canopy plays in making cities liveable, reducing the urban heat island effect and providing a habitat for local flora and fauna; and
2. **REQUESTS** that the City:
 - 2.1 **Prioritises** the progress of planning controls to ensure greater protection of trees and canopy provision on private land; and
 - 2.2 **Advocates** to the Western Australian Planning Commission and Minister for Planning for greater protection of trees on private land.

At 7.23 pm A/Manager Development & Design left the meeting and did not return.

At 7.23 pm Executive Manager Communications & Engagement left the meeting and did not return.

At 7.25pm Manager Engineering left the meeting and did not return

CR CASTLE:

Can Administration provide a summary of what actions other local governments have taken in relation to tree protection? This information would help to identify what pathways are available and what other local governments have or haven't been able to enact.

A/EXECUTIVE DIRECTOR STRATEGY & DEVELOPMENT:

Administration has provided a table further below which reflects other local governments' approaches to tree protection.

This level of detail is intended to be discussed at an upcoming workshop with Elected Members on the topic of tree retention and tree provision on private properties. Administration's response to the Notice of Motion has been updated to reflect this.

In summary:

Significant Tree Registers

The most common form for tree protection on private property is a Significant Tree Register or Tree Preservation Order. These are incorporated in local planning schemes and are supported by a related local planning policy. Development approval is required for works to or the removal of a tree listed on this register or protected by a preservation order. This method requires both the consent of the landowner and the assessment of the tree against certain criteria (specific to each local government).

Current City of Vincent Approach

The City currently has a Tree of Significance Inventory under its Local Planning Scheme No. 2 (LPS2) which is supported by Policy No. 7.6.3 – Trees of Significance. There are currently nine trees on the Inventory that are located on private property.

Local Planning Scheme Provisions

The City of Nedlands recently sought to amend its local planning scheme to include provisions for the removal of large trees in areas coded R20 and below to require development approval. This was proposed to be supported by a local planning policy to guide the assessment of applications that propose the removal of a large tree, as well as providing trees as part of new developments.

This amendment was refused by the Minister for Planning in February 2024. The reasons for the Minister's approval have not been published but quotes attributed to the Minister through the media related to concerns over the punitive approach that would require approval before a tree could be pruned as well as there being a lack of community support. Upon refusal of the amendment, the City did not proceed with the LPP.

At the same time that the amendment was refused the State Government announced the preparation of a

new Perth and Peel Urban Greening Strategy. This is intended to explore opportunities to enhance tree canopy within the public realm rather than private property.

In March 2023 the City of South Perth endorsed draft Local Planning Scheme No. 7. The draft scheme seeks to protect trees on private land by requiring development approval for the removal of a tree that meets certain size criteria or is included on the Significant Tree Register.

Whilst LPS7 has yet to be determined, recent media statements from the Minister of Planning have stated that scheme provisions which provide blanket protection for trees across a local government area would not be supported.

Local Planning Policies

In 2023, the City of Kalamunda endorsed a local planning policy for the protection of trees with a certain height and canopy size as well those with hollows that provided breeding habitat for black cockatoos. This policy applied to areas coded R25 or less.

This policy was rescinded on 27 February 2024 with the reasons including:

- *The Policy has been in operation for a period of at least 12 months.*
- *There have been reported instances of perverse outcomes to the Policy's implementation and application, particularly regarding the safety of City residents.*
- *It is warranted to repeal the Policy, as the text of the Policy renders it inappropriate and inadequate in balancing the interests of ratepayers, alongside the interest of conservation of our natural assets.*

Current City of Vincent Approach

The City's Policy No. 7.1.1 – Built Form (Built Form Policy) currently provides for landscaping standards which are over and above the standards of the Residential Design Codes (R Codes).

These standards cannot be enforced as they require the approval of Western Australian Planning Commission (WAPC).

The WAPC considered the landscaping provisions of the Built Form Policy in July 2022. The landscaping and tree canopy provisions were not supported by the officers at the Department of Planning, Lands and Heritage on the basis that they were inconsistent with the R Codes. The WAPC ultimately deferred its decision on these provisions due to the amendment to the R Codes to introduce standards for medium density developments.

Although the WAPC has yet to approve these standards, Administration assesses development applications against these provisions and works with applicants to maximise canopy cover on development sites as part of the assessment process.

The amended R Codes were released on 8 March 2024 and will take effect from 10 April 2024. The amendments do not provide for any significant change to the previous landscaping provisions.

In the absence of any formal statement from the State Government, the amended R Codes are considered to represent the State Government's position on landscaping and tree canopy as part of new developments.

Given this, it is unclear how the City's provisions within the Built Form Policy would ultimately be determined by the WAPC.

CR HALLETT:

Can the report be updated to address the WALGA's Tree Protection Planning Policy template that was recently released?

A/EXECUTIVE DIRECTOR STRATEGY & DEVELOPMENT:

The report has been updated to reflect WALGA's Tree Protection Planning Policy template that was released on 5 March 2024, as well as the updated R Codes which were released on 8 March 2024.

Details of Tree Protection Provisions on Private Land brought into the Local Planning Framework at various Local Governments

Existing Trees of Significance, Tree Preservation Orders and related Planning Policies		
Local Government	Scheme Provision and related Policy	Comment
City of Armadale	<p>The Scheme makes provision for Council to issue a tree preservation order.</p> <p>LPP 2.4 - Tree Preservation clarifies how a tree preservation order will be issued/removed.</p>	<p>The Scheme provision was gazetted on 20 July 2017.</p> <p>The Policy does not require approval from the WAPC. Adopted 17 June 2003, reviewed 25 May 2020.</p>
City of Bayswater	<p>Scheme preservations provide provisions similar to those in Volume 1 of the R-Codes, whereby trees are required per site based on:</p> <ul style="list-style-type: none"> - lot area; and - uncovered car parking areas in non-residential development. <p>The required number of trees can be reduced if a 'tree worthy of retention' or a large tree is retained</p> <p>Local Planning Policy – Trees on Private Land and Street Verges expands and clarifies the scheme provisions.</p>	<p>Amendment 78 to LPS24 was gazetted 31 May 2019.</p> <p>The Policy was adopted in June 2018 and does not require WAPC approval as it does not vary any provisions of the R Codes.</p>
City of Canning	<p>Scheme provision provides statutory protection for trees listed under in a Significant Tree Register.</p> <p>Council Policy ET 545 - Recognition and Protection of Significant Trees clarifies how a tree will be listed or removed from the Register.</p>	<p>The Scheme provision included in TPS4 was approved by the WAPC when the Scheme was gazetted on 26 May 2020.</p> <p>The Policy does not require approval from the WAPC as it does not vary any provisions of the R Codes. Adopted 19 October 2021.</p>
City of Fremantle	<p>Schedule A of LPS4 makes provision for Council to create and maintain a Register</p> <p>LPP 2.23 - Register of Significant Trees and Vegetation Areas clarifies how a tree will be listed or removed from the Register.</p>	<p>Amendment 67 was gazetted 25 October 2016.</p> <p>The Policy does not require approval from the WAPC as it does not vary any provisions of the R-Codes. Adopted 27 February 2019.</p>
City of Mandurah	<p>Scheme provision provides statutory protection for trees listed under in a Significant Tree Register.</p> <p>Scheme provision providing clarity on when development approval is not required for the removal of trees:</p> <ul style="list-style-type: none"> - where the tree is dead or constitutes an immediate threat to life or property; 	<p>The Scheme provision related to Significant Trees was included in gazettal of LPS12 on 11 April 2022.</p> <p>Amendment 1 to LPS 12 was gazetted 3 October 2023.</p>

	<ul style="list-style-type: none"> - where the tree is within three metres of the wall of an existing or approved building; - where the tree is required to be removed for the purposes of bushfire prevention and control including a firebreak as required by any relevant legislation. 	
City of South Perth	Scheme provision provides statutory protection for trees listed under in a Significant Tree Register or under a Preservation Order.	The Scheme provision was approved by the WAPC upon gazettal of LPS 6 on 29 April 2003.
City of Stirling	<p>Scheme provision provides statutory protection for trees listed under in a Significant Tree Register.</p> <p>Scheme provisions clarifies that Council may impose a condition of development approval that requires the retention of a significant tree. A definition of a significant tree is also provided. Provides development bonus if significant trees are retained and required the planting of advanced trees if a significant tree is lost.</p> <p>LPP 6.11 – Trees and Development relates to the Scheme provision above.</p>	<p>Amendment 9 to LPS3 was gazetted 24 October 2017.</p> <p>The Policy was adopted and approved by the WAPC when it approved Amendment 9.</p>
City of Subiaco	Scheme provision provides statutory protection for trees listed under in a Significant Tree Register.	Scheme provision was approved by the WAPC upon gazettal of LPS5 on 21 February 2020.
Town of Bassendean	<p>Scheme provision provides statutory protection for trees listed under a Preservation Order.</p> <p>LPP 13 - Tree Retention and Provision clarifies how a tree will be listed or removed.</p>	<p>Scheme provision was approved by the WAPC upon gazettal of LPS10 on 23 June 2008.</p> <p>The Policy does not require approval from the WAPC as it does not vary any provisions of the R-Codes.</p>
Town of Mosman Park	Scheme provision provides statutory protection for trees listed under in a Significant Tree Register or under a Preservation Order.	Scheme provision was approved by the WAPC upon gazettal of LPS3 on 28 February 2018.
Town of Victoria Park	Draft LPS2 makes provision for Council to create and maintain a register.	Draft LPS2 has yet to be determined by WAPC.

Planning Scheme Provisions not related to Significant Tree Registers or Tree Preservation Orders		
Local Government	Scheme Provision and related policy	Comment on Status
City of Nedlands	<p>Amendment 12 sought to require development approval for the removal of large trees on private land in low residential density areas (R20 and below).</p> <p>Draft Local Planning Policy – Trees on Private Land sought to guide the assessment of development applications received for tree removal, and guide the provision of new trees within low density residential areas.</p>	Refused by the Minister of Planning. The reasons for the Minister's approval have not been published but quotes attributed to the Minister through the media related to concerns over the punitive approach that would require approval before a tree could be pruned as well as there being a lack of community support.
City of South Perth	<p>The draft Local Planning Scheme No.7 sought to protect trees on private land by requiring development approval for the removal of a tree that meets certain size criteria and is included on the Significant Tree Register.</p> <p>Draft Local Planning Policy – Tree Preservation provides guidance on the assessment and determination of development applications for the removal of trees as per the draft LPS7</p>	<p>LPS7 has yet to be determined.</p> <p>The draft policy will be determined at the same time as LPS7.</p>

Planning Policies not related to Trees of Significance or Preservation Orders		
Local Government	Planning Policy	Comment
City of Kalamunda	LPP 33 – Tree Retention	<p>Adopted in December 2022, this Policy provided protection for trees with a certain height and canopy size as well those with hollows that provided breeding habitat for black cockatoos. This Policy applied to areas coded R25 or less. It was rescinded at the OMC on 27 February 2024.</p> <p>The Policy required approval by the WAPC as it sought variation to clauses 5.3.2 and 5.3.4 of Volume 1 of the R Codes, whereby it increased the planting standards based on lot sizes than those of the R-Codes. The WAPC approved this Policy before it was revoked.</p>
City of South Perth	LPP 350.05 Trees on Development Sites and Street Verges	<p>This Policy requires trees over 3 metres in height to be shown on plans for development applications and retained where possible provided they are within 3 metres of a side or rear boundary.</p> <p>The Policy was originally prepared at a time when the R Codes Volume 1 did not contain provisions relating to tree planting. Under the current R Codes it would require WAPC approval. Administration has not been able to confirm if this approval has been sought and/or granted.</p>
Town of Vitoria Park	Local Planning Policy No. 39 Tree Planting and Retention	<p>Adopted in February 2020 and amended in February 2022, the Policy provides provisions on the planting of trees as part of development approval. Specifies what a 'tree worthy of protection' is. Does not apply to development which is exempt from development approval nor multiple dwellings and mixed use development.</p> <p>The Policy was originally prepared at a time when the R Codes Volume 1 did not contain provisions relating to tree planting. As a result of amendments to the R Codes in 2021, the Policy required approval by the WAPC in respect to varying the requirements for tree planting. The WAPC has approved this Policy.</p>

REPORTS WITH NO DISCUSSION**5.1 NO. 99 (LOT: 1; S/P: 48216) BRISBANE STREET, PERTH - ALTERATIONS AND ADDITIONS TO GROUPED DWELLING****Ward:** South**Attachments:**

1. Consultation and Location Plan
2. Development Plans
3. Applicant Justification
4. Determination Advice Notes

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, **APPROVES** the application for Alterations and Additions to Grouped Dwelling at No. 99 (Lot: 1; S/P: 48216) Brisbane Street, Perth, in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 4:

1. Development Plans

This approval is for Alterations and Additions to Grouped Dwelling as shown on the approved plans dated 19 February 2024 and 21 February 2024. 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 antennae, 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. Colours and Materials

The colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans and schedule of materials and colours, which form part of this approval, to the satisfaction of the City; and

4. 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.

NO QUESTIONS

7.1 FINANCIAL STATEMENTS AS AT 31 JANUARY 2024

Attachments: 1. Financial Statements as at 31 January 2024

RECOMMENDATION:

That Council RECEIVES the Financial Statements for the month ended 31 January 2024 as shown in Attachment 1.

NO ACTIONS

7.2 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 01 JANUARY 2024 TO 31 JANUARY 2024

- Attachments:
1. January 2024 Payments by EFT and Payroll
 2. January 2024 Payments by Direct Debit
 3. January 2024 Payments by Cheques

RECOMMENDATION:

That Council RECEIVES the list of accounts paid under delegated authority for the period 1 January 2024 to 31 January 2024 as detailed in Attachments 1, 2 and 3 as summarised below:

EFT payments, including payroll	\$5,865,358.51
Cheques	\$463.85
Direct debits, including credit cards	\$185,233.31
Total payments for January 2024	\$6,051,055.67

NO QUESTIONS

7.3 INVESTMENT REPORT AS AT 31 JANUARY 2024

Attachments: 1. Investment Statistics as at 31 January 2024

RECOMMENDATION:

That Council NOTES the Investment Statistics for the month ended 31 January 2024 as detailed in Attachment 1.

NO QUESTIONS

7.4 MID YEAR BUDGET REVIEW 2023/24

- Attachments:**
- 1. Rate Setting Statement 2023/24**
 - 2. Net Current Assets 2023/24**
 - 3. Cash Backed Reserves 2023/24**
 - 4. Capital Budget 2023/24**
 - 5. Operating Budget Analysis 2023/24**

RECOMMENDATION:

That Council **BY ABSOLUTE MAJORITY APPROVES** the following amendments to the 2023/24 Annual Budget:

- a) A net increase in the Operating result of \$1,899,197 as per Attachments 1;
- b) A net increase in Cash Backed Reserves totalling \$3,178,691 as per Attachments 3;
- c) A net decrease in the Capital Expenditure Budget of \$375,837 as per Attachment 4;
- d) A net decrease in closing surplus of \$1,300,157, resulting in a forecasted year end surplus at 30 June 2024 of \$653,883 as per Attachment 1; and
- e) Additional loan payment of \$1,400,000 towards Beatty Park Loan 10

NO QUESTIONS

8.1 REPORT AND MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 29 FEBRUARY 2024

- Attachments:
1. Audit and Risk Committee Minutes - 29 February 2024
 2. Confidential Attachments - Audit and Risk Committee Minutes - 29 February 2024 - Confidential

RECOMMENDATION:

That Council:

1. RECEIVES the minutes of the Audit Committee Meeting of 29 February 2024, as at Attachment 1 and Confidential Attachments as at Attachment 2; and
2. APPROVES the recommendations from the Audit Committee as follows:
 - 2.1 ADOPTS the Local Government Statutory Compliance Audit Return for the period 1 January 2023 to 31 December 2023.
 - 2.2 ENDORSES the key findings and management actions arising from the Regulation 17 review of the *Local Government (Audit) Regulations 1996* prepared by Paxon
 - 2.3 APPROVES the risk management actions for high and extreme risks outline in the Corporate Risk Register.
 - 2.4 APPROVES closure of action items noted within the Audit Log.
 - 2.5 ENDORSES the Audit and Risk Committee Self-Assessment process.
3. NOTES
 - 3.1 The Audit and Risk Committee Forward Agenda at Attachment 1.
 - 3.2 Alignment of Corporate Risks to risk appetite and tolerance ratings.

NO QUESTIONS

8.2 LOCAL GOVERNMENT STATUTORY COMPLIANCE AUDIT RETURN 2023**Attachments: 1. Compliance Audit Return 2023****RECOMMENDATION:****That Council:**

- 1. NOTES that the City of Vincent's Compliance Audit Return for the period 1 January 2023 to 31 December 2023 was reviewed by the Audit Committee at its 29 February 2024 meeting;**
- 2. ADOPTS the Compliance Audit Return for the period 1 January 2023 to 31 December 2023, at Attachment 1; and**
- 3. AUTHORISES the Compliance Audit Return in Recommendation 1. above to be certified by the Mayor and Chief Executive Officer in accordance with Regulation 15 of the *Local Government (Audit) Regulations 1996*.**

NO QUESTIONS

8.3 MEETING ATTENDANCE FEES FOR INDEPENDENT COMMITTEE MEMBERS

- Attachments:**
- 1. Salaries and Allowances Act 1975 - Determination Variation**
 - 2. Audit and Risk Committee Terms of Reference - Clean version**
 - 3. Audit and Risk Committee Terms of Reference - Tracked changes**

RECOMMENDATION:

That Council:

- 1. ADOPTS the Maximum fee for Band 2 Independent Committee Members as set out in the Salaries and Allowances Act 1975 at Attachment 1; and**
- 2. APPROVES the payment of the Maximum fee to Independent Committee Members on the Audit and Risk Committee.**
- 3. APPROVES the updated Audit and Risk Committee Terms of Reference at Attachment 2;**

NO QUESTIONS

5 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

This item was discussed under Reports with Discussion above.

6 REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil

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

Nil

12 CLOSURE

There being no further business the meeting closed at 7.29pm.