



**CITY OF VINCENT**

# **NOTES**

**Council Briefing**

**13 August 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, 13 AUGUST 2024 AT 6.00PM**

<b>PRESENT:</b>	<p><b>Mayor Alison Xamon</b>  <b>Cr Alex Castle</b>  <b>Cr Ron Alexander</b>  <b>Cr Suzanne Worner</b>  <b>Cr Nicole Woolf</b>  <b>Cr Jonathan Hallett</b>  <b>Cr Sophie Greer</b>  <b>Cr Ashlee La Fontaine</b></p>	<p><b>Presiding Member</b>  <b>North Ward</b>  <b>North Ward</b>  <b>North Ward</b>  <b>North Ward</b>  <b>South Ward</b>  <b>South Ward (electronically)</b>  <b>South Ward</b></p>
<b>IN ATTENDANCE:</b>	<p><b>David MacLennan</b>  <b>Peter Varris</b></p> <p><b>Rhys Taylor</b></p> <p><b>Jay Naidoo</b></p> <p><b>Karsen Reynolds</b>  <b>Mitchell Hoad</b>  <b>Chris Dixon</b></p> <p><b>Dene Lawrence</b></p> <p><b>Dale Morrissy</b>  <b>Joslin Colli</b></p> <p><b>Wendy Barnard</b></p>	<p><b>Chief Executive Officer</b>  <b>Executive Director Infrastructure &amp; Environment</b>  <b>A/Executive Director Community &amp; Business Services</b>  <b>A/Executive Director Strategy &amp; Development</b>  <b>A/Manager Development &amp; Design</b>  <b>A/Manager Strategic Planning</b>  <b>Senior Projects and Strategy Officer – Ranger Services (electronically)</b>  <b>Senior Ranger (electronically) (left at 6.32pm after Item 4)</b>  <b>Manager Community Facilities</b>  <b>Executive Manager Corporate Strategy &amp; Governance</b>  <b>Council Liaison Officer</b></p>
<b>Public:</b>	Approximately 15 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, and acknowledge that as the City of Vincent we have a role in working towards reconciliation and justice for First Nations people.”

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

Cr Ashley Wallace 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 Sally Baker of North Perth – Item 5.2**

Full statement can be found [here](#)

**3.2 John Williamson of Burswood – Item 5.3**

Full statement can be found [here](#)

**3.3 Jimmy Thompson of Subiaco – Item 5.3**

Full statement can be found [here](#)

**3.4 Tricia Giudici of North Perth – Item 5.3**

Full statement can be found [here](#)

**3.5 Hessom Razavi of North Perth – Item 5.2**

Full statement can be found [here](#)

**3.6 Craig Willis of North Perth – Item 5.2**

Full statement can be found [here](#)

**3.7 David Reid of Perth – Item 5.6**

Full statement can be found [here](#)

**3.8 Wayne Bayliss of North Perth – Item 5.2**

Full statement can be found [here](#)

**3.9 Nik Hidding of Subiaco – Item 5.2 – 6.24**

Full statement can be found [here](#)

Submitted the statement below in writing and spoke to it.

Thank you for the opportunity to make a public statement.

I act for OTR 208 Pty Ltd in the application for proposed alterations and additions to the existing service station at 41-43 Angove Street, North Perth.

We note the recommendation for refusal in the agenda papers tonight, however we do not agree with the reasons for refusal outlined, on the following basis:

**Non-Conforming Use**

1. We do not agree with the officer's assessment that there are no existing use rights applicable to the land. I refer to the legal advice attached to this communication setting out comprehensively why existing use rights are afforded to the site.
2. At no point during the assessment of the application has the City raised such a fundamental issue. It would have been beneficial in my view for the City and the Council to have obtained further information from us if it believed there to be an issue.
3. The commentary on page 3 of the report which discusses that works as proposed in the application *"would not be in strict accordance with the 2002 approval and would change the activities that would be carried out on site"* and that *"This means that would be fundamentally different proposal to the previous approval"* is absolutely no basis to suggest that there are no existing use rights. This is because the City's planning scheme allows changes and alterations to a non-conforming use, so as even to extend a non-conforming use (to make it a different proposal than it was originally approved for). This situation is clearly provided for as per Clause 22 and 23 of the scheme. Therefore, the City's assessment in respect of this is incorrect.

4. Clause 22 of the scheme states that the Scheme does not prevent the carrying out of development on land if, before the commencement of the Scheme, the development was lawfully approved (which it was); and, the approval has not expired or been cancelled (which it has not)
5. We believe therefore, that the Council has been incorrectly advised on the issue of a non-conforming use and cannot be used as a reason for refusal. The City should carefully review the matter in its consideration of the application.

### **Built Form & Landscaping Matters**

6. As the proposal is for improvement works to an existing building, it is disappointing that officers recommend refusal based on the lack of landscaping. The existing building and accessways are already in place. Some additional landscaping is proposed, but not to the amount under the City's policy. However, the policy requirements should be relaxed given that the existing building is in place already, so it was always going to result in a landscaping outcome that does not meet the policy.

### **Amenity**

7. The proposed improvements in our view will improve the amenity of the streetscape.
8. All matters associated with the operation of the facility are with respect, have already been dealt with, given an approval exist for the use.

We kindly seek the Council's support for the application.

### **3.10 Chris White of North Perth – Item 5.2**

Full statement can be found [here](#)

**The following submissions were received in writing prior to the meeting.**

### **Barrie and Lianna Parker of North Perth – Item 5.3**

Our proximity to the impact of the proposed plan means that we are deeply involved in this development; however we are currently on vacation in the Eastern States; otherwise we would have attended the meeting.

Our position is relatively simple and that is absolute support for the Development Plan. So why should we take this position?

Firstly just about anything would be an improvement on the existing character of the Charles and its surrounds. The whole area (and the pub itself) represent an almost irresponsibly inappropriate utilisation of land in a prime near city location with well established transport and other infrastructure. Implicit in this is that we would like to see the pub itself as part of the plan being redeveloped while maintaining its housing support for the less privileged and its status as a live music venue.

Secondly we believe that it is the responsibility of the City of Vincent to do whatever it can to contribute to the solution of the Perth housing crisis and view this Development Plan as a way that the City of Vincent can walk the walk on this crucial issue.

Thirdly we would like to believe that our council can see the significant benefits in the plan in increasing council income thereby providing the council with further service provision opportunities.

Apologies for our inability to attend either in person or virtually. Of course we expect our opinions to be considered in your decision making processes.

**Megan Neervoort of North Perth – Item 5.2**

I live at 15 Woodville Street, directly next to the proposed site, and am writing to emphasise the importance of local knowledge regarding this application. This knowledge comes from observing the prior business located at the Angove St site on a daily basis for a number of years;

- The proposed application would represent a significant increase in the volume and frequency of fuel sales at the site.
- Despite the prior business being referred to as a “service station” within the planning documents, this language has the potential to be unintentionally misleading. The former business was a historical, family run automotive garage whose primary source of income was mechanical repairs NOT fuel sales.
- Fuel sales at the former business were infrequent and in no way resembled a modern “service station”. For example, the old bowsers were slow and not able to be used as self service (requiring the owner to personally refuel customers cars). As such there was often a green wheelie bin placed in the refuelling bay or signs reading “no fuel” to prevent public use. The bowsers were so old that on being decommissioned they went to a historical collection.
- I urge councillors to consider this local knowledge when reading planning documents and considering the developers argument that the application falls within “continuous use”. This is not simply a case of an old “service station” being replaced with a new service station.
- The proposed development (the proposal for new bowsers and fuel tanks) represents an intensification of fuels sales within a short distance of residences and the local school. This is in direct violation of the CoV’s latest scheme amendment and violates the Environmental Protection Authority’s recommended 200m exclusion zone. The developer is yet to provide any peer reviewed evidence to demonstrate that intensifying the provision of fuel sales in close proximity to the city’s residents is safe.
- The application is of poor quality and does not convincingly demonstrate any significant benefit to the CoV community.

There being no further speakers, Public Question Time closed at approximately 6.30pm.

**4 DECLARATIONS OF INTEREST**

- 4.1 Cr Nicole Woolf declared an impartiality interest in Item 5.2 Nos. 41-43 (Lots: 18 and 701; DP: 302447 and P: 1874) Angove Street, North Perth - Alterations and Additions to Service Station. The extent of her interest is that she is a former member of the Stop the Station group.
- 4.2 Cr Alex Castle declared an impartiality interest in Item 5.1 Nos. 293 and 295 (Lots: 8 and 4; D/P: 1221 and 5184) Oxford Street, Leederville - Proposed Grouped Dwellings (6). The extent of her interest is that she is friends with one of the landowners of this property.

**REPORTS**

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

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

COUNCIL MEMBER	ITEMS TO BE DISCUSSED
Cr Hallett	5.4
Cr Greer	5.1 and 6.1

At 6.32pm Manager Community Facilities left the meeting and did not return.

## REPORTS WITH DISCUSSION

### 5.2 NOS. 41-43 (LOTS: 18 AND 701; DP: 302447 AND P: 1874) ANGOVE STREET, NORTH PERTH - ALTERATIONS AND ADDITIONS TO SERVICE STATION

Ward: North

Attachments:

1. Location and Consultation Plan
2. Proposed Plans
3. Applicant Cover Letters
4. March 2002 Approval
5. Summary of Submissions - Administration Response
6. Design Review Panel Minutes

#### RECOMMENDATION:

That Council:

1. In accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 (LPS2) and the Metropolitan Region Scheme, REFUSES the application for Alterations and Additions to Service Station at Nos. 41-43 (Lot: 18; and 701; Plan: DP: 302447 and P: 1874) Angove Street, North Perth, in accordance with the plans provided in Attachment 2, for the following reasons:

1. Pursuant to Clause 67(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* the development would be contrary to the principles of orderly and proper planning. This is because it has not been demonstrated that the proposal would have any pre-existing use rights either as a non-conforming use or that it would be consistent with any previous development approval.

Without having any use rights the proposed works would facilitate the subject site functioning and operating as a Service Station which is a prohibited 'X' use pursuant to Clause 18 of LPS2.

The use would not be capable of approval and would be contrary to the aims, objectives and provisions of LPS2 in accordance with Clause 67(2)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*. These include:

- a) The aims of LPS2 as set out in Clause 9;
  - b) The District Centre zone objectives as set out in Clause 16, and
  - c) The provisions including the Zoning Table, Interpreting the Zoning Table, and Non-Conforming Uses as set out in Clauses 17, 18 and 22 respectively;
2. Pursuant to Clauses 67(2)(g), 67(2)(m), and 67(2)(zc) of the *Planning and Development (Local Planning Schemes) Regulations 2015* the proposal would be inconsistent with the objectives of the City's Policy No. 7.1.1 – Built Form Policy and incompatible with its setting in considering the advice from the City's Design Review Panel . This is because:
    - a) The extent and location of proposed landscaping would be inadequate to offset the visual impacts associated with the extent of hardstand areas on the street frontages. The landscaping would not provide for adequate tree planting to make an effective and demonstrated contribution towards the City's green canopy or reduce the impact of the urban heat island effect (Clause 1.5 – Tree Canopy and Deep Soil Areas and Clause 1.15 – Landscape Design);

- b) The proposed modifications would not provide for an appropriate landscape design to enhance the amenity of the streetscape or the provision of shade, and the colours, materials and finishes proposed to the existing building, roof and fuel canopy, would be inconsistent with the desired future character streetscape of Angove Street.

The proposed modifications to the existing building would not adequately provide for passive surveillance or activation of Woodville Street. This is because the proposed window is located above eye level for staff and customers within the building and for pedestrians, and would not express the internal building function and would be inconsistent with the desired streetscape character of Woodville Street (Clause 1.7 – Public Domain Interface, Clause 1.13 – Façade Design, and Clause 1.14 – Roof Design); and

3. Having regard to Reasons 1 and 2 and the matters of Clause 67(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the application has not demonstrated that the proposal:
- a) Would not have an adverse impact on the amenity of the locality, including from noise (Clause 67(2)(n));
  - b) Would provide for the adequate provision of landscaping (Clause 67(2)(p));
  - c) Would not have an adverse risk to human health or impact on the community (Clauses 67(2)(r) and (x)); and
  - d) Would provide for adequate vehicle manoeuvring on-site and would not adversely impact on the flow or safety of traffic on the surrounding road network including pedestrian safety (Clauses 67(2)(s)(ii) and (t)); and

2. INSTRUCTS Administration to write to:

- The Department of Water & Environmental Regulation in accordance with Clause 11 of the *Contaminated Sites Act 2003* and Clause 6 of the *Contaminated Sites Regulations 2006* in relation to the contamination status of the site; and
- The Department of Energy, Mines, Industry Regulation & Safety in accordance with Clause 63 of the *Dangerous Goods Safety (Storage and Handling of Non-Explosives) Regulations 2007* in relation to the decommissioning of existing storage tanks.

The purpose of this is to:

- (a) Advise that to the best of the City's knowledge fuel tanks are still underground on the subject site. The fuel tanks have the potential to be leaking and causing site contamination which would impact on the health and welfare of the community;
- (b) Reiterate that the site is located prominently within the North Perth town centre area with high volumes of pedestrians and is in close proximity to sensitive uses including residential homes, cafes/restaurants and shops, and the North Perth Primary School;
- (c) Request an investigation into the current contamination status of the site and condition of the fuel tanks, that the ongoing risk presented by this issue is addressed by the land owner as required by the applicable legislation, and for any required remediation to be undertaken in accordance with the relevant standards and requirements; and
- (d) Request that the City be advised at the commencement of the investigation, updated as the investigation progresses, and notified of the outcome and findings at the completion of the investigation.



**MAYOR XAMON:**

Please provide an update on what measures have been made to secure the site, and what discussions have occurred with the landowner to date.

**A/MANAGER STRATEGIC PLANNING:**

*Administration received a number of concerns regarding antisocial behaviour and squatting at the subject site and adjoining property at No. 45 Angove Street in March 2024.*

*In response to these concerns Administration undertook an inspection in April 2024. This inspection identified that squatting was occurring in No. 45 Angove Street. This is because the property was not being adequately secured and was not in a condition that was fit for human habitation.*

*Following this Administration issued a list of works to be undertaken by the landowner. These included disconnecting services to the property, cleaning and the removal of rubbish and personal belongings, and securing the premises to prevent unauthorised entry.*

*Administration also liaised with the WA Police to provide them with the contact details of the landowner to further discuss responses to prevent unauthorised entry.*

*Administration conducted a follow up inspection in May 2024 to confirm that these works had been suitably undertaken.*

*Since this time Administration has not received any specific complaints in relation to antisocial behaviour occurring from the subject site.*

*Administration will continue to liaise with the landowner to implement measures to minimise antisocial behaviour from the subject site.*

*There have been issues of antisocial behaviour at the site that has caused distress to the community.*

**CR WOOLF:**

Request an amendment to the Recommendation to liaise with the landowner to ensure that the property is properly secured.

**A/MANAGER STRATEGIC PLANNING:**

*Administration has updated the Recommendation to include a new point 3. This sets out for Administration to liaise with the landowner to implement measures to ensure that the subject site is adequately secured to prevent unauthorised access and minimise antisocial behaviour.*

*Trespassing onto privately owned properties and any resulting antisocial behaviour is a WA Police matter.*

*The City cannot force the landowner to implement measures under the Local Government Act 1995.*

*Administration will continue to liaise with the landowner and relevant stakeholders to request the subject site to be secured.*

**ADDITIONAL INFORMATION:**Response to Lavan Submission

*Included within the public questions and statements was a submission from Lavan on behalf of the applicant.*

*This submission raised issues in relation to the consideration of non-conforming use and whether compensation could be sought if the application were to be refused.*

*In relation to these matters:*

- *Administration's report contains an assessment of the proposed works against the existing approval from 2002 and the non-conforming use provisions of the City's Local Planning Scheme No. 2 (LPS2). Administration is not satisfied that on the information provided that there are non-conforming use rights.*
- *There are instances where compensation can be sought by a landowner under the Planning and Development Act 2005. This includes where there has been a change to the planning scheme that prohibit the continuation of non-conforming uses.*

*The application has not demonstrated that the proposal would have non-conforming use rights. This would mean that it is unlikely that there could be a claim for compensation.*

*Update to Recommendation*

*In addition to the inclusion of a new point 3 in the Recommendation, Administration has also updated refusal reason 1.*

*The purpose of this these is to provide greater clarity and specification that it would be not orderly or proper to determine the works application without consideration of the associated land use, and the Service Station use would be inconsistent with the provisions of the City's Local Planning Scheme No. 2. This is because it would be a prohibited use in the District Centre zone and it has not been demonstrated that there would be any non-conforming use rights. The intent of this reason for refusal has not changed.*

### 5.3 PROPOSED CHARLES HOTEL LOCAL DEVELOPMENT PLAN

Ward: North

Attachments:

1. Location and Consultation Plan
2. Local Development Plan
3. Cover Letter & Design Report
4. Transport Impact Assessment
5. Summary of Submissions - Administration Response
6. Summary of Submissions - Applicant Response
7. Design Review Panel Minutes

#### RECOMMENDATION:

That Council:

1. Pursuant to Clause 47(d) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* CONSIDERS that a Local Development Plan is required over Nos. 501, 503, 503B, 505-509 and 511-513 Charles Street, 4 Carrington Street and 118-122 Eton Street, North Perth (Lots: 91-93, 4, 4091-4093, 2, and 4088-4090), North Perth, for the purposes of orderly and proper planning; and
2. Pursuant to Clause 52(1)(a) of the Deemed Provisions of the *Planning and Development (Local Planning Regulations) 2015* APPROVES the Local Development Plan dated 12 July 2024 for Nos. 501, 503, 503B, 505-509 and 511-513 Charles Street, 4 Carrington Street and 118-122 Eton Street, North Perth (Lots: 91-93, 4, 4091-4093, 2, and 4088-4090), North Perth, included as Attachment 2, subject to the following:

#### Modifications to Local Development Plan

- 2.1 The applicant modifying the Local Development Plan by deleting the reference to Child Care Premises as a Preferred Land Use for Parcels 1 and 2 within Table 1, and the associated note at the bottom of Table 1.

The modified Local Development shall be resubmitted to the City;

#### Approval of Western Australian Planning Commission

- 2.2 Obtaining the approval of the Western Australian Planning Commission for:
  - Acceptable Outcome 3 (Building Height);
  - Acceptable Outcome 5 (Plot Ratio); and
  - Acceptable Outcome 7 (Landscape Design);

in relation to Development Parcel 2 only, in accordance with Clause 1.2.3 of State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments; and

- 2.3 Obtaining the approval of the Western Australian Planning Commission for Acceptable Outcome 7 (Landscape Design) in relation to Development Parcels 1 and 3 to 6, in accordance with Clause 1.2.3 of State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments.

#### **CR LA FONTAINE:**

Request further information on the number of peak vehicle trips along Eton Street and the percentage of heavy vehicles?

#### **A/MANAGER STRATEGIC PLANNING:**

Administration undertook traffic surveys of the surrounding road network around the subject site in June 2023.

Data in relation to the number of peak period vehicles and the percentage of heavy vehicles is provided below.

<b>Street</b>	<b>AM Peak Vehicles</b>	<b>PM Peak Vehicles</b>	<b>% Heavy Vehicles</b>
<i>Eton Street (north of Ellesmere Street)</i>	105	110	3.1%
<i>Eton Street (south of Ellesmere Street)</i>	91	118	5.7%

**CR LA FONTAINE:**

Can a breakdown of the individual submissions be provided?

**A/MANAGER STRATEGIC PLANNING:**

*The individual submissions will be circulated to Elected Members separately. This is because individual submissions contain information which is personal and can be identifiers for community members.*

*The City's Community and Stakeholder Engagement Policy sets out that a summary of submissions is to be included to the officer report which provides sufficient context and detail for submissions to be understood and to include responses from Administration.*

*Consistent with this Administration's report included a summary of the submissions that were received during the formal community consultation period in **Attachment 5** along with in line responses.*

*This approach to the presentation of submissions importantly ensures that all comments made are responded to and that comments that raise relevant planning considerations are dealt with. Noting that the receiving of objections and the number of submissions received in itself are not a valid planning considerations for the proposal.*

**CR ALEXANDER:**

What would be the threshold for when an increase in vehicle traffic from a future redevelopment would become unreasonable, noting the current volumes of Ellesmere Street are a quarter of its overall capacity?

**A/MANAGER STRATEGIC PLANNING:**

*The purpose of a Local Development Plan (LDP) is to facilitate a coordinated built form outcome across multiple properties by prescribing development standards to deliver a site specific development response.*

*The purpose is not to provide a level of detail that would ordinarily be associated with a development application (DA).*

*This is because a DA would still be required to be approved for any redevelopment proposal and this would be accompanied by a detailed traffic assessment.*

*This would need to demonstrate that additional traffic from the development would not adversely impact on the amenity of the area, or the functionality and safety of the surrounding road network.*

*The approval of the LDP would not bind the decision-maker to approve a future DA if these impacts have not been demonstrated at that stage.*

*The applicant provided a high level Traffic Impact Assessment (TIA) in support of the proposed LDP. This demonstrated that while there would be additional traffic from a redevelopment proposal, this would be within the capacity of the surrounding road network.*

*The City's Accessible City Strategy (ACS) and Main Roads WA (MRWA) Functional Road Hierarchy identifies the capacity of each road based on a number factors. These factors include the purpose of the road and its design.*

*Under this hierarchy, Ellesmere Street would be a Local Distributor road with a daily capacity of up to 6,000 vehicles over the course of a day. Traffic count data from 2023 identified that there was currently 1,457 vehicles over the course of day equivalent to approximately a quarter of the road's current capacity.*

*Based on this, an increase of traffic associated with a redevelopment of the subject site in line with the LDP would be capable of remaining within the overall capacity consistent with the ACS and MRWA road*

*hierarchy.*

*The proposal has adequately addressed impacts from additional traffic noting the purpose of the LDP in line with State Government requirements and the submission of a TIA.*

*Traffic impacts would remain a relevant consideration in assessing a future DA and would need to be adequately addressed at that time.*

## 5.6 NEW LEASE TO KIDZ GALORE PTY LTD - NO. 15 HAYNES STREET, NORTH PERTH

Attachments: 1. Attorney General Approval - 6 June 2024

## RECOMMENDATION

That Council

1. APPROVES giving public notice and inviting submissions under the provisions of section 3.58(3) of the *Local Government Act 1995* for the proposed lease to Kidz Galore Pty Ltd (ACN 069 285 472) for the childcare premises located at No. 15 (Lot 9) Haynes Street, North Perth (Premises) on the following key terms:

1.1. Term: Two (2) years, commencing 1 January 2026 and expiring 31 December 2027.

1.2. Option Term: Nil.

The Tenant acknowledges that following the lease expiry, the City will not permit any holding over or monthly tenancy.

1.3. Rent: Current rent for FY24/25: \$42,542.72 per annum plus GST

1 Jan 2026 – 30 June 2026	\$44,669.86 per annum exc. GST
1 July 2026 – 30 June 2027	\$46,903.35 per annum exc. GST
1 July 2027 – 31 Dec 2027	\$49,248.52 per annum exc. GST

1.4. Rent Review: Fixed increase of 5% annually on 1 July each year of the lease commencing from 1 July 2026.

1.5. Outgoings: Tenant will pay:

- (a) ESL charges applicable to the premises;
- (b) rubbish and recycling bin charges for the premises;
- (c) utilities (including scheme water, electricity and gas); and
- (d) minimum level of service statutory compliance testing (including RCD, DFES and pest inspection fees and charges).

1.6. Insurance: Tenant to hold and maintain a public liability insurance policy for not less than \$20 million per one claim, in respect of the Tenant's use and occupation of the Premises.

1.7. Repair/maintenance: As per the maintenance obligations prescribed by the Property Management Framework.

1.8. Permitted Use: The business of providing childcare services.

1.9. Special conditions

- 1.9.1. Transition plan
- (a) The Tenant acknowledges that the City is required to transition the use of the Premises away from childcare services in order to comply with the Deed of Trust dated 2 October 1941;
  - (b) In accordance with paragraph (a) above, the Tenant acknowledges and agrees that:

- (i) by 30 June 2026, the Tenant will submit to the City a relocation or business plan (Business Plan) outlining:
  - the Tenant’s planned transition from the Premises; or
  - how the Tenant will scale down its business operations at the Premises by the end of the Lease term; and
- (ii) by 1 January 2027, the Tenant will submit to the City a closure plan (Closure Plan) which will demonstrate:
  - the proposed timeline for the closure of the Tenant’s business at the Premises; and
  - the removal of the Tenant’s buildings (including the demountable building) and property from the Premises; and
- (iii) the Tenant must completely vacate the Premises by no later than midnight on 31 December 2027.
- (c) If the City is not satisfied with the information contained in either or both the Business Plan or the Closure Plan, the City may provide the Tenant with notice:
  - (i) specifying what additional information is required by the City; and
  - (ii) the timeframe within which the Tenant must provide that information to the City.
- (d) If the Tenant fails to provide the City with:
  - (i) the Business Plan or Closure Plan within the time specified in paragraph (b)(i) or (b)(ii) (respectively); or
  - (ii) any additional information requested by the City in accordance with paragraph (c),

the City may terminate the Lease and the Tenant must vacate the Premises within one month of being notified of that termination

**1.9.2. Termination for convenience**

The Tenant may terminate the Lease by providing no less than three (3) months’ written notice of termination to the City.

**1.9.3. Removal of demountable building and play equipment**

The Tenant acknowledges and agrees that prior to the lease expiry it is required to remove the demountable building and play equipment from the Premises and make good any damage caused by that removal.

2. If no submissions are received as a result of public notice period in Recommendation 1. above, **AUTHORISES** the:
  - 2.1 Chief Executive Officer to negotiate and enter into the lease in Recommendation 1. above, and
  - 2.2 Mayor and Chief Executive Officer to affix the common seal and execute the lease in accordance with the Execution of Documents Policy.
3. **NOTES** that if any submissions are received as a result of the public notice period in Recommendation 1. above, the Chief Executive Officer will provide the submissions to Council for consideration and Council will determine whether to proceed with the proposed lease to the Tenant.

**CR WORNER:**

What is happening at 6 London Street, there is a for sale sign up on the property still.

**CR WORNER:**

What is happening at No. 6 London Street? There is a for sale up on the property still.

**EXECUTIVE MANAGER CORPORATE STRATEGY & GOVERNANCE**

*6 London Street was purchased in 2020, by KGCC Properties Pty Ltd (Kidz Galore). Planning approval was obtained in 2020 for the development of a child care centre on the site, however as outlined in the report the development of this site has been impeded by the Western Power infrastructure.*

*In considering options to optimise the development outcomes of the site the owners have been considering options to develop the site more broadly to encompass childcare, office, medical centre and other associated uses noting that the site does have a deemed to comply building height of 4 storeys under the City's Built Form Policy.*

*In relation to the for sale sign, Kidz Galore put the site on the market in February 2024 to ascertain whether there would be a developer that would be interested in developing the site where Kidz Galore would be a tenant for part of the building based on a minimum 20 year 'lease back'. To date this has not resulted in any offers. The owners are continuing the search.*

*The owners are committed to lodging an application for a revised design by March 2025. The delays to delivering this development are acknowledged and come at significant cost to the landowner.*



#### 5.4 ANNUAL REVIEW 2023/24 - ACCESSIBLE CITY STRATEGY, THRIVING PLACES STRATEGY AND ARTS PLAN

- Attachments:
1. Accessible City Strategy - Annual Review III
  2. Thriving Places Strategy - Annual Review I
  3. Arts Plan - Annual Review I

#### RECOMMENDATION:

That Council RECEIVES the Accessible City Strategy – Annual Review III; the Thriving Places Strategy – Annual Review I; and the Arts Plan – Annual Review 1.

#### CR HALLETT:

Refer: 1.2.1 paths and pedestrian mapping, what is the budget need? Can that be revisited in the mid-year budget review, as it underpins some of the other actions?

#### EXECUTIVE DIRECTOR INFRASTRUCTURE & ENVIRONMENT:

*While Administration has not budgeted for formal mapping to be undertaken, it has undertaken a number of actions in-house to address the intended outcome of Action 1.2.1 of the Accessible City Strategy to improve accessibility of footpaths and address pedestrian safety.*

#### **Condition Audit**

*All footpaths and access ramps assessed – prioritisation of maintenance and renewal progressing.*

#### **Bike Plan**

*11 out of 60 Actions completed from the Bike Network Plan*

#### **Road Program**

*Areas of Footpaths and Access ramps to be done in conjunction with the road program on the following roads:*

*Brady St, Melrose St, Stamford St, Angove St, Bramell St, Eton St, Barnett St, Albert St, Amy St, Broome St, Cleaver St, Eucla St, Glebe St, Haley Ave, Matlock St, Raglan Rd, Bulwer St, Leederville Pde.*

#### **Capital Works**

- *Areas on Walcott St along Forrest Park.*
- *Areas on Lord St near the Walcott St intersection.*
- *Raglan Rd Pram Ramps.*
- *Forbes Lane (Newcastle St-Forbes Lane) including kerbing (footpath 130m2 and 110 m kerbing).*
- *Coogee St (Anzac Rd-Hawthorn St, both sides).*
- *Money St Perth both sides.*
- *Monger St Perth both sides.*
- *Lindsay St Perth both sides.*
- *Edward St from Pier St to Lord St.*

#### **Trial Program - Repairs to Footpath Uplift due to Tree Roots**

*Where tree roots were disrupting footpaths, and it is not feasible to remove the tree roots without severely compromising the tree we will trial the installation of permeable paving around tree wells. We will replace the footpath panels with permeable stone. Trial areas include 21 Gill St, 29 / 31 Ebsworth St and 146-150 Coogee St at this stage.*

#### **Pedestrian Signalised Midblock Crossings – MRWA responsibility**

*4 x mid-blocks identified.*

*2 x MRWA implied will get the go ahead.*

**Recently Completed Works**

- 56 Pram Ramps
- 15 Local Road Projects
- 5 Right of Way Projects

**Beaufort Street Nodes Concept**

*Plan to address road crashes and pedestrian/cyclist safety progressing.*

**5.1 NOS. 293 AND 295 (LOTS: 8 AND 4; D/P: 1221 AND 5184) OXFORD STREET, LEEDERVILLE - PROPOSED GROUPED DWELLINGS (6)****Ward:** North

- Attachments:**
1. Consultation and Location Map
  2. Development Plans
  3. Applicant Supporting Information
  4. Summary of Submissions - Administration Response
  5. Summary of Submissions - Applicant Response
  6. Determination Advice Notes

**RECOMMENDATION:**

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the application for Grouped Dwellings (6) at Nos. 293 and 295 (Lots: 8 and 4; D/P: 1221 and 5184) Oxford Street, Leederville, in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 6:

**1. Development Plans**

This approval is for Grouped Dwellings (6) as shown on the approved plans dated 26 June 2024. No other development forms part of this approval;

**2. Boundary Walls**

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

**3. External Fixtures**

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

**4. Colours and Materials**

4.1 The colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans which forms part of this approval. The development must be finished, and thereafter maintained, in accordance with the schedule provided to and approved by the City, prior to occupation of the development;

4.2 The distribution board and metre boxes shall be painted the same colour as the wall they are attached or adjacent to, so as to not be visually obtrusive, to the satisfaction of the City;

**5. Landscaping**

5.1 All landscaping works shall be undertaken in accordance with the approved plans dated 26 June 2024, prior to the occupancy or use of the development and maintained thereafter to the satisfaction of the City;

5.2 The existing trees identified for relocation shall be protected and replanted in the locations shown on the approved landscaping plan dated 26 June 2024, to the satisfaction of the City. Each existing tree that does not survive the relocation shall be replaced with a new mature tree, provided at the below mentioned pot sizes and with a species approved by the City's Parks team, which shall be thereafter maintained, to the

satisfaction of the City:

- The existing tree located on Lot 8 would require a replacement tree with a minimum 200 litre pot size tree;
- The existing trees located on Lot 4 would require a replacement tree/s with a minimum 500 litre pot size tree;

5.3 No verge trees shall be removed without the prior written approval of the City. Verge trees shall be retained and protected from damage including unauthorised pruning to the satisfaction of the City. Prior to any pruning of verge trees, an arborist report shall be prepared by the landowner and submitted to the City;

## 6. Visual Privacy

Prior to occupancy or use of the development, all obscured windows shown on the approved plans shall be installed to be permanently fixed and a minimum of 75 percent obscure, to comply with the Visual Privacy requirements of the Residential Design Codes – Part C, to the satisfaction of the City;

## 7. Car Parking and Access

7.1 The layout and dimensions of all driveways and parking areas shall be in accordance with AS2890.1;

7.2 All driveways, car parking and manoeuvring areas which form part of this approval shall be sealed, drained and paved in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner/occupier, to the satisfaction of the City;

7.3 No goods or materials being stored, either temporarily or permanently, in the parking or landscape areas or within the access driveways. All goods and materials are to be stored within the buildings or storage areas, to the satisfaction of the City;

7.4 Prior to the first occupation of the development, the redundant crossover fronting No. 293 Oxford Street shall be removed, the verge area landscaped, and the kerb made good to the City's specifications and to the satisfaction of the City, at the applicant/owner's full expense;

7.5 Prior to occupation or use of the development, lighting shall be installed throughout the pedestrian pathways, communal street and car parking areas in accordance with the Residential Design Codes, to the satisfaction of the City;

## 8. Amalgamation

Prior to occupation of the development, the subject land (Lots 8 and 4) shall be amalgamated into a single lot on the Certificate of Title, to the satisfaction of the City;

## 9. Construction Management Plan

A Construction Management Plan shall be lodged with and approved by the City prior to the issue of a building permit. This plan is to detail how construction (including demolition and/or forward works) will be managed to minimise disruption in the area and shall include:

- Storage of materials and equipment on site;
  - Parking arrangements for contractors and sub-contractors;
  - Notification to affected landowners;
  - Construction times;
  - Impact on traffic movement; and
  - Dilapidation reports of adjacent properties, including but not limited to, Nos. 291 and 297 Oxford Street.
-

The approved management plan shall be complied with for the duration of the construction of the development; and

10. 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.

<b>NO QUESTIONS</b>
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**6.1 LOCAL EMERGENCY MANAGEMENT PLAN UPDATE**

Attachments: 1. Western Central Local Emergency Management Arrangements 2024

**RECOMMENDATION:**

That Council **ADOPTS** the Western Central Local Emergency Management Arrangements 2024 in accordance with Part 3, Division 2 of the *Emergency Management Act 2005*.

**CR GREER:**

Copy of plan referred to? Evacuation centres accessible? Information plans identify special needs groups.

**EXECUTIVE DIRECTOR INFRASTRUCTURE & ENVIRONMENT:**

*In relation to the activation of evacuation centres during an emergency the Local Government's responsibility is to support the Department of Communities in the establishment/running of evacuation centres as the Department of Communities are in control of the evacuation centres.*

*The evacuation centres identified in the City of Vincent are accessible and address special needs to varying degrees.*

*Appendix 9 of the Local Emergency Welfare Plan for the Perth/Fremantle will be sent separately to Council Members as the appendix contains confidential information.*

**REPORTS WITH NO DISCUSSION**

**5.5 ANNUAL REVIEW 2023-24 – PLACE PLANS**

- Attachments:**
- 1. Leederville Town Centre Place Plan - Annual Review III**
  - 2. Beaufort Street Town Centre Place Plan - Annual Review III**
  - 3. North Claisebrook Place Plan - Annual Review I**
  - 4. Pickle District Place Plan - Annual Review I**

**RECOMMENDATION**

**That Council RECEIVES the Leederville Town Centre Place Plan – Annual Review III; Beaufort Street Town Centre Place Plan – Annual Review III; North Claisebrook Place Plan – Annual Review I; and Pickle District Place Plan – Annual Review I.**

<b>NO QUESTIONS</b>
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**6.2 ADVERTISING OF AMENDED POLICY LIBRARY AND LOCAL HISTORY COLLECTION POLICY**

- Attachments:**
- 1. Library and Local History Collection Policy 2024 Review**
  - 2. Library and Local History Collection Policy Adopted OMC 27 April 2021**
  - 3. July 2024 Library and Local History Centre Collection Management Policy DRAFT**

**RECOMMENDATION**

That Council **APPROVES** the proposed amendments to the Library and Local History Collection Policy, at Attachment 1, for the purpose of community consultation.

<b>NO QUESTIONS</b>
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**7.1 PRELIMINARY FINANCIAL STATEMENTS AS AT 30 JUNE 2024**

**Attachments: 1. Preliminary Financial Statements as at 30 June 2024**

**RECOMMENDATION:**

**That Council RECEIVES the Financial Statements for the month ended 30 June 2024 as shown in Attachment 1.**

<b>NO QUESTIONS</b>
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**7.2 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 01 JUNE 2024 TO 30 JUNE 2024**

- Attachments:
1. June 2024 - Payments by EFT and Payroll
  2. June 2024 - Payments by Direct Debit
  3. June 2024 - Payments by Cheques
  4. June 2024 - Payments by Fuel Cards

**Recommendation:**

That Council RECEIVES the list of accounts paid under delegated authority for the period 01 June 2024 to 30 June 2024 as detailed in Attachments 1, 2 and 3 as summarised below:

EFT payments, including payroll		\$8,500,184.41
Cheques	82774 - 82777	\$496.58
Direct debits, including credit cards		\$236,641.36
<b>Total payments for June 2024</b>		<b>\$8,737,295.35</b>

<b>NO QUESTIONS</b>
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**7.3 INVESTMENT REPORT AS AT 30 JUNE 2024**

**Attachments: 1. Investment Statistics as at 30 June 2024**

**RECOMMENDATION:**

**That Council NOTES the Investment Statistics for the month ended 30 June 2024 as detailed in Attachment 1.**

<b>NO QUESTIONS</b>
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**8.1 OUTCOME OF ADVERTISING AND ADOPTION OF COUNCIL MEMBERS CONTINUING PROFESSIONAL DEVELOPMENT POLICY**

- Attachments:**
1. Council Member Continuing Professional Development Policy - Clean
  2. Council Members Continuing Professional Development Policy - marked up

**RECOMMENDATION:**

That Council **ADOPTS BY ABSOLUTE MAJORITY** the Council Members Continuing Professional Development Policy at Attachment 1.

<b>NO QUESTIONS</b>
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**8.2 INFORMATION BULLETIN**

- Attachments:**
1. **Unconfirmed Minutes Arts Advisory Group 29 May 2024**
  2. **Unconfirmed Minutes Sustainability and Transport Advisory Group 4 July 2024**
  3. **Unconfirmed Minutes of the Mindarie Regional Council meeting held on 18 July 2024**
  4. **Statistics for Development Services Applications as at the end of July 2024**
  5. **Register of Legal Action and Prosecutions Monthly - Confidential**
  6. **Register of State Administrative Tribunal (SAT) Appeals - Progress Report as at 6 August 2024**
  7. **Register of Applications Referred to the Metro Inner-North Joint Development Assessment Panel - Current**
  8. **Register of Applications Referred to the Design Review Panel - Current**
  9. **Unrecoverable Parking Infringements Write-Off**
  10. **Register of Petitions - Progress Report - August 2024**
  11. **Register of Notices of Motion - Progress Report - August 2024**
  12. **Register of Reports to be Actioned - Progress Report - August 2024**
  13. **Council Workshop Items since 26 June 2024**
  14. **Council Briefing Notes - 16 July 2024**

**RECOMMENDATION:**

That Council RECEIVES the Information Bulletin dated August 2024.

<b>NO QUESTIONS</b>
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**9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**10 REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

Nil

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

Nil

**62 CLOSURE**