



**CITY OF VINCENT**

**SPECIAL  
COUNCIL MEETING**

**Minutes**

**28 OCTOBER 2014**

**ENHANCING AND CELEBRATING OUR DIVERSE COMMUNITY**

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Minutes of the Special Meeting of Council (regarding the Town Planning Scheme No.2) of the City of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 28 October 2014, commencing at 6.17 pm.

**1. (a) DECLARATION OF OPENING**

The Presiding Member, Mayor John Carey, declared the meeting open at 6.17 pm and read the following Acknowledgement of Country Statement:

**(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT**

*"Today we meet on the lands of the Nyoongar people and we honour them as the traditional custodians of this land".*

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

**(a) Apologies:**

Cr John Pintabona due to being unwell.  
Cr Laine McDonald was an apology.

**(b) Members on Approved Leave of Absence:**

**(c) Present:**

Mayor John Carey	Presiding Member
Cr Roslyn Harley ( <i>Deputy Mayor</i> )	North Ward
Cr Matt Buckels	North Ward
Cr Emma Cole	North Ward
Cr James Peart	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
Len Kosova	Chief Executive Officer
Rick Lotznicker	Director Technical Services (departed Meeting at 7.47pm)
Jacinta Anthony	Acting Director Community Services (departed Meeting at 7.47pm)
Mike Rootsey	Director Corporate Services (departed Meeting at 7.47pm)
Gabriela Poezyn	Director Planning Services
Joshua O'Keefe	Manager Strategic Planning
Jerilee Highfield	Executive Assistant, Minutes Secretary

Media

Nil.

Approximately 55 Members of the Public.

**3. (a) PUBLIC QUESTION TIME & RECEIVING OF PUBLIC SUBMISSIONS**

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.

1. Kathryn Kazakoff of 108 Eton Street, North Perth – Item 7.1

- Opposed to the rezoning of the Charles Hotel site to R60 and R100.
- The new zoning could result in multi storey development, which would impact my privacy, as people could then see into my yard. It would also increase the amount of traffic and create parking problems. The noise would also be a concern and the character of the area would suffer.

*The Presiding Member Mayor Carey thanked Ms Kazakoff for her comments.*

2. Mario Siano of 391 Lord Street, Perth – Item 7.1

- In support of 391 Lord Street being rezoned to R100, because all remaining lots on Lord Street are to be rezoned and 90% of his property faces Lord Street.

*The Presiding Member Mayor Carey thanked Mr Siano for his comments.*

3. Bob Kucera of 10 Ellesmere Street, North Perth – Item 7.1

- In relation to the rezoning of the Charles Hotel site, noted that there was a proposal to zone to R160, but Council is also now being asked to consider R60-R100 on the two blocks at the corner of Ellesmere and Charles Streets and stretched between Green Street and Carrington Street, with Eton Street at the back.
- Concerned about four storey development but commented that sensible development on Charles Street up to three storeys might be appropriate.

*The Presiding Member Mayor Carey thanked Mr Kucera for his comments.*

4. Steve Allarding of Allarding Associates, 125 Hamersley Road, Subiaco – Item 7.1

- Representing the owner of the Charles Hotel. The decision not to proceed with the R160 proposal was a decision that the owner made, because he recognised there was community opposition. The owner supports the zoning proposed by TPS 2, with the exception of the two properties on Eton Street. These properties would be developed towards Ellesmere Street.

*The Presiding Member Mayor Carey thanked Mr Allarding for his comments.*

5. Brian Adcroft of 544 Newcastle Street, West Perth – Item 7.1

- Representing the majority of non-Government property owners on the north side of Newcastle Street, between Charles and Loftus Streets. Spoke in support of maintaining the R160C zoning proposed by the advertised version of TPS 2.

*The Presiding Member Mayor Carey thanked Mr Adcroft for his comments.*

6. Ross Underwood from Planning Solutions – Item 7.1/3.2.1(c)

- Representing the Italo Australia Welfare and Cultural Centre (IAWCC), which owns property on the corner of Fitzgerald and Cowle Streets West Perth.
- Spoke in support of maintaining the R160 zoning proposed by the advertised version of TPS 2 and objected to Administration's recommendation to reduce this density coding to R80.

*The Presiding Member Mayor Carey thanked Mr Underwood for his comments.*

7. Felicity Wells of 124 Eton Street, North Perth – Item 7.1/3.1.1(d)
- Was not consulted during advertising of TPS 2 and was surprised to learn of the 'accidental' rezoning of 124 Eton Street under TPS 2 to Residential/Commercial R60.
  - Opposed to high rise commercial developments on Eton Street, and expressed a desire to retain the low density residential amenity of the neighbourhood.

*The Presiding Member Mayor Carey thanked Ms Wells for her comments.*

8. Lorraine Vicensoni of 73 Sydney Street, North Perth - Item 7.1
- Representing the North Perth Precinct Group.
- Supports the R20 density over most of the Eton locality.
  - Concerned about the R100 proposed along Charles Street, due to potential conflicts with the rear R20 development. Suggested a transition in densities from R100 down to R20.

*The Presiding Member Mayor Carey thanked Ms Vicensoni for her comments.*

9. Chris Angelkov owner of the Charles Hotel Site - Item 7.1
- Spoke in support of the R100 density proposed for his landholdings under TPS2, and recommended that two of his properties on Eton Street be rezoned to R60/100.

*The Presiding Mayor Carey thanked Mr Angelkov for his comments.*

10. Alf Parolo of 76 Cleaver Street, West Perth – Item 7.1
- Representing the Cleaver Precinct Action Group.
- Supports a transition of the section of Newcastle Street. and Cleaver Street to Charles Streets being R100.
  - Opposed to high density that is not adjacent to any commercial town centre such as Leederville. Cleaver Precinct is primarily residential and increasing the zoning along this section of Newcastle Street would be a detriment to the community.
  - Concerned about views and privacy impacts from possible multi-storey developments.

*The Presiding Member Mayor Carey thanked Mr Parolo for his comments.*

11. Marie Slyth of 89 Carr Street, West Perth – Item 7.1
- Representing the Cleaver Precinct Action Group.
- Recommends north side of Newcastle Street be zoned as R100.
  - Expressed concern regarding a proposed eight storey development at 482-484 Newcastle Street.

*The Presiding Member Mayor Carey thanked Ms Slyth for her comments.*

12. Monica Smith of 110 Eton Street, North Perth – Item 7.1
- Concerned about not being consulted on TPS 2 and of possibly not being consulted by the City in the future.

*The Presiding Member Mayor Carey thanked Ms Smith for her comments.*

13. Dan Mossenson of 24 Carnarvon Crescent, Coolbinia – Item 7.1
- Spoke as the joint owner of 114a, 114b and 116 Angove Street, North Perth. Objected to Administration's recommended change of the advertised TPS 2 zoning from Residential/Commercial R60 to R30.

*The Presiding Member Mayor Carey thanked Mr Mossenson for his comments.*

14. Norman Wells of 124 Eton Street, North Perth – Item 7.1
- Concerned about inadequacy of parking with any future high density development of the Charles Hotel site.

*The Presiding Member Mayor Carey thanked Mr Wells for his comments.*

15. 27 Florence Street, West Perth – Item 7.1
- Commented on the tenancy of 27 Florence Street.

*The Presiding Member Mayor Carey asked the speaker if this could be brought up at the next Ordinary Meeting of Council, as it did not relate to Town Planning Scheme No. 2.*

16. Debra Karajus of 134 Summers Street, Perth – Item 7.1
- Supports high density development in the Claisebrook Precinct.
17. Geoff Baker of Unit 10/572 Newcastle Street, West Perth – Item 7.1
- Questioned when and why it was proposed to change the zoning of his property from RC160 to RC100.

*The Presiding Member Mayor Carey answered the question; "In March consultation went out as part of the TPS2 advertising and as part of that process, the original recommendation that was adopted for advertising was RC160 and then the staff have come back after consultation and recommended the RC100."*

- Supports the original RC160 zoning.

*The Presiding Mayor Carey thanked Mr Baker for his comments.*

There being no further speakers, Public Question Time closed at approx 7.10 pm.

#### **4. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

#### **5. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**

##### **5.1 Explanation of the TPS2 Process**

It has been an incredibly exhaustive process. Overall the Council has genuinely tried its best. This was a mammoth task for the organisation and we actually had thirty forums/workshops - I attended 29 of those as Mayor, Councillor Cole and Councillor Harley attended many of them and had a good understanding of many of the issues that are facing the community on both sides. I just want to make a general statement. There are two sides to the coin because for every person that wants to protect the character and amenity there is another that believes they have right to develop it. We are caught in the middle as an organisation; I have been lobbied on both sides regarding these proposals and changes.

We have been very clear right from the beginning that we are trying to strike a balance with TPS 2. Perth is growing and changing and we are getting complaints about traffic congestion and parking issues due to increased population. Our Town Planning Scheme hasn't changed but our population has and our public transport is not keeping up, so as a Local Government we are doing our best on a range of fronts. We are only now at our second Town Planning Scheme, we are supposed to review it every five years, we are now twenty years as an organisation and we are at Scheme number two. This document is pivotal; it is going to set the direction for at least the next decade because even if we do merge with the City of Perth they will have to go through a new process to bring it under one.

If we go to Perth, Perth will make decisions based on this Town Planning Scheme that we have before us. We are eager to protect the beautiful amenity of our street areas, but there is a balance to that and we need to accept high density along our major transport corridors. We can then afford to have Eton Street at R20, we can afford to reduce the zoning around the Hyde Park Precinct and we can even afford to do the same in Mount Hawthorn.

This is the balance and struggle we grappling with, due to the competing demands of both sides of this debate. We are promoting character protection areas and streetscape protection, but these initiatives are sometimes met with opposition from landowners who see this as an impact on their development rights. You get this situation where people say I want to stop the development next door to me but I have a right to develop my property and change the streetscape. That is the reality of the decision making that you're seeing, so we are spending a bit more time despite an exhausting process involving workshops, advertising, 286 submissions and endless meetings with landowners. All residents have an opportunity within the next two to three weeks to email Councillors and speak to us. I think overall it's been quite a reasonable process and we are trying our best in relation to this.

The issue now is with the declarations of interests. We are taking a very cautious approach to this matter and there are Councillors here who are affected. We are changing 7,000 properties, we are the elected representatives - we haven't got any real estate agents or developers - we are normal residents who are also affected by these decision.

For example my property is actually being down-zoned as part the Hyde Park Precinct. As a result we can't just take that snippet out and for me to walk out of the room, because we are considering and voting on the Scheme in its totality. We will need to seek permission from the Minister for some of our Councillors and myself as Mayor to vote in this process.

We want to take a very cautious approach and it is very different; advertising the Scheme is one thing but making a decision to adopt it is another, this is the end game, this is the critical decision. We really want to ensure that all Councillors are very aware and given the opportunity to consider any interests that might exist. This doesn't just relate to ownership, but extends to an associate, a work colleague, a friend or the like. We have got to take all of those issues into account and seek the Minister's approval on those, to ensure that it is alright and then we will go to the final decision. We have chosen to take this conservative approach.

## **6. DECLARATIONS OF INTERESTS**

### **6.1 Financial Interests**

The Presiding Member Mayor Carey declared a Financial Interest in Item 7.1 as he owns a property in Brisbane Street, Perth, which is proposed to be down-zoned under Draft Town Planning Scheme No. 2. Mayor Carey sought approval to participate in the debate and vote on the item and to continue to preside over the meeting.

Cr Topelberg declared a Financial Interest in Item 7.1 as his family owns a property on William Street, which is proposed to be rezoned to District Centre under Draft Town Planning Scheme No. 2. Cr Topelberg sought approval to participate in the debate and vote on the item.

**6.2 Proximity Interests**

Nil

**6.3 Impartiality Interests**

Cr Harley declared an Impartiality Interest in Item 7.1 as a friend and colleague of hers lives on Flinders Street, adjacent to Fairfield Street and land nearby to them is proposed for rezoning under Draft Town Planning Scheme No. 2. Cr Harley also stated that her employer owns a building bounded by Newcastle Street, Charles Street and Prospect Place that is proposed for rezoning under Draft Town Planning Scheme No. 2.

*Note: Cr Harley's employer is a State Government Department and therefore any interest arising solely from Cr Harley's employment by that Department is exempt from the need to be disclosed, pursuant to s. 5.63(1)(g).*

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**PROCEDURAL MOTION:**

**Moved Cr Harley, Seconded Cr Peart**

**That the Meeting be ADJOURNED and RECONVENED to a later time and date, being no earlier than 2 weeks' time.**

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (7-0)**

**(Cr John Pintabona and Cr Laine McDonald were an apology for the meeting)**

*Note: The meeting was adjourned to provide additional time for all Elected Members to fully consider the existence, nature and extent of any Financial, Proximity and Impartiality Interests, due to the widespread impacts of Draft Town Planning Scheme No. 2 and the further modifications now recommended by Administration; particularly as closely associated persons need to be taken into account when declaring Financial and Proximity Interests. Further, given the requests from Mayor Carey and Cr Topelberg to participate in the debate and vote on Item 7.1, the CEO recommended that the same opportunity be afforded to all Elected Members and that all such requests be submitted to the Minister for Local Government for approval under s. 5.69 of the Local Government Act 1995, prior to the meeting proceeding any further, rather than Council attempting to deal with those requests under s. 5.68(1) (b) of the Act.*

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**8. CLOSURE**

**There being no further business, the Presiding Member, Mayor John Carey, declared the meeting closed at 7.31 pm with the following persons present:**

Mayor John Carey	Presiding Member
Cr Roslyn Harley ( <i>Deputy Mayor</i> )	North Ward
Cr Matt Buckels	North Ward
Cr Emma Cole	North Ward
Cr James Peart	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
Len Kosova	Chief Executive Officer
Gabriela Poezyn	Director Planning Services
Joshua O'Keefe	Manager Strategic Planning
Jerilee Highfield	Executive Assistant, Minutes Secretary

Media

Nil.

Signed: .....Presiding Member John Carey.

Dated this ..... day of ..... 2014.