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(16 July 2002)

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Minutes of the Special Meeting of the Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday, 16 July 2002 commencing at 6.00pm.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member, Mayor Nick Catania, JP declared the meeting open at 6.00pm.

2. RECORD OF ATTENDANCE/APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies/Absent:

Cr Caroline Cohen	North Perth Ward
Cr Helen Doran-Wu	Mt Hawthorn Ward
Cr Marilyn Piper, JP	North Perth Ward

(b) Present:

Cr Simon Chester	Mt Hawthorn Ward
Cr David Drewett, JP	Mt Hawthorn Ward (Deputy Mayor)
Cr Kate Hall	North Perth Ward
Cr Basil Franchina	Mt Hawthorn Ward
Cr Ian Ker	North Perth Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager, Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Jenny D'Anger	Journalist – Voice News
Ryan Sturman	Journalist – Guardian Express

28 Members of the Public

(c) Members on Leave of Absence:

Nil.

3. PUBLIC QUESTION TIME AND RECEIVING OF PUBLIC SUBMISSIONS

1. Ms Lucia Dedear of 98 Buxton Street, Mt Hawthorn spoke on Item 6.5. Also spoke on behalf of Mr Tony Keene, 93 Kalgoorlie Street, Mount Hawthorn.

Concerned that Council has been asked to receive a report for discussion regarding the Policy relating to Privacy without conducting a workshop as mentioned at the Council Meeting on 11 June 2002, and without further consultation with the public.

Concerned that;

- (a) privacy in relation to sloping land is not dealt with effectively in the amended Policy;

- (b) the amended Privacy Policy does not adequately provide protection for private open space;
- (c) there are no details of the “*extensive research ... undertaken on other local authorities privacy requirements for development*”. (Had prepared a brief analysis for Council’s perusal, which demonstrates there is room for improvement);
- (d) reference has been made to the Draft Residential Design Codes when these have not yet been adopted; and
- (e) the amended Privacy Policy does not uphold the intent in Clause 5 on page 4, which states “...*protection from overlooking has high priority*”.

Asked the following questions;

- Q1. How many people in the last year have stood up at public question time, or made written submissions, regarding protection of their privacy, in any form, from developments?
- Q2. Will the results of the extensive research undertaken on other local authorities’ privacy requirements for development be made available for public comment?

Feels this is a very sensitive and critical issue that has long term affects on residents and therefore should be deferred until a workshop is conducted and there is a full Council to discuss the issue that represents all the residents.

Stated that she had asked two questions at the Council Meeting of 25 June 2002 which in the Minutes were noted as being rhetorical. Would like to have the following questions answered;

- Q1. Prior to review of the Town Planning Scheme in December 2003, will Council provide diverse methods of consulting with the public so that they can contribute to the “*evolution of the Town*” as noted in the Town Planning Scheme? For example, information evenings, meetings with Precinct Groups, workshops, presentations, leaflets, questionnaires and so forth?
- Q2. If the Town maintains a discretionary Scheme, will Council find new ways to regulate the amount of variation to its policies? At present, the extent to which discretion is used has serious adverse affects on people and the Model Scheme Text clearly states that this should not be so.

- 2. Mr Philip Palakzis of 32A Woodville Street, North Perth spoke on Item 6.1 as follows;

“Thank you for the opportunity to speak at this meeting on behalf of the 34 residents who live in the immediate vicinity of this Cape Bouvard development bounded by Menzies Street and a ROW in North Perth. I would also like to thank the Councillors who visited the property and met with us.

We strongly oppose this high density development because it contravenes the Design Elements of the Residential Guidelines of the Town of Vincent’s Planning and Building Policy Manual in a number of ways:

Policy No. 3.2.1 (Local Character)

- High density development is incompatible with the predominant height of residential housing in this area. It is entirely out of character with the locality.
- The development does not complement the streetscape setting, as required under this Policy. It detracts from it.
- Policy states: Developments will generally be approved if they are not greater than one storey higher than the predominant height of housing in the area. By far, the predominant character of the area is single storey, low density housing. There are no 3-storey dwellings in the locality.

Policy No. 3.2.8 (Building Scale)

- Policy states that amalgamation of lots and the development of multi-storeyed residential buildings may be permitted where the existing residential character will not be eroded, or the amenity of existing housing compromised.
- Also states that generally, infill housing is to be restricted to 2-storeys in height.
- This development contravenes this Policy as it will significantly erode the residential character of the area.

Under Policy 3.2.2 and Clause 20-(2)(b) of the Town of Vincent Planning Scheme No. 1

- Developer requests an increased site density from R60 to R83 to compensate for the loss of development potential of the whole site by having to conserve 4 existing houses.
- We believe the developer has not adequately addressed the social and environmental concerns, which dominate Council's own Policies. These include increased vehicular traffic and parking, increased noise levels, loss of mature trees, privacy concerns and pedestrian safety.
- We ask the Council to balance the developer's economic claim with the social and environmental impacts that will be caused by this high-density development.

Policy 3.7.1 (Parking and Access)

- Developer requests 13 bay concession on their parking bay requirements.
- Residents and visitors will park in Menzies, Woodville and Farmer Streets, and potentially illegally park in Scholl Lane and the ROW, simply for convenience.
- The development will exacerbate current parking problems in Menzies, Woodville and Farmer Streets.
- In addition, increased pedestrian traffic along the ROW and Scholl Lane, accompanied by a significant increase in vehicular traffic in these areas, and in Menzies, Woodville and Farmer Streets, raises major road safety issues.
- The ROW is the main thoroughfare for vehicles exiting the development and as such, provides a potentially unsafe environment for pedestrians and existing residents who back their cars straight out of their garages situated on the ROW.

In summary, we believe the development does not comply with the requirements set out in a number of policies within the Council's Planning and Building Policy Manual: Residential Design Guidelines.

The developer claims that their proposal complies with most of the relevant Town of Vincent policies and most of the relevant provisions within the Residential Planning Code. We do not agree.

We believe that Council cannot be satisfied with the developer's compliance with most regulatory and policy requirements.

Council approval for development applications should be based on the quality of the compliance and not on the number of instances of compliance.

We therefore request Council to use its discretionary powers for the good of the community and reject this development application."

3. Mr Brian Fleay, Chairman of the Smith's Lake Precinct Group spoke on Item 6.1. He stated he is opposed to the proposed development on Fitzgerald Street due to its non-compliance with planning requirements and believes it was inappropriate for the area. Requested Council to reject the application.
4. Mr Peter Brown of 5 Menzies Street, North Perth – spoke on Item 6.1. Strongly objects to the development. Believes it is inappropriate due to parking, privacy and increased traffic in the right of way.
5. Ms Kathy Reid of 32 Woodville Street, North Perth – spoke on Item 6.1. Fully supports the previous speaker and stated that the key issues are character of the existing houses, the environment of the trees which are an integral part of the area, public safety and traffic and the bulk and scale of the proposed development. Believes that Council should carefully investigate this development and believes it is not desirable for the location.
6. Mr Don White of 7 Menzies Street, North Perth – spoke on Item 6.1. Supports the previous speakers and stated that the street is a narrow street which can only take a single line of traffic. Believes the laneway is of insufficient width for the proposed traffic. Believes that the density and plot ratio are excessive. Requested Council not to approve the development.
7. Mr Brian Armstrong of 32A Woodville Street, North Perth – spoke on Item 6.1. Stated that he is opposed to the proposed development and is concerned about the width of the land. Stated that he has a garage that backs onto the lane. Believe that the development is too large for this site. In addition, he believes that further five units are planned for further down the lane. Requested Council not to support the development.
8. Mr Colin Ashton-Graham of 30 Woodville Street, North Perth – spoke on Item 6.1. States he lives on one of the five subdivided blocks and believes that the development scale of this proposed development is inappropriate. Believes that the plot ratio is in conflict with the Town Planning Scheme and believes that at least 15 balconies will overlook the Woodville Street properties. Believes that as the development does not comply with the whole range of requirements, the Council should request the applicant to redesign it.

9. Ms Naomi Brown of 5 Menzies Street, North Perth – spoke on Item 6.1. Stated she supports all the previous speakers and is totally opposed to the development. Stated that she would lose her street parking and that the development would have a negative effect on all the residents in the locality. Stated she is not against development but would welcome a re-design of this proposal.
10. Ms Jacinta Martino of 22 Woodville Street, North Perth – spoke on Item 6.1. Stated she strongly objects to the proposed development due to its bulk, scale and increased traffic.
11. Ms Carol Dodd of 7 Menzies Street, North Perth – spoke on Item 6.1. Stated she strongly objects to the proposed development due to traffic and believes it is totally inappropriate for this site.
12. Ms Terri McComish of Joel Terrace, Mt Lawley – spoke on Item 6.2. Stated she has a problem with the implementation of the bike plan and whilst some concerns have been addressed, she believes that more work is required. Stated that if the bike path is located close to her house, she will suffer a lack of privacy. Believes that boardwalks are ideal and supports the idea of a boardwalk.
13. Mr Tony Watson of 114A Joel Terrace, Mt Lawley – spoke on Item 6.2. Asked Council to support the residents' position. Believes the residents generally accept the concept of a bike path which is located away from the houses. Questioned what is a reasonable distance and believes that if the bike path is located close to the houses it will encourage undesirable persons. Believes that a minimum distance is 20 metres as recommended by the Consultants, Connell Wagner. Requested Council to firmly support the residents in this matter.
14. Mr Ton Di Scerni of 5 Leslie Street, Mt Lawley – spoke on Item 6.2. Stated that he is the former President of the Banks Precinct Group and Chairman of the Bike Path Committee. Believes that his Committee has worked tirelessly for 18 months and an acceptable compromise has been achieved. He thanked this Committee for this work. Believes that many issues have been overcome and that the majority of the residents support his Group's proposed alignment. Believes that it should remain as a dual use path and urges Council to support Option 6.
15. Ms Diane Hansen of Joel Terrace, Mt Lawley – spoke on Item 6.2. Stated that she is a member of the Bike Path Committee and was the only person not to endorse the Committee's decision. Stated the residents are extremely concerned about the effect of privacy and security and believes that the south end residents of the Bike Path will be affected.

There being no further questions from the public, Public Question Time was closed at 6.32pm.

4. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

5. DECLARATION OF INTERESTS

- 5.1 Mayor Catania declared a proximity interest in Item 6.1. The extent of his interest being that he is a Director of a family company that owns land adjacent to the development.
- 5.2 Cr Franchina declared a proximity interest in Item 6.4. The extent of his interest being that he owns property in Charles Street.

6. REPORTS

6.1 Nos. 485-495 (Lots 155, 2, 3, 4 and 5) Fitzgerald Street, Dual Frontage Menzies Street, North Perth, Proposed Thirty-Three (33) Multiple Dwellings to Existing Four (4) Dwellings and Deputation from Cape Bouvard Pty Ltd

OFFICER RECOMMENDATION:

That the Council RECEIVES the deputation by Cape Bouvard Pty Ltd on Nos. 485-495 (Lots 155, 2, 3, 4 and 5) Fitzgerald Street, Dual Frontage Menzies Street, North Perth, Proposed Thirty-Three (33) Multiple Dwellings to Existing Four (4) Dwellings.

Mayor Catania announced that he had declared a proximity interest in this item. He did not speak on the matter. He departed that Chamber at 6.33pm and Deputy Mayor, Cr Drewett assumed the Chair.

COUNCIL DECISION ITEM 6.1

Moved by Cr Hall, Seconded by Cr Ker

That the recommendation be adopted.

At 6.34pm;

Moved by Cr Ker, Seconded by Cr Chester

That Standing Orders be suspended to allow discussion and questions to take place on the item.

CARRIED (5-0)

(Mayor Catania, Crs Cohen, Doran-Wu and Piper absent.)

Tony Paduano of The Planning Group, Kim Muir of Spowers Architect and Lee Pinkerton of Cape Bouvard addressed the Council.

Discussion and questions ensued.

At 6.56pm;

Moved by Cr Hall, Seconded by Cr Ker

That Standing Orders be resumed.

CARRIED (5-0)

(Mayor Catania, Crs Cohen, Doran-Wu and Piper absent.)

At 6.58pm, Mayor Catania returned to the Chamber and assumed the Chair.

6.2 Proposed Bicycle Path – Banks Reserve – Presentation by Department of Planning and Infrastructure

OFFICER RECOMMENDATION:

That the Council RECEIVES the presentation by the Department of Planning and Infrastructure on the proposed Banks Reserve Regional Recreation Path.

COUNCIL DECISION ITEM 6.2

Moved by Cr Ker, Seconded by Cr Hall

That the recommendation be adopted.

CARRIED (6-0)

(Crs Cohen, Doran-Wu and Piper absent.)

At 7.00pm;

Moved by Cr Ker, Seconded by Cr Hall

That Standing Orders be suspended to allow discussion and questions to take place.

CARRIED (6-0)

(Crs Cohen, Doran-Wu and Piper absent.)

Read Ballantyne, Project Manager, Bike Path, addressed the Council.

At 7.22pm, Chris Smith, Acting Asset and Procurement Manager, addressed the Council.

At 7.22pm;

Moved by Cr Ker, Seconded by Cr Hall

That Standing Orders be resumed.

CARRIED (6-0)

(Crs Cohen, Doran-Wu and Piper absent.)

BACKGROUND:

The Department of Planning and Infrastructure has advised that it wishes to make a presentation to the Council on the status of the proposed Banks Reserve Regional Recreation Path (see Appendix 6.2).

At the Ordinary Meeting of Council held on 19 December 2000, Council resolved as follows;

“That;

- (i) the Council receives the report on the petition from the 'Over 55' Cycling Club;*

- (ii) *the Council APPROVES the extension of the Swan River Regional Recreational Path and associated park lighting from Summers Street carpark to Walter's Brook and from Walter's Brook to the Banks Reserve carpark;*
- (iii) *the Council APPROVES the construction of a new bridge over Walter's Brook; and*
- (iv) *petitioners be advised of Council's resolution."*

A petition signed by 97 members of the 'Over 55' Cycling Club was received by the Council on 23 November 2000. The petition seeks to expedite the construction of the Swan River Regional Recreational Path (RRP) from its current end point at Banks Reserve, East Perth through to Bardon Park, Maylands.

Council has on several occasions passed resolutions in support of the proposed extension of the Swan River RRP. At its Ordinary Meeting on 16 November 1998, Council passed, amongst others, the following resolution:

"That;

- (i) *the Council approve in principle the proposed extension of the Swan River foreshore Regional Recreational Path from Banks Reserve to Bardon Park (City of Bayswater) as shown on plan laid on the table (Plan BR/CP/002);*
- (ii) *the Acting Executive Manager Technical Services and one elected member be nominated for the Regional Recreational Path Working Party;*
- (iii) *Bikewest liaise closely with the Banks Precinct Group and the local community;"*

Further, at its Ordinary Meeting on 8 March 1999, Council resolved:

"That the Council;

- (i) *approve the proposed extension of the Swan River foreshore Regional Recreational Path from the Summers Street foreshore carpark to the Banks Reserve carpark as shown on attached plan No. A4-99014 with the route from the brook to the car park to be the subject of consultation with the local community;*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY the re-allocation of \$5,000 from the current Perth Bicycle Network budget as Council's contribution towards the capital cost of constructing the Regional Recreational Path from the Summers Street foreshore carpark to the Banks Reserve carpark;"*

DETAILS:

Over '55' Cycling Club Petition

The Over 55 Cycling Club is a group dedicated to encouraging cycling as a social, recreational and health pursuit for seniors. The group organises rides in both the metropolitan and country areas and endeavours to use Shared or Dual Use Paths where possible.

Currently cyclists riding to or from the city via the river foreshore are forced to use a section of Guildford Road when making their journey. The narrow footpaths (illegal for cyclists over the age of 12) and the volume of traffic using Guildford Road, makes this section of the trip both hazardous and undesirable. Therefore the Over 55 Cycling Club is seeking Council's assistance to expedite the construction of the 'missing link'.

Swan River Regional Recreational Path

At its Ordinary Meeting on 16 November 1998, the Council approved in principle the construction of the Swan River Regional Recreational Path from Banks Reserve to Bardon Park, Maylands (City of Bayswater). Council also resolved *"that Bikewest liaise closely with the Banks Precinct Action Group and the local community"*. In the ensuing two (2) years, limited progress has been made. (The Department of) Transport is still undertaking the formal planning, approval and public consultation process before proceeding to construction. Given the extent of local opposition to the preliminary route and that the Ministry of Planning is yet to complete the necessary land acquisition, it is anticipated that this process will take a further twelve (12) to eighteen (18) months.

However, as indicated above, at a subsequent Ordinary Meeting on 8 March 1999, Council further resolved:

"to approve the proposed extension of the Swan River foreshore Regional Recreational Path from the Summers Street foreshore carpark to the Banks Reserve carpark as shown on attached plan No. A4-99014 with the route from the brook to the car park to be the subject of consultation with the local community"

Specific to the section of the RRP from the Summers Street carpark to the Banks Reserve carpark, the Town already has the necessary regulatory approvals in place (i.e. Swan River Trust, Aboriginal Affairs Department). The local community has shown strong support for the Banks Reserve improvement plan (reported to the Ordinary Meeting of Council 16 November 1998) which included the RRP link across the park. Further, with the recent successful conclusion of consultations with the Aboriginal Community, the Town is now in a position to proceed with construction of this section of path in accordance with the Council resolution adopted at the meeting of 8 March 1999 and as shown above.

Proposed Walter's Brook Bridge

It has always been intended that the Town workforce, rather than a Transport nominated contractor, construct the Banks Reserve link from the Summers Street carpark to the existing (timber) bridge over Walter's Brook. Similarly, Transport's preliminary design for a path from Walter's Brook to Bardon Park, Maylands, showed the existing bridge being retained. However, an assessment of the bridge structure by Transport's consultant has shown it to be inadequate and in need of replacement.

Therefore, in conjunction with the Town's works, Transport have proposed, at their cost, to upgrade the bridge over Walter's Brook. They have engaged a suitably qualified structural engineer to design a new bridge over the brook approximately five (5) metres further inland than its current location. The bridge will be a pre-cast structure (refer tabled plans) which has been designed to allow the Town's lawn mowing equipment to driven across it, alleviating the need to drive 'around' via Joel Terrace. The bridge decking will also house additional ducting for future reticulation and electrical cabling if required in the future.

As the need to replace the bridge was identified prior to the Town's consultation with the Aboriginal Community, the replacement and relocation of the bridge was agreed with the 'elders' during these discussions. Transport has submitted the plans to the Swan River Trust for approval and is currently calling tenders for the construction of the bridge with an anticipated commencement by the end of January 2001. Once this has been confirmed, the Town will be in a position to commence construction of the 3.0m wide, red asphalt, path from the end of the existing path to the 'new' bridge, and linking to the Banks Reserve carpark.

FINANCIAL IMPLICATIONS

As identified in the main body of the report, Council resolved at its Ordinary Meeting of 8 March 1999 to reallocate, by agreement with Bikewest, \$5,000 from the Perth Bicycle Network (PBN) budget allocation (carried forward) to part fund the proposed works. Bikewest, in turn, approved an allocation of \$15,000 based upon the standard PBN 3:1 funding ratio. A revised cost estimate based on 2000 unit rates indicates that the works can still be accommodated within this the existing \$20,000 project budget.

STRATEGIC IMPLICATIONS:

In line with Strategic Plan 2000-2002 - Key Result Area 1 "*The physical Environment' Objectives*

- *to enhance the richness of our natural environment, built environment and heritage.*
- *To create an accessible, safe and healthy environment for our community"*

COMMENTS:

In conjunction with the recently completed terraced seating (in Banks Reserve), the shared path across the reserve is an important element in the Banks Reserve improvement project. The link between Summers Street and the Banks Reserve carpark will further enhance the reserve by making it (the reserve) and the river fully accessible for all users. While this does not fully address the concerns of the 'Over 55' Cycling Club, it still eliminates a significant portion of on-road cycling along Summers Street and Joel Terrace.

In respect of the remainder of the path (Banks Reserve carpark to Bardon Park), all parties recognise that significant issues still need to be addressed before the project can progress any further. Therefore, the revised timetable adopted by Transport, and as indicated in the main body of the report, allows some twelve (12) to eighteen (18) months before construction is likely to commence.

6.3 West Vincent Integrated Transport Plan – Presentation by Department of Planning and Infrastructure

OFFICER RECOMMENDATION:

That the Council RECEIVES the presentation by the Department of Planning and Infrastructure on the West Vincent Integrated Transport Plan, as per the Department's request - see Appendix 6.3.

COUNCIL DECISION ITEM 6.3

Moved by Cr Ker, Seconded by Cr Hall

That the recommendation be adopted.

CARRIED (6-0)

(Crs Cohen, Doran-Wu and Piper absent.)

At 7.22pm;

Moved by Cr Ker, Seconded by Cr Hall

That Standing Orders be suspended to allow for questions and discussion to occur.

CARRIED (6-0)

(Crs Cohen, Doran-Wu and Piper absent.)

Claire Moore addressed the Council.

At 7.24pm, Cr Franchina departed the Chamber.

At 7.40pm, Cr Hall departed the Chamber.

At 7.40pm, the Chief Executive Officer advised the Meeting that no quorum was present and in accordance with Standing Orders, Clause 2.4, the Council could not transact business.

Mayor Catania suspended the Meeting at 7.42pm, as no quorum was present.

At 7.45pm, Cr Hall returned to the Chamber and a quorum was achieved.

Mayor Catania called the Meeting to order at 7.45pm and the Meeting continued.

Cr Ker continued to speak on the Item.

At 8.00pm;

Moved by Cr Hall, Seconded by Cr Drewett

That Standing Orders be resumed.

CARRIED (5-0)

(Crs Cohen, Doran-Wu, Franchina and Piper absent.)

BACKGROUND:

As outlined in Item 6.4 of this Agenda, reports on the West Vincent Integrated Transport Plan: Issues and Option Paper and Transport Western Australia and Town of Vincent By-Law No 62 (Building Line) were considered at the Ordinary Meeting of Council held on 22 May 2001 and 23 April 2002 respectively.

The response of 20 May 2002 from the Department of Transport and Infrastructure Senior Transport Planner, Integrated Transport Planning Unit, Ms Clare Moore, is attached.

Ms Moore's response is to the Council resolution of the Ordinary Meeting held on 23 April 2002. In her response she offered to discuss and answer any questions councillors may have regarding the Integrated Transport Plan.

6.4 Planning and Building Policies - Amendment No. 4 Relating to the Charles Street Metropolitan Region Scheme Reservation

Ward:	Both Wards	Date:	10 July 2002
Precinct:	Cleaver Precinct; P5 Smith's Lake Precinct; P6 North Perth Centre Precinct; P7 North Perth Precinct; P8 Hyde Park Precinct; P12 Beaufort Precinct; P13	File Ref:	LEG0035 and PLA0022
Reporting Officer(s):	Y Scheidegger		
Checked/Endorsed by:	R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council RECEIVES the report for discussion purposes relating to the Charles Street Metropolitan Region Scheme Reservation.

Mayor Catania advised that Cr Franchina had declared a proximity interest in this item. Cr Franchina was not present in the Chamber during discussion of this item.

Moved by Cr Ker, **Seconded** by Cr Hall

That the recommendation be adopted subject to the words "for discussion purposes" being deleted.

CARRIED (5-0)

(Crs Cohen, Doran-Wu, Franchina and Piper absent.)

COUNCIL DECISION ITEM 6.4

That the Council RECEIVES the report relating to the Charles Street Metropolitan Region Scheme Reservation.

BACKGROUND:

At the Ordinary Meeting of Council held on 22 May 2001, the Council considered a report on the West Vincent Integrated Transport Plan: Issues and Options Paper & Transport Western Australia and Town of Vincent By-Law No 62 (Building Line).

The Council subsequently adopted the following resolution:

"That the Council:

- (i) *receives the documentation entitled draft "West Vincent Integrated Transport Plan: Issues and Options Paper" dated March 2001 from Transport Western Australia as 'Laid on the Table';*
- (ii) *generally supports the "West Vincent Integrated Transport Plan: Issues and Options Paper" dated March 2001 from Transport Western Australia, and requests that the following matters being further considered:*

- (a) *incorporating the proposed Travel Smart Individualised Marketing Program with the West Vincent Integrated Transport Plan to facilitate Behavioural Change including the impact of Travel Smart outside the Town of Vincent;*
 - (b) *retention of the current road hierarchy for Charles, Loftus and London Streets as per the existing Metropolitan Functional Road Hierarchy;*
 - (c) *explore the possible impacts on adjoining resident streets of implementing bus priority lanes on major roads through the Town; and*
 - (d) *actively investigate the introduction of a CAT service for the Town; and*
- (iii) *advises Transport Western Australia, Main Roads Western Australia and Ministry for Planning that it supports the proposal put forward by the Ministry for Planning to recommend that the Western Australian Planning Commission declare a Planning Control Area along Charles Street to match the existing building line described in the Town of Vincent By-Law No. 62 (Building Line) subject to the Town being closely involved and consulted with regards to the Planning Control Area, West Vincent Integrated Transport Plan, Route Definition Study and Metropolitan Region Scheme Reservation, in relation to Charles Street."*

On 26 March 2002, a report entitled West Vincent Integrated Transport Plan was presented to the Council at its Ordinary Meeting, however, the Council resolved:

"That this Item LIE ON THE TABLE".

In accordance with Standing Orders, the item was considered at a subsequent Ordinary Meeting at the request of Councillor Ian Ker. The Council at its Ordinary Meeting held on 23 April 2002 resolved the following:

"That the Council;

- (i) *receives the documentation entitled "West Vincent Integrated Transport Plan" dated January 2002 from the Department of Planning and Infrastructure as 'Laid on the Table';*
- (ii) *supports, in principle, the draft "West Vincent Integrated Transport Plan " dated January 2002, and generally agrees with proposal Nos 1, 5, 6, 7, 8, 10, 11, 12, 13, 14 and 15 as outlined in the Implementation Plan, however, requests that the Department of Planning and Infrastructure, in consultation with the Town of Vincent, further considers the following items in the Implementation Plan;*
 - (a) *further explores options that take into account the overall impact on adjoining residents, access for adjoining residential streets, on the level of service of Charles Street and the Town's higher order roads and the impact on all road users of implementing bus priority lanes and cycle lanes on Charles Street as outlined in proposal Nos 1 and 2 Street;*
 - (b) *further explores options that take into account the overall impact on adjoining residents, access for adjoining residential streets, on the level of service of Fitzgerald Street, and the Town's other higher order roads and the impact on all road users of implementing bus priority lanes on Fitzgerald Street as outlined in proposal No 4;*

- (c) *explores the construction/implementation of routes other than Carr Street , between Charles and Fitzgerald Streets , for bus access to and from the Perth CBD in light of the proposed introduction of additional "900 series" routes along Charles Street, as suggested in proposal No. 3;*
 - (d) *demonstrating the feasibility of designing safe and convenient southbound cycle and bus lanes adjacent to each other with high bus volumes, two (2) bus stops and four (4) entering/exiting roads within one (1) kilometre;*
 - (e) *the need to design a reservation and ultimate roadway to avoid, to the greatest extent possible, demolition of heritage properties and to minimise adverse impacts on all properties;*
 - (f) *the need to design the reservation and ultimate roadway to reduce the long straight wide vista that encourages high speed driving when traffic is not congested;*
 - (g) *the development of urban design guidelines to enhance the relationship of future development with Charles Street; and*
 - (h) *To look at alternative routes/destinations for the proposed UWA-Leederville-Vincent bus service, including possible through-routing possibly to Morley.*
- (iii) *be mindful of the relevant proposals outlined in the Implementation Plan when formulating its future Capital Works Programs; and*
- (iv) *receives a further comprehensive report once the issues outlined in Clause (ii) above have been further investigated by the Department of Planning and Infrastructure and have been assessed by the Town's officers."*

The Town of Vincent (Town) received a letter dated 27 February 2002 and the report dated February 2000 on the Charles Street Road Reservation Study - Urban Design Analysis from the Department for Planning and Infrastructure (DPI).

The report has been prepared as background information to assist with a future MRS Amendment. It includes comments and suggestions as to planning policies, which should be adopted in conjunction with the Reservation. Comments are sought from the Town regarding the issues raised in the report.

DETAILS:

The report is summarised as follows:

"Introduction

This section of the report outlines Charles Street as being a local government road until 1995 when the Road Classification Review proclaimed Charles Street as a State road. The report is required as part of the process to create a reservation for Charles Street.

The purpose of the report is to examine the current built form and land uses and the way in which these integrate with users of this transport corridor and the impact of the recommended reservation on these functions.

Background to the reservation

General information regarding the characteristics of Charles Street and the current Planning Control Area (PCA) are detailed in this section.

Current land use and built form along Charles Street

Land Use

The majority of development frontage in the study area is residential and around half of this area has detached houses. There are some areas of commercial use north of Albert Street and immediately south of the study area.

Urban Form

The study area includes a number of early twentieth-century detached houses mainly between Albert Street and Vincent Street. The newer housing along Charles Street is less uniform in appearance and most are setback in accordance with the OCA (i.e. 3.66 metres). Most of the developments along Charles Street are single storey with a few two-storey developments. There are also some trees along Charles Street in Beatty Park Reserve.

Pedestrian Amenity

A SAFE Assessment has been carried out for Charles Street and the score for Charles Street as a whole were either good or excellent.

Conclusions

Implementation of the proposed road design would essentially leave the western side of Charles Street carriageway in its present position. On the eastern side, the carriageway would be widened to allow for a new bus lane, consuming the fill 3.66 metres PCA.

North of Albert Street

Implementation of the proposed new road design north of Albert Street would require approximately four buildings to be demolished. These include two heritage-listed properties (one from the formal heritage inventory and one from the interim list). If the bus lane is extended north of Scarborough Beach Road, further demolitions would be required removing premises that contribute significantly to the amenity of the area. The trend to redevelop the commercial centre around Scarborough Beach Road intersection should be encouraged and supported where possible, and introduction of the bus lane should be used as an opportunity to enhance the area.

Between Albert Street and Vincent Street

Implementation of the proposed road design between Albert Street and Vincent Street would require only one demolition, but would seriously reduce the amenity of over 30 residences by reducing their setbacks by 4-5 metres. This could exacerbate the trend to high screen walls, which would have serious consequences for pedestrian amenity.

South of Vincent Street

South of Vincent Street, implementation of the proposed bus lane would require only one demolition, and would have only minimal impacts on setbacks to residences. As suggested for the area between Albert and Vincent Streets, care should be taken to minimise the effects of traffic here, as there are already a number of high screen walls and the presence of public facilities in this area means that amenity for pedestrians is particularly important.

Overall, this study demonstrates that implementation of the proposed design would require approximately six demolitions (including two heritage listed buildings and others that contribute significantly to the character and amenity of the street), and would significantly reduce the amenity of over 30 residences by consuming the majority of their setbacks (which is likely to have a major impact on amenity by increasing the trend to high screen walls). The impact varies along the length of road under consideration and further refinement of the design is recommended to mitigate impacts by considering the character of the different areas described above.

Possible strategies to minimise negative impacts of the bus lane might include:

- *Working with the Town of Vincent to develop appropriate planning policies for Charles Street, such as:*
 - *Zoning to allow for higher density residential development, more commercial and mixed use (such as 'shop top' housing) development. This would increase activity levels along Charles Street, which is good for amenity and security, and would also support use of public transport by increasing the amenity of bus stops and the number of destinations nearby.*
 - *Design guidelines for commercial properties. Developments of two or more storeys, built up to the front and side property boundaries, should be encouraged to provide character, enclosure and legibility for Charles Street. This is particularly important at major intersections where the road is at its widest. Verandahs to provide shelter for pedestrians should also be encouraged.*
 - *Design guidelines for residential developments. The Town of Vincent's policy on screen walls should be changed to reflect the importance of Charles Street for pedestrians, and visual permeability should be required as in other areas of the Town. This can be facilitated by design guidelines for new housing (including double glazing and other noise reduction treatments to habitable areas) to minimise the need for high screen walls.*
- *Adjusting the proposed design to incorporate trees.*
 - *Ideally, trees with large canopies should be incorporated into verges along both sides to provide shade and a buffer from traffic for pedestrians, and to improve the enclosure, character and general appearance of the street. There is some scope on the western side of the road, particularly between Emerson and Albert Streets, to use the whole of the Planning Control Area to allow for trees. This would be of major benefit to pedestrians and public transport users by increasing the amenity of the street, and to property owners by improving their outlook.*
 - *Alternatively, trees located in the median may maintain enclosure and to reduce the visual impact of the road. However this is less beneficial to pedestrians than verge planting."*

The main impact of the Planning Control Area (PCA) will be a loss of setbacks for properties and the demolition of approximately six dwellings along the southern end of Charles Street. The issue of demolition north of Scarborough Beach Road is considered inappropriate, as there are several buildings on the intersection that create an intact streetscape and as such the bus lane should not extend past Scarborough Beach Road. The other dwellings proposed to be demolished for the new bus lane are considered worthy of further investigation by the Town and the DPI to ascertain any heritage value. The Town is also undertaking a review of its Municipal Heritage Inventory (MHI) and the consultants have identified townscapes, as well as places of heritage significance, that may affect more dwellings along Charles Street. As such, it is recommended that the Town advise the DPI that there may be more dwellings affected by the PCA and that further investigations need to be carried out by the DPI and the Town.

The possible strategies recommended are considered acceptable to the Town; however, some of these issues are already being addressed in the Town's Planning and Building Policies while others need to be implemented.

High-density codes along Charles Street already exist as most of these areas have a density code of R60. This can be further investigated with the DPI as part of the residential Densities Review project that is currently being undertaken by the Town.

Design Guidelines for commercial properties can be integrated with the Local Commercial Centres Strategy that is currently being undertaken by the Town. Design Guidelines for residential properties are covered by the Policies relating to Residential Design Guidelines however, these Policies may need to be reviewed in light of the importance of visually permeable street walls and fences for surveillance and security purposes.

The incorporation of trees along Charles Street is supported to improve the streetscape for pedestrians.

Councillor Ian Ker has provided some comments in relation to Charles Street and are summarised as follows:

"My main concerns are with the MRS reservation on Charles Street and especially the bus lane in conjunction with a cycle lane.

The West Vincent Integrated Transport Plan (WVIT) recommends 'Designation of an MRS reservation on Charles Street/Wanneroo Road between Newcastle Street and London Street' but does not state to what extent (or even whether) this involves widening. Whilst it is clearly sensible to protect the existing road and verge, I cannot agree that widening or protection of a future option to do so is either necessary or desirable. Any reservation should be defined by the existing 'as-constructed' boundaries (road plus verge plus footpath) except where specific justification can be shown for selective widening at major intersections (mainly for turning movements or, for example on the SE corner of Walcott/Charles intersection, to provide adequate space for pedestrians).

Here I note that the Council resolution of 22 May 2001, supporting the Planning Control Area along Charles Street was NOT a support for a widening reservation, but rather was support for a process for resolving the situation without the need to adopt a local law.

In respect of Charles Street, at least, the study does NOT live up to its title of an INTEGRATED transport plan as it gives priority to long-distance over local movements, to the car over public transport (the bus lane proposal actually increases the road capacity for cars!) and totally ignores travel demand management (other than in the Town of Vincent) and the issues of integrating transport with land use at the local level.

Charles Street south of Angove/Scarborough Beach Road is already wide enough for five traffic lanes and can therefore accommodate two general traffic lanes in each direction and either an on-road cycle lane in each direction or an inbound bus lane, although some selective widening at major intersections might be justified to provide separately for turning movements.

I most definitely do not favour having both the bus lane and cycle lanes in this section of Charles Street as buses will be travelling at high speed but will also need to stop (and pull in to the kerbside across the cycle lane) at points along the road to pick up passengers. Moreover, any cycle lane or bus lane will be discontinuous because of the significant turning movements into and out of side streets.

I also question the basis on which this recommendation is made:

- a) My understanding is that traffic volumes in this section of Charles Street actually went down with the opening of the Graham Farmer Freeway*
- b) Whilst the report recommends that the Town of Vincent implement TravelSmart, there is no obvious recognition of the State Government's intention to support/implement TravelSmart in other areas, including those to the north of the Town - which would have a potentially substantial impact on the car traffic volume through the Town. We*

- need to ask the question - did the traffic modelling undertaken for this study include the impact of TravelSmart on the Town of Vincent and areas to the north?*
- c) *The State Government objective is to reduce the level of dependence on the private car in Perth. Whilst new roads will undoubtedly be required to serve newly-developing areas, it would need to be very clearly demonstrated that road widening in inner city areas is consistent with the 'reduced car-dependence' objective. I have not, so far, seen anything to convince me that the widening recommendation is anything more than 'predict and provide', rather than strategic management of both demand and supply.*
 - d) *Transport fuel will become significantly more expensive, at least in the medium term, as oil and gas supplies dwindle relative to demand (and, at least in the case of oil, in absolute terms) and alternatives such as hydrogen are developed over the longer term. The levels of car mobility 'forecast' by conventional transport and traffic models quite simply are unlikely to be achievable.*

There are a number of alternatives to widening the road, including improving the verge/path to shared cycle/pedestrian path standards, providing remote actuated bus priority at signalised intersections and selective widening to allow bus 'leap-frog' at signalised intersections, bi-directional lanes (so that there is only one outbound lane in the morning peak, for example) and even, ultimately, (dare I say it!) taking space away from the private car to create a peak period inbound bus lane.

More generally:

- a) *any widening of Charles Street in the vicinity of Angove/Scarborough Beach Road would require demolition of a substantial number of properties, including the Brownes Dairy development and the strip shops to the north east of the intersection. The Perth Bicycle Network Plan recognised this issue when it said, for roads of this type: "An on-road cycling facility will generally be provided. Unfortunately a lot of these roads are in older narrow reservations and an on-road facility cannot be provided without the high cost of property acquisition or major service alterations. In such cases an alternative facility will be provided." (PBN page 12)*
- b) *any widening will increase the difficulty of pedestrians or cyclists crossing Charles Street - even with median islands, crossing three lanes of fast-moving traffic will be a daunting prospect, especially for the elderly, children or people with disabilities.*
- c) *widening the road will increase traffic speeds, especially off-peak - this is the converse of the well-established 'narrowing the road (even just visually) has a traffic calming/speed reduction effect'. This is already a section of road where the Police regularly set up multanova speed cameras. This morning, there was not only a multanova (on the northbound carriageway between Carr and Vincent Streets) - there was also a hand-held radar gun (at which people were also being caught) in the vicinity of Bourke Street.*

North of the Angove/SBR intersection the existing built road/verge/path is narrower, but still sufficient for the installation of median islands to assist pedestrian crossing where appropriate (this has already been done in a few locations - but more are needed) and even a narrow continuous painted median if this is required for traffic safety/separation purposes.

In summary, I do not believe that we should countenance any widening (even in the long term future). In practical terms, widening would not be a practical proposition for a very long time, but the detrimental impacts (through planning blight and the 'missing tooth' effect) will be with us from the day the reservation is put in place.

In other words, the MRS reservation should simply reflect the existing 'as-built' road/verge/path, except in specific situations outlined earlier.

This then requires a more innovative approach to facilitating public transport and cycling on Charles Street, rather than the 'build more bitumen' approach in the current (WVITP) recommendation 2."

These issues are proposed to be addressed at the Special Meeting of Council to be held on 16 July 2002 at which Clare Moore from the DPI will be addressing the concerns detailed above and any other concerns from the Elected Members and/or the Town's Officers.

The Policies relating to:

- (a) Cleaver Precinct - Scheme Map 5;
- (b) Smith's Lake Precinct - Scheme Map 6;
- (c) North Perth Centre Precinct - Scheme Map 7;
- (d) North Perth Precinct - Scheme Map 8;
- (e) Hyde Park Precinct - Scheme Map 12;
- (f) Beaufort Precinct - Scheme Map 13;
- (g) Eton - Locality Plan 7;
- (h) Fletcher - Locality 13;
- (i) Charles - Locality Plan 16;
- (j) Kyilla - Locality Plan 17;
- (k) Monastery - Locality Plan 19;
- (l) Florence - Locality Plan 22;
- (m) Robertson - Locality Plan 23;
- (n) Newtown - Locality Plan 24; and
- (o) Kadina - Locality Plan 31;

are affected by the Planning Control Area that covers Charles Street. These Policies are required to be updated to bring them into line with the new MRS reservation for Charles Street.

It is therefore recommended that the words "*By-law No. 62 - Building Line*" in all of these Policies be replaced with "*the Planning Control Area*".

From a planning point of view, it is considered more appropriate for more than one option for the redevelopment of Charles Street to be submitted by the DPI for the Town to consider. As such it is recommended that more options be investigated by the DPI in close liaison with the Town and be submitted accordingly to the Town for formal consideration and determination.

In conclusion, the Charles Street Road Reservation Study- Urban Design Analysis is considered acceptable subject to:

- (a) the DPI in close liaison with the Town undertakes a detailed heritage assessment of each dwelling proposed to be demolished and if any dwelling is considered worthy of retention that alternative designs be implemented for the incorporation of the proposed new bus lane along Charles Street;
- (b) the proposed bus lane does extend further than Vincent Street and Scarborough Beach Road to reduce the number of demolitions required for the proposal;
- (c) the DPI being advised that there may be more dwellings affected by the PCA due to the MHI Review that is currently being undertaken by consultants for the Town and that further investigations may need to be carried out by the DPI and the Town regarding any heritage, streetscapes and/or townscapes that are worthy of retention;
- (d) the DPI providing more than one option for the redevelopment of Charles Street to the Town for formal consideration and determination prior to any works taking place;
- (e) the Town being directly involved with the implementation of the proposed new bus lane; and

- (f) the densities along Charles Street are considered acceptable however, a review of these densities will be undertaken as part of the Residential Densities Review Project.

COMMENTS:

In light of the above, it is recommended that the Council initiates Planning and Building Policies - Amendment No. 4 relating to the Charles Street Metropolitan Region Scheme Reservation and advises the DPI of the comments contained in this Report.

6.5 Planning and Building Policies - Amendment No. 7 Relating to Privacy

Ward:	Both Wards	Date:	10 July 2002
Precinct:	All Precincts	File Ref:	PLA0134
Reporting Officer(s):	M Turnbull		
Checked/Endorsed by:	Y Scheidegger, R Boardman		
Amended by:	-		

FURTHER OFFICER RECOMMENDATION:

That the Council RECEIVES the report for discussion purposes relating to the final amended version of the Policy relating to Privacy, as shown in Appendix 6.5 (a) resulting from the advertised version having been reviewed and regard to the written submissions received during the formal advertising period and outlined in the Schedule of Submissions as shown in Appendix 6.5 (b), in accordance with Clause 47 (3), (4) and (5)(a) of the Town of Vincent Town Planning Scheme No. 1.

COUNCIL DECISION ITEM 6.5

Moved by Cr Chester, Seconded by Cr Hall

That the recommendation be adopted.

Cr Franchina returned to the Chamber at 8.05pm.

Moved by Cr Chester, Seconded by Cr Hall

That the Item be DEFERRED to allow other Councillors to have involvement in this Item.

MOTION LOST ON CASTING VOTE OF THE MAYOR (3-4)

For

Mayor Catania
Cr Chester
Cr Hall

Against

Mayor Catania (casting vote)
Cr Drewett
Cr Franchina
Cr Ker

(Crs Cohen, Doran-Wu and Piper absent.)

Discussion ensued.

SUBSTANTIVE MOTION CARRIED (6-0)

(Crs Cohen, Doran-Wu and Piper absent.)

FURTHER REPORT:

The Council, at its Ordinary Meeting held on 11 June 2002, considered a Report on the Planning and Building Policies - Amendment No. 2 Relating to Minor Nature Development and Amendment No. 3 Relating to Street Walls and Fences, Privacy, Ancillary Accommodation and Appendix No. 6 Brookman and Moir Street Design Guidelines and Subdivisions Requiring Plate Height Development.

In determining Amendment Nos. 2 and 3, the Council resolved to not include the Policy relating to Privacy in its determination. The Policy relating to Privacy was included as Amendment No. 3 to Planning and Building Policies, however, it has now been included as Amendment No. 7 to Planning and Building Policies and is shown as Appendix 6.5 (a) to this Report. The Schedule of Submissions including the Officers' responses and the original List of Changes that were previously included in the original report are shown as Appendix 6.5 (b) to this Report.

Several issues have been identified for the Council's consideration and are listed below.

Possible modifications to the Policy relating to Privacy:

A number of modifications can be considered to the existing Policy relating to Privacy, which include:

- Increasing the minimum sill height or obscure glazing from 1.4 metres to 1.65 metres. A 1.65 metres sill height or obscure glazing would be more effective in preventing casual overlooking from major openings but would still enable distant views on the horizon. This however, is considered excessive and is unlikely to be supported on Appeal to either the Minister for Planning and Infrastructure or the Town Planning Appeal Tribunal;
- Increasing the minimum setback requirements for major openings from 6 metres to 9 metres for major openings facing the rear of properties; and
- Additional setback requirements for development on sloping sites. Applying specific privacy provisions on sloping sites is difficult as the majority of properties in the Town have some slope to them and it would have to be clearly identified what a "significant" slope is.

These suggested modifications reflect concerns raised by the community during question time of the Ordinary Meeting of Council held on 11 June 2002 and from the two submissions received during the formal advertising period.

Draft Residential Design Codes:

The Western Australian Planning Commission (WAPC) has proposed a review of the Residential Planning Codes (R-Codes). The new draft R-Codes propose a section on privacy, which is included as Appendix 6.5 (c) to this Report. The proposed privacy provisions are similar to the Town's current Policy relating to Privacy and contain similar elements such as "cone of vision" requirements and minimum separation distances for habitable areas above 0.5 metre from natural ground level.

In reviewing the proposed privacy provisions of the draft R-Codes, it appears that there is no new provision that could be incorporated into the Town's Policy relating to Privacy.

Extensive research has been undertaken on other local authorities privacy requirements for development. It would appear that the Town has the most extensive privacy requirements at this point in time and no further elements were identified as possible for further consideration.

The following is the verbatim Minutes of the Item placed before the Ordinary Meeting of Council held on 11 June 2002:

"OFFICER RECOMMENDATION:

That the Council;

- (i) receives the final amended versions of the Policies relating to Street Walls and Fences and Privacy, the final versions of the Policies relating to Minor Nature Development, Ancillary Accommodation, Appendix No. 6 - Brookman and Moir Streets Design Guidelines and the new Policy relating to Subdivisions Requiring Plate Height Development, as shown in Appendices 10.4.1(a), (b), (c), (d), (e) and (f) resulting from the advertised version having been reviewed and regard to the written submissions received during the formal advertising period and outlined in the Schedule of Submissions as shown in Appendix 10.4.1(g), in accordance with Clause 47 (3), (4) and (5)(a) of the Town of Vincent Town Planning Scheme No. 1;*
- (ii) adopts the final amended versions of the Policies relating to Street Walls and Fences and Privacy, the final versions of the Policies relating to Minor Nature Development, Ancillary Accommodation, Appendix No. 6 - Brookman and Moir Streets Design Guidelines and the new Policy relating to Subdivisions Requiring Plate Height Development, as shown in Appendices 10.4.1(a), (b), (c), (d), (e) and (f) in accordance with Clause 47 (5) (b) of Town Planning Scheme No. 1 with the amendments outlined in the List of Changes to Advertised Amended Version in Appendix 10.4.1(h); and*
- (iii) authorises the Chief Executive Officer to advertise the adopted final amended versions of the Policies relating to Street Walls and Fences and Privacy, the final versions of the Policies relating to Minor Nature Development, Ancillary Accommodation, Appendix No. 6 - Brookman and Moir Streets Design Guidelines and the new Policy relating to Subdivisions Requiring Plate Height Development, as shown in Appendices 10.4.1 (a), (b), (c), (d), (e) and (f) in accordance with Clause 47 (6) of Town Planning Scheme No. 1.*

Cr Franchina departed the Chamber at 8.10pm

COUNCIL DECISION ITEM 10.4.1

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted.

Moved Cr Chester, Seconded Cr Ker

That the proposed Privacy Policy be removed.

CARRIED (7-0)

(Cr Franchina was absent from the Chamber and did not vote. Cr Hall absent from the Meeting)

Cr Franchina returned to the Chamber at 8.21pm

Moved Cr Chester, Seconded Cr Ker

That the policy relating to Street Walls and Fences be amended as follows:

- (i) *the words "Regional" and "and" be deleted from point (2) on page 4 of Appendix 10.4.1(b);*
- (ii) *point (3) be deleted on page 4 of Appendix 10.4.1(b); and*
- (iii) *the words "Regional" and "and – walls and fences to roads that have significant traffic volume (as determined by the Town of Vincent);" be deleted from P4 on page 5 of Appendix 10.4.1(b).*

CARRIED (6-2)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Cohen
Cr Chester	Cr Drewett
Cr Doran-Wu	
Cr Franchina	
Cr Ker	
Cr Piper	

MOTION AS AMENDED CARRIED (8-0)

COUNCIL DECISION ITEM 10.4.1

That the Council;

- (i) *receives the final amended versions of the Policies relating to Street Walls and Fences, the final versions of the Policies relating to Minor Nature Development, Ancillary Accommodation, Appendix No. 6 - Brookman and Moir Streets Design Guidelines and the new Policy relating to Subdivisions Requiring Plate Height Development, as shown in Appendices 10.4.1(a), (b), (c), (d), and (e) resulting from the advertised version having been reviewed and regard to the written submissions received during the formal advertising period and outlined in the Schedule of Submissions as shown in Appendix 10.4.1(f), in accordance with Clause 47 (3), (4) and (5)(a) of the Town of Vincent Town Planning Scheme No. 1;*
- (ii) *adopts the final amended versions of the Policies relating to Street Walls and Fences, the final versions of the Policies relating to Minor Nature Development, Ancillary Accommodation, Appendix No. 6 - Brookman and Moir Streets Design Guidelines and the new Policy relating to Subdivisions Requiring Plate Height Development, as shown in Appendices 10.4.1(a), (b), (c), (d), and (e) in accordance with Clause 47 (5) (b) of Town Planning Scheme No. 1 with the amendments outlined in the List of Changes to Advertised Amended Version in Appendix 10.4.1(g); and*
- (iii) *authorises the Chief Executive Officer to advertise the adopted final amended versions of the Policies relating to Street Walls and Fences and Privacy, the final versions of the Policies relating to Minor Nature Development, Ancillary Accommodation, Appendix No. 6 - Brookman and Moir Streets Design Guidelines and the new Policy relating to Subdivisions Requiring Plate Height Development, as shown in Appendices 10.4.1 (a), (b), (c), (d), and (e) in accordance with Clause 47 (6) of Town Planning Scheme No. 1.*

FURTHER COMMENTS:

Amendment No.3 - Street Walls and Fences:

The proposed modification relates to the deletion of reference to the allowance for the solid portion of a wall and/or fence increasing to a maximum height of 1.8 metres on "roads that have significant traffic volume (as determined by the Town of Vincent)". The proposed deletions in the Policy include the sentence numbered 3) on page 4 and Clause P4 third point on page 5. A minor modification is also proposed for the deletion of reference to "Regional Roads", as there is no such classification on the Town's Functional Road Hierarchy. The proposed modifications are shown on the attached amended pages 4 and 5 to Appendix 10.4.1(b).

The proposed modifications for each Policy are underlined and proposed deletions are ~~strikethrough~~.

BACKGROUND:

The Council at its Ordinary Meeting held on 27 March 2001 resolved to adopt the Planning and Building Policy Manual dated March 2001 with some amendments.

Amendment No. 2

The Council at its Ordinary Meeting held on 6 November 2001 resolved the following:

"That the Council;

- (i) receives the amended version of the policy relating to Minor Nature Development, as shown in Appendix 10.1.17(b);*
- (ii) advertises the amended version of the policy relating to Minor Nature Development for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) advertising a summary of the subject policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject policy; and*
 - (c) forwarding a copy of the subject policy to the Western Australian Planning Commission;*
- (iii) after the expiry of the period for submissions:*
 - (a) reviews the amended version of the policy relating to Minor Nature Development and the new policy relating to Residential Density Bonus, having regard to any written submissions; and*
 - (b) determines the amended version of the policy relating to Minor Nature Development, with or without amendment to, or not to proceed with them; and*
- (iv) review clause (v) of the policy relating to Minor Nature Development prior to this being advertised."*

Amendment No. 3

The Council at its Ordinary Meeting held on 26 February 2002 resolved the following:

"That;

- (1) the Council, in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995 having received the support of all of the members, resolves to REVOKE OR CHANGE the following resolution adopted by the Council at its Special Meeting held on 12 December 2001 (Item No. 10.1.16) namely;*

"That the Council;

- (i) receives the draft Policy relating to Subdivisions Requiring Plate Height Development, as shown in Appendices 10.1.16;*
 - (ii) adopts the draft Policy relating to Subdivisions Requiring Plate Height Development to be applied immediately;*
 - (iii) advertises the draft Policy relating to Subdivisions Requiring Plate Height Development for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
 - (iv) after the expiry of the period for submissions:*
 - (a) reviews the draft Policy relating to Subdivisions Requiring Plate Height Development having regard to any written submissions; and*
 - (b) determines the new Policy relating to Subdivisions Requiring Plate Height Development, with or without amendment to, or not to proceed with the Policy."*
- (2) in the event that (1) above is resolved, the Council APPROVES BY AN ABSOLUTE MAJORITY;*

That the Council;

- (i) receives the draft amended Policies relating to Street Setbacks, Street Walls and Fences, Privacy, Ancillary Accommodation and amended Appendix No. 6 Brookman and Moir Street Design Guidelines, as shown in Appendices 10.4.4(a), (b), (c), (d), (e) and (f);*
- (ii) adopts the draft amended Policies relating to Street Setbacks, Street Walls and Fences, Privacy, Ancillary Accommodation and amended Appendix No. 6 Brookman and Moir Street Design Guidelines to be applied immediately;*

- (iii) *advertises the draft amended Policies relating to Street Setbacks, Street Walls and Fences, Privacy, Ancillary Accommodation and amended Appendix No. 6 Brookman and Moir Street Design Guidelines for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) *advertising a summary of the subject Policies once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policies; and*
 - (c) *forwarding a copy of the subject Policies to the Western Australian Planning Commission;*
- (iv) *after the expiry of the period for submissions:*
 - (a) *reviews the draft amended Policies relating to Street Setbacks, Street Walls and Fences, Privacy, Ancillary Accommodation and amended Appendix No. 6 Brookman and Moir Street Design Guidelines having regard to any written submissions; and*
 - (b) *determines the draft amended Policies relating to Street Setbacks, Street Walls and Fences, Privacy, Ancillary Accommodation and amended Appendix No. 6 Brookman and Moir Street Design Guidelines, with or without amendment to, or not to proceed with the Policies;*
 - (v) *clarifies its Policy in respect to what may legitimately be assessed as garages, workshops and other non residential developments (and hence not assessed under the R Codes and Council Policies related to accommodation); and*
 - (vi) *DEFERS the draft amended Policy relating to "Subdivisions Requiring Plate Height Development".*

*The Council at its Ordinary Meeting held on 12 March 2002 resolved the following:
"That the Council APPROVES BY AN ABSOLUTE MAJORITY to:*

- (i) *receive the draft amended new Policy relating to Subdivisions Requiring Plate Height Development, as shown in Appendix 10.4.3;*
- (ii) *adopt the draft amended new Policy relating to Subdivisions Requiring Plate Height Development to be applied immediately;*
- (iii) *advertise the draft amended new Policy relating to Subdivisions Requiring Plate Height Development for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*

- (iv) *after the expiry of the period for submissions:*
- (a) *review the draft amended new Policy relating to Subdivisions Requiring Plate Height Development, having regard to any written submissions; and*
 - (b) *determine the draft amended new Policy relating to Subdivisions Requiring Plate Height Development, with or without amendment to, or not to proceed with the Policies."*

DETAILS:

The Schedule of Submissions including the Officers' responses is shown as Appendix 10.4.1(g) and a List of Changes is shown as Appendix 10.4.1(h), to this Report.

Amendment No. 2

Policy Relating to Minor Nature Development

Clause (2)(v) of the Policy relating to Minor Nature Development was reviewed prior to advertising. Minor amendments were made to the Policy and represented now as Clauses (2)(v) and (2)(vi).

No submissions were received and therefore, the final version of the Policy relating to Minor Nature Development is shown in Appendix No. 10.4.1(a) to this Report.

Amendment No. 3

Policy Relating to Street Walls and Fences

This Policy has been reviewed in light of the submissions received and the final amended version of the Policy relating to Street Walls and Fences is shown in Appendix No. 10.4.1(b) to this Report.

Policy Relating to Privacy

This Policy has been reviewed in light of the submissions received and the final amended version of the Policy relating to Privacy is shown in Appendix Nos. 10.4.1(c) to this Report.

New Policy Relating to Ancillary Accommodation

No submissions were received and therefore, the final version of the Policy relating to Ancillary Accommodation is shown in Appendix No. 10.4.1(d) to this Report.

Policy Relating to Appendix No. 6 - Brookman and Moir Streets Design Guidelines

No submissions were received and therefore, the final version of the Policy relating to Appendix No. 6 - Brookman and Moir Streets Design Guidelines is shown in Appendix No. 10.4.1(e) to this Report.

Policy Relating to Subdivisions Requiring Plate Height Development

No submissions were received and therefore, the final version of the Policy relating to Subdivisions Requiring Plate Height Development is shown in Appendix No. 10.4.1(f) to this Report.

CONSULTATION/ADVERTISING:

The advertising period commenced on 23 April 2002 and concluded on 23 May 2002. The advertising included an advertisement circulating in a local newspaper for four (4) consecutive weeks and a copy of the Draft Planning and Building Policies - Amendment Nos. 2 and 3 being circulated to the Western Australian Planning Commission and the Town's Precinct Groups. At the completion of the advertising period, a total of 4 submissions were received. There were also 1 late submissions received.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002 – Key Result Areas: 1.1 “Implement Town Planning Scheme No. 1 and associated policies and guidelines”.

COMMENTS:

It is recommended that the Council receives, adopts and authorises the Chief Executive Officer to advertise the final amended versions of the Policies relating to Street Walls and Fences and Privacy, the final versions of the Policies relating to Minor Nature Development, Ancillary Accommodation, Appendix No. 6 - Brookman and Moir Streets Design Guidelines and the new Policy relating to Subdivisions Requiring Plate Height Development, as shown in Appendices 10.4.1 (a), (b), (c), (d), (e) and (f) in accordance with the Town of Vincent Town Planning Scheme No. 1.”

7. CLOSURE

Presiding Member, Mayor Catania JP, declared the Meeting closed at 8.20pm with Councillors Chester, Drewett, Franchina, Hall and Ker, Chief Executive Officer, John Giorgi JP, Executive Manager Corporate Services, Mike Rootsey, Executive Manager Environmental and Development Services, Rob Boardman, and Executive Manager Technical Services, Rick Lotznicher, Ryan Sturman, Journalist – Guardian Express, Jenny D’Anger, Journalist – Voice News, and 4 Members of the Public in attendance.

These Minutes were confirmed by the Council as a true and accurate record of the Special Meeting of the Council held on 16 July 2002.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2002