



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

SPECIAL COUNCIL MEETING

28 OCTOBER 2008

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Minutes of the Special Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 28 October 2008, commencing at 6.00pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania, declared the meeting open at 6.10pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Chief Executive Officer, John Giorgi, JP – apology due to work related business.
Director Corporate Services, Mike Rootsey – apology due to annual leave.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Anka Burns	South Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward (from 6.20pm)
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Noel Youngman	North Ward
Rick Lotznicker	A/Chief Executive Officer
Rob Boardman	Director Development Services
Phynea Papal	Journalist – “ <i>The Guardian Express</i> ” (until approx 8.26pm)
Andrei Buters	Journalist – “ <i>The Perth Voice</i> ”

Approximately 62 Members of the Public

(c) Members on Approved Leave of Absence:

Nil.

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

The following submissions were made by persons in the Public Gallery:

1. Lyn Oliver of 43 Lawler Street, North Perth speaking on behalf of Lawler/Doris Street Working Group – Item 7.2 & 7.3. Thanked officers for their work on the Residential Streetscapes Proposed Policy. Item 7.3 – Stated that when reading all the documents and reports and the number of years and number of Council Meetings it has taken to get this far, it is clear that the Town’s Officers placed a very high significance on the development of a Streetscape Policy and subsequent selection of Categories 1 & 2 streets. Believed all the work was done resulting from the Award Winning Community Consultative document Vincent Vision 2024 (V.V. 2024) where the community clearly stated that they highly valued the character of the Town and wanted it retained. Believed it is at a point where a decision needs to be

made. Asked, do we ignore the document and cause irreparable damage to the integrity of V.V. 2024? If so, then this very significant aspect (Streetscapes of V.V. 2024) is ignored, what will be ignored next? Believed it comes very close to undermining the whole integrity of the Town's future planning of which a significant part has been based on what the community has said they valued in V.V. 2024. Advised that V.V. 2024 Guiding Principals stated "*character streetscapes are preserved and protected by local policies and statutory mechanisms*" and accordingly urge councillors, as a minimum, to accept the recommendation for these reasons, as well as the Officers findings that there are a number of streets in favour of the proposal. Stated that in the Town's proposed Local Planning Strategy (Item 7.2), it mentions that "*the existence of intact single storey streetscapes within the Town of Vincent is rare, therefore the streetscapes should be valued and protected for the unique qualities reminiscent of an earlier era*".

2. Loraine Vicensoni of 73 Sydney Street, North Perth speaking on behalf of North Perth Precinct Group. Item 7.6, believed most Councillors were very aware of this issue and have been very support and hopes it is the last time there will be a scheme amendment. Requested Council to support this so it may go back to WAPC as soon as possible to get it gazetted as there was still 87% support from residents. Item 7.4, noted there have been many changes made, believed it was an improvement however still has some concerns and would like to see the Item deferred until what the R Codes are for the areas affected by the policy. Stated that they are aware the Local Planning Strategy is on tonight's Agenda but it could change and it must go through a long planning process including advertising, consultation etc. Item 7.2, believed it to be quite comprehensive and whilst they support the Eaton Locality and R20, has concerns on R80 for Charles Hotel Site also R60 on Midland Brick site, mainly in terms of compatibility with surrounding R20 zoning. Believed there is potential for conflict and realises there needs to be medium and high density development in the areas which was reflected in Vincent Vision which in particular highlighted R80 areas for Town centres. Noted Charles Hotel car park is recommended R80 with 2 storey height limit and believed it should be R60 or R40. Concerned about the proposal to include/retain clause 40 in the new scheme, believed it is a fairly unorthodox clause and as per other schemes, there is usually a variation or relaxation clause that only relates to development standards, certainly not varying every clause in the scheme. Believed a decision doesn't have to be made tonight and if the Local Planning Strategy can be looked at closely.
3. Louise Hermann of 33 Doris Street, North Perth speaking on behalf of the Lawler/Doris Street Working Group – Item 7.3. Urged Councillors to amend the proposed policy as follows; believed it should include a mechanism to allow for streets not on the revised list in clause 5A but that were listed in the previous version and recognise Category 1 & 2 streetscapes to be covered by the policy should the majority of landowners indicate their support. Stated Clause 6 states the Town's Residential Design Elements Policy be amended to delete reference to "*maintaining a single storey presentation to street*" urged Councillors to seriously consider whether this should be deleted as this also undermines the integrity of V.V. 2024. Believed such a decision should not be made without appropriate community consultation. Advised that when the data in the street by street analysis is referred to that the Lawler and Doris Street Petition results lodged with the Town should be considered when referred to the number of owners in favour of the proposal. Stated the petition result showed 70% of all property owners in Lawler and Doris Street were contacted and of these 81% were in favour of the Proposed Streetscape Policy.

4. Andrew Webb of 34 Buxton Street, Mt Hawthorn – Item 7.3. Urged Council to vote “no” for the Streetscape Policy for the following reasons. Stated he has been a resident for 10 years with a view to staying for the long term. Believed the range of restrictions introduced placed no importance on good design, either architectural or environmental and simply introduce many restrictions that will make the design process more difficult and expensive for homeowners, which will lead to poor outcomes of design. Advised V.V. 2024 states that 85% of Mt Hawthorn residents were happy with residential buildings that were 2 storey. Asked why these restrictions on 2 storey buildings in the Streetscape Policy and RDE? Stated the V.V. 2024 likes the blend of old and new, choice between old and new housing and sustainable housing, it doesn't like was poor and low quality designs which can be both single or double storey and can still be allowed to go through under the Streetscape Policy. Believed a well designed, quality built home with 2 storey presentation which includes landscaping to the front garden enhances the streetscape. Suggested the Town should look at the Town of Cambridge Guidelines where there are not arbitrary restrictions to double storey, instead 2 storey, if close to the street, must present an interesting and varied facade i.e. high quality and good design, it also asks the developer to respect the character of neighbours and reflects contemporary standards rather than a pastiche of older styles. Concerned that by trying to reproduce houses of the past it is going to end up with imitations that don't fit in at all. Believed good aspects of contemporary designs should be embraced and incorporated in the future policy i.e. sustainable housing, energy efficiency.

Cr Farrell entered the Chamber at 6.20pm

5. Marie Slyth of 89 Carr Street, West Perth – Item 7.3. Complimented Council especially the Town's staff for the great effort put in to creating the Policy in order to honour the V.V. 2024 programme into which ratepayers spent many hours on so future generations will have the opportunity to visually appreciate character streetscapes. Stated this is already done in perimeters of other Australian Cities especially Melbourne and Adelaide and Perth has nothing like it. Concerned that the massive combined effort is now under attack and threatened with being dismantled because of the large number of objections Council has received to the Policy. Stated people she has spoken to were unaware that they had to write in to support the Policy in the first place, believing Council was in the process of looking after character heritage streetscapes. Believed Council should ask objectors, why they did not bother to come along to the V.V. 2024 project after all work done on the Policy when having sense of place means so much to so many of the Town's residents. Suspected a large number of objectors are newcomers to the Town who know nothing about the V.V. 2024 and expect to be able to do what they want, believed developers come into this category. Believed the Town should ask whether this is the case and ask what the wishes of all the owners in Category 1. Stated that many character heritage streetscapes have already disappeared in the time the Residential Streetscape Policy has been prepared since V.V. 2024. Believed it would be a tragedy if V.V. 2024 work is undermined and the few precious remaining single character storey streetscapes, specifically Cleaver Precinct who will lose their Category 1 recognition as well other recognised Category 1 streetscapes in the Town. Stated she was nominated for State Heritage Award with the Heritage Council and submitted Strathcona and Carr Streets for recognition of Heritage Charter Streetscape in 2004 and would like that to be honoured.

6. Simone Gillespie of 38 Egina Street, Mt Hawthorn – Item 7.3 (clause (iii) & (vi)). Believed there should be more emphasis on building design principles, solar passive house design, making the most of block orientation to heat and cool houses and environmental design aspects rather than heritage issues, because there is no policy in place for the design of houses to be energy efficient and sustainable. Believed a policy needs to be looked at that has more focus on energy efficient and water wise homes and ensure people are environmentally responsible when building in the Town. Believed heritage issues are important to the area and that is recognised but there are many other issues to consider with many different types of people in the area with families and many building restrictions affect families as they don't have space to build a family home. Recommended that Council rejects the adoption of the draft Policy and that the Residential Design Elements Policy is amended to strengthen and support good environmental building design. Submitted a petition from people against the Residential Streetscapes Policy Amendment No. 43 and gathered 80 signatures. Stop Amendment 43 Group reject this policy.
7. Richard Parry of 11 Strathcona Street, West Perth – Item 7.3. Stated the original proposal had Strathcona Street as Category 1 classification. Believed this classification is far too restrictive and considers a blanket application of the streets is unfair. Stated at present a Category 1 designation carries with it onerous conditions including that Council will not support demolition and 2 storey developments are generally not to be approved. Believed if the Council decides to adopt this policy, perhaps they should consider placing Caveats on each Certificate of Title for those properties which will be Category 1. Believed this will warn perspective buyers that Council will not support demolition or 2 storey development. Stated if Council believe the placement of Caveats inappropriate, perhaps it should consider other measures, like Contaminated Sites Register or Heritage Register. Believed this process will alert intending buyers that they have to comply with Council requirements. Believed it may also avoid costly litigation if an aggrieved party takes their complaint to SAT. Believed Council should heed the response of 70% of respondents who voted “no” and completely scrap the Draft Residential Streetscape Policy.
8. R Smith of 76 Vincent Street, Mt Lawley – Item 7.2 & 7.3. Concerned about the proposed amendments in both Items as sections single out properties opposite Hyde Park i.e. where it says “*B11 Major Roads Multiple Dwelling Developments along major roads which are not within a recognised streetscape or oppose Hyde Park may be permitted*”. Believed it is unfair that this section of the street where the owners haven't agreed to the Streetscape Policy are still subjected to restrictions that don't apply elsewhere and this should be removed. Stated that the Draft Policies seemed to have an unclear basis as to why it's selecting certain sections of Vincent Street. Understood why some people behind her who have built modern 2 storey properties might want to have their space protected to are owners like her anticipate there would be a development along that section of the road but she cannot see any other reason or any other correct justification for not allowing equal development the street. Stated it seems like all adjoining roads have properties that go above 2 storey's and a high rise block on the corner of William Street so the majority of dwelling are well above 2 storey therefore the restrictions seem disproportionate. Believed it might be better to drop the whole thing however, she does sympathise with people who have put a lot of work into it.
9. Vincent Sammut of 14 Franklin Street, Leederville – Item 7.3. Stated a lot has been said about V.V. 2024 and if people who are opposed are really interested in streetscapes, they would have participated. Advised, as a person who has been a bit of a voice in this, had he known the implications and consequences of V.V. 2024 he certainly would have attended however, he had no idea that when it was mooted that it was the ground work for the Residential Design Elements Policy which would be

law. Stated if people were made aware of this, he believed there would have been a stampede as people would have wanted to protect their rights. Believed it should have been spelled out how critical that workshop was. Believed the number of objections to the Streetscapes Policy indicates a bit better how people feel. Stated there has been a kind of “sanctification” of the notion of integrity for neighbours being based on following an architectural style from the past. Stated he sees many smart modern designs popping up in Leederville that he would be proud to have on his street as they delight him when he walks past. They are fresh, stimulating and it is a nice change which makes his walk pleasant with their skillion roofs, angles, changes, variations, rounding and different textures used as they are imaginative. Believed the RDE is leading toward imitation of a very limited architectural style.

10. Christopher Skantoz of 1 Pennant Street, North Perth – Item 7.3. Advised he is opposed to Amendment 43. Stated the information that has been put out to residence on his street, has been almost nil and the only information he has received is the letter asking for a response. Stated he was not informed about a letter for this meeting. Advised he emailed Council 3 times about this Policy and only received a response 2 weeks ago when he emailed the Director of Planning. Stated his family has had this property for 35 years together with another 5 properties in the Town which they have owned for over 20 years. Agreed with the setback distances from front, side and rear in the Policy which he believed should be looked at throughout the Town as 100m up his street on Kadina Street, houses 1m off the verge. Believed the \$50,000 or \$100,000 that has been invested in this draft, should be put towards fixing up streets as on his street there is broken pavement, cracked kerbs, trees uprooting soil. Asked if the Mayor or any Councillors are directly affected by the Policies? Believed the turn out of negative people to the Amendment is a good indication, also the fact that 70% are against it. Requested the draft be thrown in the bin and would like Councillors to have a look at the streets involved to see how many houses don't comply. Stated that within the last 12-18 months there have been 3 houses of modern aspects built on his street and one 2 storey, one of which has just started on the corner of Pennant and Scarborough Beach Road, which looks like 3 little townhouses are being built, which go against the draft Policy.
11. Cecily Gilbert of 23 Anzac Road, Leederville – Item 7.3. Stated she is a critical supporter of the draft Policy. Advised her talks with people in her immediate area, suggest support for the Policy is much stronger than Council numbers indicate. Advised in mid October they door knocked households in Harrow, Wilberforce, Faraday and the eastern end of Anzac Road between Loftus and Oxford Street, 95 households. Advised they had discussions about the Policy with 48 households who were invited to sign a petition supporting the intent of the Streetscapes Policy. Stated 40 people out of 30 households signed and agreed with the petition, a further 7 households said they agreed “in principle” but wouldn't sign for a variety of reasons i.e. they had already sent or the letter said they didn't have to say anything to give consent. Stated at 8 households, people wouldn't sign because they were tenants or had no opinion. Only 3 households said they opposed the petition and the Policy. 63% of households visited signed the petition, 77% of households agreed with the principle of the draft Policy and only 6% opposed the petition. Believed this showed there is wide community support for the principle and the intent of the Streetscapes Policy and in the households she spoke to, there is much more support than opposition, which is a different picture from numbers summarised in Council report. Believed it goes to show you get a different answer depending on the way the question is framed and the opportunity you give people to say what they think. Believed the feedback she received showed residents had a reasonably mature view about the draft Policy, it is complex, has good points but also needs some revision. Asked that recommendation (iii) be rejected and Councillors should support the Policy and revise it to take into account the reasonable criticisms presented. Stated recommendation (v) proposes further consultation with owners in only 22 Category

- 1 streets. Believed this is a real flaw, these streets were chosen if there were more support than opposing submissions which is a pretty crude method particularly when the number of comments in each street is fairly low. Referred to Anzac Rd – 1 submission in support, 1 against and 1 which didn't state a view and therefore Anzac doesn't get listed. Stated she trusted Councillors would stick to the principles embodied in the draft Policy and implement a considered approach to preserve the Town's streetscape character.
12. Juddith Burrows of 70 Auckland Street, North Perth – Item 7.2, 7.4 & 7.6, speaking on behalf of North Perth Precinct Group. Submitted apologies for Loraine Vicensoni and Cosi Schirripa. Believed insufficient time given for them to assess the very heavy material. Amendment 27: Stated it is the 5th time around for density of Eton and again percentages are the same for residents wanting R20 to be retained. Stated advertising was completed on 15 September and nearly 7 weeks to get to Council. Advised it is way too long and requested support of the Amendment and top priority from Council staff to getting it to WAPC and new Minister which will hopefully also put an end to some set clauses as well. Amendment 53: Stated it is also too big to be assessed in such a short time. Advised that regarding London Street, the Local Planning Strategy states *“that this street is to be altered to R60 without any consultation to residents”*. Advised she surveyed residents in the street and spent 5 days doing so and the result, as reported to Council staff on 25 September: density = 60% wanted R20, 37% wanted R20 to maximum R30 which is 97% of residents she spoke to wanting to keep the lower density as most of London Street falls within Eaton. Stated height preferences: 89% wanted a maximum of 2 storey as there is a large number of young families who have moved into the area that had not been notified of the changes and were appalled by the thought of 3 storey developments, let alone R60. Asked how many other residential streets classified as main roads would be surveyed the same way if given the right information, clarity and ease of reporting. Stated Council represents these people and she trusts Council will look after their best interests. Stated London Street is a part of, and cuts right through the centre of Eaton and believed it is totally inappropriate to have this zoned as R60. Stated Midland Brick is also listed R60 which is totally inappropriate when it is part of Eaton and already has the higher density of R30/40. Stated the site has no access to a main road and at best has limited entry only from London Street. Believed individual developers should not be accommodated in this way. Stated Charles Street (Charles Hotel) is R60 and will be able to be built to 3 storey. Appreciates there needs to be higher density however, asked that Amendment 53 and Local Planning Strategy be deferred until it can be fully understood as it is too big and complex.
13. Laurie Mitchell of 5 Commonwealth Avenue, North Perth – Item 7.3. Believed streetscapes to be a very polarising issue with a very clear divide by those who want it and those who don't. Stated he is opposed to it for two main reasons. Believed it may have an adverse effect on resale values and it has very significant restrictions on what he can do with his property. Stated he can see a lot of work has been done by a lot of people over many years to put together a streetscape plan and, he can see why as he has lived in the Town of almost a quarter of a century and loves the character of the Town. Stated he wouldn't like to see it all disappear however, the biggest problem he has, once it is approved, it will become law and there would be no opportunity for anyone to live outside that environment. Asked if a compromise position might be, as heard in Lawler, Doris and Anzac where a large percentage of residents are in favour, an “opt-in” system so those who want the restrictions and want to retain the character of their houses can have Caveats on properties as a warning for those wanting to buy those properties.

14. John Waddingham of 23 Anzac Road, Leederville – Item 7.3. Stated much has been made of the significant number of objections to the draft Policy. Stated the consultation letter was sent to over 6,200 households therefore, the actual number of objections represents 7%. Asked what are the views of the other 93%? Stated it is unknown how many people didn't respond because the consultation document says "*if you do not make a submission, we assume no objection*". Stated 350 objections made comments about specific aspects of the Policy i.e. second storey's, demolition and building style to which he agrees with those objections. Believed the Policy as it is, is unnecessarily restrictive and he is struck by the fact that Town's Officers agreed with this, they do feel they can modify it. Stated it is unknown, how many objections will evaporate if the Policy is modified. Believed it should not be thrown out however, modify it according to objections received and look at it again. Stated the choice of Category 1 streets was simply on the basis of number of objections or supporting comments made and it treats the submissions like a referendum for those streets. Believed all Category 1 streets should be included in this process. Stated he was taken away by recommendation (vi), there were 117 objections to 2 storey issues which only represents 1.8% of houses affect by the Streetscape Policy. Believed this isn't a sound basis on which something is arbitrarily adjusted something in a Policy voted for a few months ago. Stated, given all work done by Council so far, respecting existing policies which gave rise to the Streetscape Draft, in fairness to the great number of owners whose opinions is unknown, requested the Policy be returned to the Officers for adjustment and then submit it as suggested in recommendation (v)(b) – asking each street whether or not it agrees to be part of the Policy.
15. Andrea Gent of 18 Byron Street, Leederville – Item 7.3. Stated Byron Street has one side that seems to be very nice and the other side is all being bulldozed. Asked why the three "humpies" left be penalised? Asked what give somebody the right to take someone's choices away when the street is already an absolute mess-up of disasters?
16. Gary Baxter of 112 Dunedin Street, Mt Hawthorn – Item 7.3. Asked for the deferral of Amendment 53 to London Street from R20 to R60 and take into consideration the residents of 1 Dunedin Street. Stated on the west side, behind London Street, there is a right of way which will effect the people living to the rear of Dunedin Street. Stated he is perplexed, as are some people he has spoken to with the same situation on Dunedin Street as to the inference that if streetscapes is to go ahead in Dunedin Street and London Street as proposed to go to R60, there is a conflict of interest between the two policies, one having high density living on one side of Dunedin Street and streetscape on the other.
17. Simon Chester of 93 Chelmsford Road, Mt Lawley – Item 7.2, 7.3, 7.4 & 7.5. Submitted a copy of consultant sheet for the Councillors information. Stated his main concern is that a broad brush approach does not distinguish between areas highly valued by the community and those seen ready for redevelopment and there are both situations in the Town. Asked why densities and pressure would be increased on streetscapes i.e. Lacey or Wade Streets, that are already acknowledged or in the process of being acknowledged. Advised 5 storey developments proposed for properties south of Vincent Street or anything zoned R80 on 1,000m² lots, is too small to ameliorate the impact of 5 storey on adjacent residential dwellings. Stated this can be seen throughout the Town and believed one of the biggest culprits to be the WAPC. Advised he has seen Council hesitate on demolition of 538 William Street recently. Stated a far greater and quicker loss of similar properties is going to result unless a more selective and targeted approach is undertaken. Believed the Stadium Precinct has been overlooked in its potential, particularly in the Local Planning Strategy, with its situations "sandwiched" between existing and pending significant State Government projects. Item 7.3: Believed there is a fundamental breakdown in democracy. Stated the consultation document says "*if we do not*

receive a submission by that date we will assume that you have no objection in relation to the matter and the matter will be determined without any further consultation". Stated that is a comment put to 6,200 people. Believed if he had the concerns people had, he would also be doing exactly what they are doing, jumping up and down. Stated people that haven't responded, think "this is something I don't have to do, it will just happen". Asked how many people do that, when there is an option of not acting? Stated there was an original report done where the professional planning officer's have proposed the policy can be amended to cater for concerns so a compromise can be reached so there are no distinct losers. Believed the idea of having environmental design is wonderful and it is something that should be brought in. Believed the idea of default demolitions and having a 2 storey development you cannot see from the street are too extreme – these should be addressed. Believed the policy should be revised, not thrown out because you haven't enfranchised everybody to have their say, some people might say you have taken away their rights by saying they don't have to comment. Believed a compromise can be reached, a lot is invested in this. Quoted Jackie Onassis; "to preserve is to create".

There being no further speakers, public question time finished at approx. 7.04pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

6. DECLARATIONS OF INTERESTS

6.1 Cr Doran-Wu declared a Financial interest in Item 7.4 – Further Report – Policy Amendment No. 53 – Draft Policy Relating to Multiple Dwellings. The extent of her interest being that her husband owns of a property on a major road that is affected by the Policy. Cr Doran-Wu requested approval to participate in the debate.

At 7.07pm Cr Doran-Wu departed the Chamber whilst her declaration of interest was being considered.

Moved Cr Ker, Seconded Cr Messina

That Cr Doran-Wu's request to participate in debate of Item 7.4 – Further Report – Policy Amendment No. 53 – Draft Policy Relating to Multiple Dwellings, be approved.

CARRIED (8-0)

(Cr Doran-Wu was absent from the Chamber and did not vote.)

At 7.08pm Cr Doran-Wu returned to the Chamber.

The Presiding Member, Mayor Nick Catania advised Cr Doran-Wu that her request was Carried 8-0.

7.1 Review of Town of Vincent Town Planning Scheme No. 1 – Progress Report No. 8

Ward:	Both Wards	Date:	22 October 2008
Precinct:	All Precincts	File Ref:	PLA0140
Attachments:	001		
Reporting Officer(s):	H Smith		
Checked/Endorsed by:	D Abel, R Boardman John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES Progress Report No. 8 relating to the review of the Town of Vincent Town Planning Scheme No. 1;*
- (ii) *APPROVES the revised timeline and Gantt chart as at 22 October 2008 relating to the review of Town Planning Scheme No. 1 as outlined in Appendix 7.1; and*
- (iii) *NOTES that the review of Town Planning Scheme No. 1 is programmed to be completed and the new Town Planning Scheme No. 2 gazetted by February 2010.*

COUNCIL DECISION ITEM 7.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Cr Youngman departed the Chamber at 7.11pm.

Debate ensued.

Cr Youngman returned to the Chamber at 7.13pm.

Debate ensued.

MOTION PUT AND CARRIED (9-0)

PURPOSE OF REPORT:

To report to the Council on the progress of the review of Town Planning Scheme No. 1 and to adopt a revised timeframe in which to complete the review.

BACKGROUND:

The Council previously considered this matter on the following dates:

2003	27 May, 24 June;
2005	30 June, 23 August, 13 September, 18 October;
2006	11 April, 12 September, 21 November, 14 December; and
2007	23 January, 1 February, 15 February, 1 March, 15 March, 27 March, 29 March, 19 May, 12 June, 26 June, 14 August, 9 October.

22 April 2008 The Council at its Ordinary Meeting received Progress Report No. 7 in relation to the review of Town Planning Scheme No. 1 and resolved as follows:

“That the Council:

- (i) RECEIVES Progress Report No. 7 relating to the review of the Town of Vincent Town Planning Scheme No. 1;*
- (ii) ENDORSES the revised timeline and Gantt chart relating to the review of Town Planning Scheme No. 1 as outlined in Appendix 10.1.16 subject to the Gantt chart being amended to include reporting to the Ordinary Meeting of the Council after the Peer Review of the Town Planning Scheme Review and prior to forwarding Town Planning Scheme No. 2 to the Hon. Minister for Planning and the Western Australian Planning Commission; and*
- (iii) NOTES that the review of Town Planning Scheme No. 1 is programmed to be completed and the new Town Planning Scheme No. 2 gazetted by February 2010.”*

DETAILS:

The purpose of this report is to provide the Council with an update on the progress of the Town Planning Scheme review and to provide an updated timeframe in which to complete the review. It is noted that the Draft Local Planning Strategy is subject to a separate Item Report on this Agenda.

An updated Gantt chart demonstrating the key actions, status, timeframes, costs and allocated resources to complete the Town Planning Scheme review, and facilitate the new Town Planning Scheme No. 2 to be gazetted by February 2010, is included as an Appendix to this Agenda Report for the Council’s consideration.

CONSULTATION/ADVERTISING:

There is a statutory requirement to advertise the draft new Town Planning Scheme No. 2 for 3 months.

LEGAL/POLICY:

There is a statutory requirement for the Town to commence a review of its Town Planning Scheme No. 1 every five years, and to bring this to completion as soon as practicable. The statutory provisions relating to a Town Planning Scheme and its review are prescribed in the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011: Objective 1.1 Improve and Maintain Environment and Infrastructure:

...

“1.1.2 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.

...”

SUSTAINABILITY IMPLICATIONS:

The review of the Town of Vincent Town Planning Scheme has considered sustainability in great detail and is considered to promote a sustainable future for the Town.

FINANCIAL/BUDGET IMPLICATIONS:

The 2008/2009 Budget lists \$62,000 for Town Planning Scheme Amendments and Policies. An amount of \$30,000 has been allocated to carry out a Peer Review of the new Town Planning Scheme text and supporting documentation as noted by Council at its Ordinary Meeting held on 9 October 2007. Following a Council resolution on 14 August 2007, the Town obtained 4 quotes in August/September 2007 from planning consultancies, which ranged from \$10,000 to \$30,000.

COMMENTS:

Statutory Timeframes

The *Town Planning Regulations 1967* prescribe statutory processes/timeframes for reviewing a Town Planning Scheme. These statutory timeframes occur particularly after the new Town Planning Scheme No. 2 is referred to the Western Australian Planning Commission and Minister for Planning for consent to advertise Town Planning Scheme No. 2. These statutory timeframes have been reflected in the revised Gantt chart for the Council's consideration.

Drafting of the new scheme text and maps is progressing; however, is dependant on the Council's acceptance or otherwise of the Town's Officers approach in the Draft Local Planning Strategy. It is noted that indicative Scheme maps – strategic considerations accompany the draft Local Planning Strategy as a means of demonstrating the outcomes of the Local Planning Strategy in the new Town Planning Scheme.

Summary

The immediate major milestones in the review of the Town Planning Scheme No. 1 are programmed as follows:

- Special Meeting of Council to be held on 28 October 2008 – Report to the Council to receive the Draft Local Planning Strategy;
- Report to the Council at its Ordinary Meeting to be held on 2 December 2008 to adopt new Town Planning Scheme No. 2 and Planning Policies;
- Peer Review of Town Planning Scheme No. 2 (TPS No. 2) and Local Planning Strategy – December 2008 – January 2009;
- Report to the Council to consider recommendations of Peer Review – late February 2009;
- Forward TPS No. 2, Local Planning Strategy (LPS) and Planning Policies to WAPC and Minister for Planning for consent to advertise – March 2009; and
- Publication of advertisement of TPS No. 2 and LPS in the Government Gazette and local newspaper followed by a 3 month advertising period – May 2009 – July 2009.

It is noted that the period between the Council adopting the new Town Planning Scheme and the Department for Planning and Infrastructure and the Minister for Planning considering and approving the documents is indicative only. As the Council is aware, the Department for Planning and Infrastructure (DPI) have acknowledged that it is experiencing severe staff shortages and the gazettal of the new Town Planning Scheme is likely to be subject to delays. Furthermore, the DPI has not finalised adequate guidance and Planning Policies with respect to *Network City*, and given the recent change of Government, DPI staff have been unable to provide direction with respect to whether *Network City* will be the preferred planning consideration of the new regime.

It is recommended that the Council receives this progress report, approves the revised timeline and Gantt chart, and notes that the review of Town Planning Scheme No. 1 is still programmed to be completed and the new Town Planning Scheme No. 2 gazetted by February 2010.

7.3 Amendment No. 43 to Planning and Building Policies – Draft Policy Relating to Residential Streetscapes – Progress Report No. 1

Ward:	Both Wards	Date:	22 October 2008
Precinct:	All Precincts	File Ref:	PLA0179
Attachments:	001		
Reporting Officer(s):	R Boardman, John Giorgi		
Checked/Endorsed by:	R Boardman, John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** Amendment No. 43 to Planning and Building Policies – Draft Policy relating to Residential Streetscapes – Progress Report No. 1;
- (ii) **CONSIDERS** the submissions received during the community consultation period regarding the Draft Policy relating to Residential Streetscapes, as “Laid on the Table” and shown at Appendix 7.3;
- (iii) **DOES NOT ADOPT** the Draft Policy relating to Residential Streetscapes, due to the significant number of objections received;
- (iv) **NOTES** that a number of submissions in some specific streets support their street being the subject of the Draft Residential Streetscapes Policy;
- (v) **subject to clause (iii) above being approved, AUTHORISES** the Chief Executive Officer to:
 - (a) **FURTHER CONSULT** with the owners of properties (in writing) seeking their views as to whether they desire their street to be the subject of the Draft Residential Streetscapes Policy, for the following streets:
 1. **Wilberforce Street, Mt Hawthorn**
 2. **Cantle Street, Perth**
 3. **Chapman Street, Perth**
 4. **Chertsey Street, Mount Lawley**
 5. **Pakenham Street, Mount Lawley**
 6. **St Albans Avenue, Highgate**
 7. **Summers Street, Perth**
 8. **Coronation Street, North Perth**
 9. **Alma Road, North Perth**
 10. **Daphne Street, North Perth**
 11. **Doris Street, North Perth**
 12. **Lawler Street, North Perth**
 13. **Baker Avenue, Perth**
 14. **Brisbane Street, Perth**
 15. **Carr Street, West Perth**
 16. **Fitzroy Street, West Perth**
 17. **Hammond Street, West Perth**
 18. **Janet Street, West Perth**
 19. **McCarthy Street, Perth**
 20. **Myrtle Street, Perth**
 21. **Throssel Street, Perth**
 22. **Wade Street, Perth; and**

- (b) *FURTHER CONSIDER the matter of adopting the Residential Streetscapes Policy for the streets (where the majority of owners have indicated their support) specified in clause (v)(a) above, based on the submissions received as a result of the further consultation; and*
- (vi) *AMENDS the Town's Residential Design Elements Policy to delete reference to "maintaining a single storey presentation to street" or similar wording (wherever it appears) and AUTHORISES the Chief Executive Officer to amend the document accordingly to reflect Council decision.*
-

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr Youngman

That a new clause (v) (c) be added as follows:

“(v)(c) REVIEW the Draft Policy relating to Residential Streetscapes Policy as follows:

- (1) REVISE the Draft Policy based on the comments received, and RESTRUCTURE the Draft Policy along a performance based approach;*
- (2) PRESENT the revised Draft Policy to the Council for endorsement;*
- (3) CONDUCT a public workshop(s) to explain the revised Policy to the owners of properties in the revised recognised streetscape list;*
- (4) ADVERTISE the revised Draft Policy in accordance with Clause 47 (3) of the Town of Vincent Town Planning Scheme No. 1, including notifying the owners of properties within the 22 recognised streets via letter, and specifically asking if they support or oppose the respective street's listing;*
- (5) PRESENT the revised Draft Policy and a report to the Council for adoption, having been reviewed and amended where appropriate with regard to any submissions received; and*
- (6) WRITE to those owners in the streets deleted from the revised recognised streetscapes list indicating that if more than 30 per cent of owners within the street demonstrate an interest in having the street listed, the Town will conduct consultation with all owners within the street to determine if they wish to have their street listed; and”*

Debate ensued.

Cr Messina departed the Chamber at 7.34pm.

Debate ensued.

Cr Messina returned to the Chamber at 7.35pm.

Debate ensued.

AMENDMENT NO 1 PUT AND LOST (3-6)

<u>For</u>	<u>Against</u>
Cr Ker	Mayor Catania
Cr Lake	Cr Burns
Cr Maier	Cr Doran-Wu
	Cr Farrell
	Cr Messina
	Cr Youngman

AMENDMENT NO 2

Moved Cr Ker, Seconded Cr Youngman

That;

1. *clauses (iii) and (v) (b) be amended to read as follows:*

*“(iii) **DOES NOT ADOPT the Draft Policy relating to Residential Streetscapes in its present form, due to the significant number of objections received;**”*

*“(v) (b) **FURTHER CONSIDER the matter of adopting the Residential Streetscapes Policy for the streets (where the majority of owners have indicated their support) specified in clause (v) (a) above, based on the submissions received as a result of the further consultation by no later than April 2009; and**”;*

2. *a new clause (iv) be added as follows:*

*“(iv) **REQUESTS a further report on the amendments to the Draft Policy on Residential Streetscapes in response to comments received during the community consultation by no later than April 2009;**”;* and

3. *the remaining clauses (iv), (v) and (vi) be renumbered accordingly.*

Debate ensued.

PROCEDURAL MOTION

At 8.00pm **Moved Cr Messina, Seconded Cr Farrell**

That Standing Orders be suspended to allow for the Presiding Member, Mayor Nick Catania to speak.

PROCEDURAL MOTION PUT AND CARRIED (9-0)

Debate ensued.

PROCEDURAL MOTION

At 8.08pm **Moved Cr Messina, Seconded Cr Ker**

That Standing Orders be resumed.

PROCEDURAL MOTION PUT AND CARRIED (9-0)

Debate ensued.

AMENDMENT NO 2 PUT AND CARRIED (8-1)

<u>For</u>	<u>Against</u>
Cr Burns	Mayor Catania
Cr Doran-Wu	
Cr Farrell	
Cr Ker	
Cr Lake	
Cr Maier	
Cr Messina	
Cr Youngman	

AMENDMENT NO 3

Moved Cr Burns, Seconded Cr Farrell

That the new clause (iv) be amended as follows:

“(iv) ***REQUESTS a further report on the amendments to the Draft Policy on Residential Streetscapes in response to comments received during the community consultation by no later than April 2009 and provides the Council with some recommendations and timelines as to how any amended Draft Policy would be advertised, including but not limited to;***

- ***which streets would be included;***
- ***how any street not automatically included may be included in the consultation period; and***
- ***further provides some recommendations as to how any streets may “opt in” to be bound by the policy at a later date;”***

Debate ensued.

AMENDMENT NO 3 PUT AND CARRIED (8-1)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Youngman
Cr Burns	
Cr Doran-Wu	
Cr Farrell	
Cr Ker	
Cr Lake	
Cr Maier	
Cr Messina	

Debate ensued.

AMENDMENT NO 4

Moved Cr Lake, Seconded Cr Maier

That clause (vi) be amended to read as follows:

“(vi) ***AMENDS the Town’s Residential Design Elements Policy to delete reference to “maintaining a single storey presentation to street” or similar wording (wherever it appears) and AUTHORISES the Chief Executive Officer to amend the document accordingly to reflect Council decision, and refer the amended version of the Policy to Council for further consideration by no later than December 2008.”***

Debate ensued.

Cr Burns departed the Chamber at 8.26pm.

Debate ensued.

Cr Burns returned to the Chamber at 8.27pm.

Debate ensued.

AMENDMENT NO 4 PUT AND LOST (4-5)

<u>For</u>	<u>Against</u>
Cr Ker	Mayor Catania
Cr Lake	Cr Burns
Cr Maier	Cr Doran-Wu
Cr Youngman	Cr Farrell
	Cr Messina

AMENDMENT NO 5

Moved Cr Lake, Seconded Cr Maier

That clause (vi) be deleted.

Debate ensued.

AMENDMENT NO 5 PUT AND LOST (3-6)

<u>For</u>	<u>Against</u>
Cr Ker	Mayor Catania
Cr Lake	Cr Burns
Cr Maier	Cr Doran-Wu
	Cr Farrell
	Cr Messina
	Cr Youngman

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (7-2)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Lake
Cr Burns	Cr Maier
Cr Doran-Wu	
Cr Farrell	
Cr Ker	
Cr Messina	
Cr Youngman	

COUNCIL DECISION ITEM 7.3

That the Council;

- (i) *RECEIVES Amendment No. 43 to Planning and Building Policies – Draft Policy relating to Residential Streetscapes – Progress Report No. 1;*

- (ii) *CONSIDERS the submissions received during the community consultation period regarding the Draft Policy relating to Residential Streetscapes, as “Laid on the Table” and shown at Appendix 7.3;*
- (iii) *DOES NOT ADOPT the Draft Policy relating to Residential Streetscapes in its present form, due to the significant number of objections received;*
- (iv) *REQUESTS a further report on the amendments to the Draft Policy on Residential Streetscapes in response to comments received during the community consultation by no later than April 2009 and provides the Council with some recommendations and timelines as to how any amended Draft Policy would be advertised, including but not limited to;*
- *which streets would be included;*
 - *how any street not automatically included may be included in the consultation period; and*
 - *further provides some recommendations as to how any streets may “opt in” to be bound by the policy at a later date;*
- (v) *NOTES that a number of submissions in some specific streets support their street being the subject of the Draft Residential Streetscapes Policy;*
- (vi) *subject to clause (iii) above being approved, AUTHORISES the Chief Executive Officer to:*
- (a) *FURTHER CONSULT with the owners of properties (in writing) seeking their views as to whether they desire their street to be the subject of the Draft Residential Streetscapes Policy, for the following streets:*
1. *Wilberforce Street, Mt Hawthorn*
 2. *Cantle Street, Perth*
 3. *Chapman Street, Perth*
 4. *Chertsey Street, Mount Lawley*
 5. *Pakenham Street, Mount Lawley*
 6. *St Albans Avenue, Highgate*
 7. *Summers Street, Perth*
 8. *Coronation Street, North Perth*
 9. *Alma Road, North Perth*
 10. *Daphne Street, North Perth*
 11. *Doris Street, North Perth*
 12. *Lawler Street, North Perth*
 13. *Baker Avenue, Perth*
 14. *Brisbane Street, Perth*
 15. *Carr Street, West Perth*
 16. *Fitzroy Street, West Perth*
 17. *Hammond Street, West Perth*
 18. *Janet Street, West Perth*
 19. *McCarthy Street, Perth*
 20. *Myrtle Street, Perth*
 21. *Throssel Street, Perth*
 22. *Wade Street, Perth; and*
- (b) *FURTHER CONSIDER the matter of adopting the Residential Streetscapes Policy for the streets (where the majority of owners have indicated their support) specified in clause (v)(a) above, based on the submissions received as a result of the further consultation by no later than April 2009; and*

- (vii) *AMENDS the Town's Residential Design Elements Policy to delete reference to "maintaining a single storey presentation to street" or similar wording (wherever it appears) and AUTHORISES the Chief Executive Officer to amend the document accordingly to reflect Council decision.*

ADDITIONAL INFORMATION:

Since the Town sent correspondence notifying those who made submissions on the Draft Policy that the matter will be referred to the Special Meeting of Council to be held on 28 October 2008, the Town's Officers have received a further three (3) telephone calls and ten (10) emails as at 2.00pm, 28 October 2008.

Two (2) telephone calls and six (6) emails have voiced their support for the Draft Residential Streetscapes Policy. The main issues that have been raised by those in support of the Policy are as follows:

- Concern regarding the Note on the consultation form sent by the Town, which states that *"If we do not receive a submission by the closing date, we will assume that you have no objection in relation to the matter, and the matter will be determined without any further consultation."*

The concern arising from this is that the inclusion of the Note on the consultation form raises doubt as to the true level of support as residents may have assumed that, if they did not respond, the Town would recognise them as having no objection to the proposal and the data presented in the Agenda Report and used to formulate the Officer Recommendation does not reflect this;

- Concern regarding clause (vi) of the recommendation and the reasoning for this clause. Concerned residents that have contacted the Town believe that it is not appropriate to amend an existing Residential Design Elements Policy based on objections raised to the Draft Residential Streetscapes Policy and that due process regarding Policy Amendments is not being followed; and
- Concern that the outcomes of *Vincent Vision 2024* may not be achieved and that the effort of many residents in taking part in this process is being overlooked.

The Town also received one (1) telephone call and three (3) emails from people who were reiterating their objection to the Draft Residential Streetscapes Policy and one (1) email stating that the respondent would not be able to attend.

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with a summary of the outcomes of the community consultation carried out and to make recommendations with respect to a way forward with the Draft Residential Streetscapes Policy.

BACKGROUND:

23 January 2007 The Council at its Ordinary Meeting resolved the following:

"That the Council;

- (ii) *ADOPTS the following actions in relation to the future development and progression of the draft Residential Design Elements Policy;*

- (c) *a new Policy relating to Streetscapes, independent but inherently linked to the draft Residential Design Elements Policy and future Town Planning Scheme, be prepared, and that a report and draft Policy be referred to the Council no later than February 2007;*

...”

29 March 2007 The Town Planning Scheme Review Committee Meeting considered and discussed residential streetscapes.

19 May 2007 The Town Planning Scheme Review Elected Members Meeting considered and discussed residential streetscapes.

12 June 2007 The Council at its Ordinary Meeting resolved the following in relation to the proposed Residential Streetscapes Policy, Residential Subdivisions Policy and Single Bedroom Dwellings Policy:

“That the Council RECEIVES Progress Report No. 1 - Proposed Residential Streetscapes Policy, Residential Subdivisions Policy, and Single Bedroom Dwellings Policy.”

9 October 2007 The Council at its Ordinary Meeting resolved the following in relation to the proposed Draft Residential Streetscapes Policy:

“That the Council RECEIVES Progress Report No. 2 – Amendment No. 43 to Planning and Building Policies – Draft Policy Relating to Residential Streetscapes.”

12 February 2008 The Council at its Ordinary Meeting resolved the following in relation to the proposed Draft Residential Streetscapes Policy:

“That the Council RECEIVES Progress Report No. 3 – Amendment No. 43 to Planning and Building Policies – Draft Policy Relating to Residential Streetscapes.”

27 May 2008 The Council at its Ordinary Meeting resolved the following in relation to the proposed Draft Residential Streetscapes Policy:

“That the Council;

- (i) *RECEIVES the Draft Policy relating to Residential Streetscapes, as shown in Attachment 10.1.20; subject to the Draft Policy being amended as follows:*

- (a) *The list of recognised streetscapes be amended to read as follows:*

<i>‘Category 1 Streetscapes</i>	<i>Category 2 Streetscapes</i>
<i>Leederville Anzac Road (between Loftus Street and Oxford Street); Salisbury Street; and Muriel Place (Note: separate Guidelines included as Appendix 6).</i>	<i>Leederville Bourke Street (between Oxford Street and Loftus Street); Byron Street; Franklin Street (between Shakespeare Street and Loftus Street); Galwey Street;</i>
<i>Mount Hawthorn Faraday Street;</i>	<i>Marian Street; Rae Street; and</i>

<p><i>Harrow Street ; and Wilberforce Street .</i></p> <p><i>Mount Lawley/Highgate Cantle Street, Perth;</i> <i>Chapman Street, Perth;</i> <i>Chertsey Street, Mount Lawley;</i> <i>Mary Street, Highgate;</i> <i>Pakenham Street, Perth;</i> <i>St Albans Ave, Highgate;</i> <i>Stanley Street, Mount Lawley;</i> <i>Vincent Street, North Perth (between Norfolk Street and William Street); and</i> <i>West Parade, Perth.</i></p> <p><i>North Perth</i> <i>Alfonso Street;</i> <i>Alma Road;</i> <i>Burt Street;</i> <i>Camelia Street;</i> <i>Chamberlain Street;</i> <i>Commonwealth Avenue;</i> <i>Coronation Street;</i> <i>Daphne Street;</i> <i>Doris Street;</i> <i>Lawler Street;</i> <i>Pennant Street;</i> <i>Persimmon Street (Numbers 1-8 inclusive);</i> <i>Vine Street (Numbers 9-26 inclusive);</i> <i>Waugh Street; and</i> <i>Woodville Street.</i></p> <p><i>Perth</i> <i>Baker Avenue, Perth;</i> <i>Brisbane Street, Perth (between Palmerston Street and Lake Street);</i> <i>Bulwer Avenue, Highgate;</i> <i>Carr Street, North Perth (between Cleaver Street and Charles Street);</i> <i>Fitzroy Street, North Perth;</i> <i>Hammond Street, North Perth;</i> <i>Janet Street, North Perth;</i> <i>McCarthy Street, Highgate;</i> <i>Myrtle Street, Perth;</i> <i>Strathcona Street, West Perth;</i> <i>Stuart Street, Perth (Numbers 6-22, inclusive);</i> <i>Throssel Street; and</i> <i>Wade Street (Numbers 2-12, inclusive).</i></p>	<p><i>Shakespeare Street (between Bourke Street and Salisbury Street).</i></p> <p><i>Mount Hawthorn</i> <i>Anzac Road (between Loftus Street and Sasse Avenue);</i> <i>Birrell Street;</i> <i>Blackford Street;</i> <i>Buxton Street;</i> <i>Coogee Street;</i> <i>Dunedin Street;</i> <i>East Street;</i> <i>Edinboro Street;</i> <i>Egina Street;</i> <i>Ellesmere Street;</i> <i>Eucla Street;</i> <i>Fairfield Street;</i> <i>Federation Street;</i> <i>Flinders Street (between Anzac Road and Scarborough Beach Road);</i> <i>Kalgoorlie Street;</i> <i>Killarney Street;</i> <i>Lynton Street;</i> <i>Matlock Street;</i> <i>Milton Street ;</i> <i>Sasse Street;</i> <i>Seabrook Street;</i> <i>Shakespeare Street; and</i> <i>The Boulevarde .</i></p> <p><i>Mount Lawley/Highgate</i> <i>Cavendish Street, Highgate;</i> <i>Chatsworth Road, Highgate;</i> <i>Chelmsford Road, Mount Lawley;</i> <i>Gardiner Street, Perth;</i> <i>Grosvenor Road, Mount Lawley;</i> <i>Harley Street, Highgate;</i> <i>Harold Street, Mount Lawley (all single, terrace and grouped dwellings between Vincent Street and Lord Street);</i> <i>Hyde Street, North Perth;</i> <i>Raglan Road, Mount Lawley;</i> <i>Summers Street, Perth; and</i> <i>Wasley Street, North Perth (between William Street and Norfolk Streets).</i></p> <p><i>North Perth</i> <i>Albert Street (Numbers 16- 41, inclusive);</i> <i>Alma Road (Numbers 89-140, inclusive);</i> <i>Auckland Street;</i> <i>Barnet Street;</i> <i>Clieveden Street;</i> <i>Elizabeth Street;</i> <i>Ethel Street;</i> <i>Eton Street;</i></p>
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	<p><i>Farmer Street;</i> <i>Forrest Street (Numbers 82-121, inclusive);</i> <i>Grosvenor Road (between Fitzgerald Street and Norfolk Street);</i> <i>Hobart Street;</i> <i>Knutsford Street;</i> <i>Mabel Street;</i> <i>Marmion Street (Numbers 1-41, inclusive);</i> <i>Monmouth Street (Numbers 90-103, inclusive);</i> <i>Namur Street;</i> <i>Paddington Street;</i> <i>Raglan Road (between Fitzgerald Street and Norfolk Streets);</i> <i>Richmond Street (Numbers 3-48, inclusive);</i> <i>Selkirk Street;</i> <i>Sydney Street;</i> <i>Venn Street (Numbers 18-49, inclusive);</i> <i>Vincent Street, (between Fitzgerald Street and Norfolk Street); and</i> <i>Vine Street (south of View Street).</i></p> <p><i>Perth</i> <i>Bulwer Street, North Perth (between Vincent Street and Fitzgerald Street);</i> <i>Cleaver Street, West Perth;</i> <i>Florence Street, North Perth;</i> <i>Glendower Street, Perth;</i> <i>Grant Street, Highgate;</i> <i>Kingston Avenue, West Perth;</i> <i>Lane Street, Perth;</i> <i>Orange Avenue, Perth; and</i> <i>Palmerston Street, Perth (between Glendower Street and Stuart Street).”</i></p>
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- (ii) *ADVERTISES the Draft Policy relating to Residential Streetscapes 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*
- (iii) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the Draft Policy relating to Residential Streetscapes, having regard to any written submissions; and*

(b) *DETERMINES the Draft Policy relating to Residential Streetscapes, with or without amendment, to or not to proceed with them.*"

19 August 2008 The Town's Officers presented an overview of the Draft Policy, a brief summary of the submissions and options to proceed with the Draft Policy to a Council Members Forum.

DETAILS:

A Draft Policy relating to Residential Streetscapes was prepared and considered by the Council at its Ordinary Meeting held on 27 May 2008. The Draft Policy was advertised and an analysis of the submissions received are detailed in the 'Consultation/Advertising' section of this report.

CONSULTATION/ADVERTISING:

The Draft Policy was advertised in accordance with clause 47 of the Town of Vincent Town Planning Scheme No. 1. The advertising period commenced on 24 June 2008 and concluded on 22 July 2008. 6,268 affected property owners were individually notified of the advertising of the Draft Policy by the Town, along with an FAQ (Frequently Asked Questions) sheet attached to the letter.

The Town received a total of **656** submissions on the Draft Policy, including 33 late submissions. The breakdown of submissions is as follows:

- 458 objecting;
- 175 in support; and
- 23 not stated.

Position

A Table summarising the respondents' position on the Draft Policy is provided below:

Comments	Number of Submissions Received
Objection	458 69.8%
Support	175 26.7%
Not stated	23 3.5%
TOTAL	656 100%

Respondents

The Town – supplied submission proforma listed the affected property owners mailing address and the address of the identified 'residential streetscape'. Based on this information, the Town's Officers were able to ascertain how many respondents were owner/occupiers and how many were absentee owners. The results are summarised in the Table below:

Owner/Occupier	Absentee Owner	Not Specified	
441	207	8	No. (Total=656)
67.23%	31.55%	1.22%	% of Total Responses (Total=100%)

Further to the above, a Table summarising the respondent's position in relation to their status as either owner/occupier or absentee owner is provided below:

Respondent (Total No. of Responses)	Support	Objection	Not Stated
Owner/Occupier (441)	128 (19.51%)	295 (44.97%)	18 (2.74%)
Absentee Owner (207)	47 (7.17%)	156 (23.78%)	4 (0.61%)
Not Specified (8)	0	7 (1.07%)	1 (0.15%)

Place Based Area Breakdown

Below is a Table outlining the number of submissions received relative to the place based areas, including a breakdown of the number of the type of responses received.

Place Based Area	Number of Affected Owners Advertised to	Number of Submissions Received	Number in Support	Number of Objections	Number Not Stated
Leederville	394	66	15	49	2
Mount Hawthorn	2210	240	52	180	8
Mount Lawley/ Highgate	1163	93	29	61	3
North Perth	1715	155	50	104	1
Perth	786	76	29	44	3
Not Stated/Not listed	N/A	26	0	20	6
TOTAL	6,268	656	175	458	23

Key Issues

The Town's Officers have identified the number of submissions raising similar issues and have provided an appropriate Officer Response in the Table below:

Key Issue	Number of Objectors That Raised Issue	Proportion of Total Objectors	Officer Comments
Restricted Building Height, Upper Storey Setbacks and Associated Issues	117	25.55%	Supported – The Draft Policy is not intended to prevent the building of a second storey. It is intended to ensure new development is sympathetic and complementary to identified residential streetscapes. The aim of the requirement is to ensure that development does not detract and dominate the existing streetscape character.

Key Issue	Number of Objectors That Raised Issue	Proportion of Total Objectors	Officer Comments
			<p>Notwithstanding the above, the Policy is in draft format and the Town's Officers recognise that amendments need to be made to ensure that the intent of the Policy is further clarified.</p> <p>The Town's Officers also recognise that certain elements need to be amended to allow for flexibility, particularly with regard to building height and upper floor setbacks, where it is demonstrated that the overall outcome of the development is sympathetic and complementary to the existing streetscape character.</p>
Restricted Density/Subdivision Concerns	28	6.11%	<p>Supported – The Draft Policy is not intended to limit or prohibit redevelopment; it is intended to ensure that any future development or redevelopment is sympathetic and complementary to the existing streetscape character. This includes redevelopment through subdivision.</p> <p>The Draft Policy does not change the zoning of the subject land or dwelling potential of the subject properties.</p> <p>The Draft Policy provides design guidelines for a number of design elements that will aid in achieving the development that is sympathetic and complementary to the existing streetscape character.</p> <p>Notwithstanding the above, the Town's Officers recognise that certain elements require amendments to allow for flexibility and to ensure that the most appropriate design outcomes are achieved.</p>
Restricted Demolition Concerns	28	6.11%	Supported – The Town's Officers recognise that the requirements relating to demolition need to be amended to allow for flexibility.

Control Over Building Style and Associated Impacts	40	8.73%	<p>Supported – The intent of the Draft Policy has been stated above and the Town’s Officers recognise that the Policy needs to be amended to allow for flexibility with regard to building style and to facilitate the appropriate integration of old and contemporary architecture.</p> <p>The above can primarily be achieved through ensuring consistency in setbacks, height, bulk and scale.</p>
Too Restrictive/ Prescriptive	126	27.51%	<p>Supported – The Policy is in draft format and the Town’s Officers recognise that certain elements need to be amended to allow for an appropriate amount of flexibility, where it is demonstrated that the overall outcome of the development is sympathetic and complementary to the existing streetscape character.</p>
Effect on Property Values	97	21.18%	<p>Noted – There is no published conclusive evidence to support or refute this claim.</p>
Object to Policy in Current Form but Agree with Intent	38	8.29%	<p>Noted - The Policy is in draft format and the Town’s Officers recognise that certain elements need to be amended to allow for an appropriate amount of flexibility, where it is demonstrated that the overall outcome of the development is sympathetic and complementary to the existing streetscape character.</p>
Result in Lack of Diversity and the Associated Impacts on Future Development of Suburb/Town	38	8.29%	<p>Supported – The intent of the Draft Policy has been stated above and the Town’s Officers recognise that the Policy needs to be amended to allow for flexibility with regard to building style and to facilitate the appropriate integration of old and contemporary architecture, which will facilitate appropriate diversity in building style and form.</p> <p>The above can primarily be achieved through ensuring consistency in setbacks, height, bulk and scale.</p> <p>It is important to note that the Policy does not amend the zoning of the land and still allows for grouped dwellings to be developed, provided they maintain the existing character of the dwelling type of the street, as viewed from the street.</p> <p>Therefore, diversity in dwelling types is not restricted.</p>

Comparison to Heritage	27	5.9%	Not supported – The Draft Policy is not a heritage listing. Heritage refers to individual properties with heritage significance or groups of properties with cultural heritage significance. Streetscape character encompasses the overall aesthetics of the built form; that is, the combined look and feel that the built form of all dwellings within the street block presents to the passerby. Further, it refers to uniformity in the built form, particularly in terms of setbacks, height, bulk and scale.
Already Enough Regulations	25	5.46%	Supported – The Town’s Officers are of the opinion that a Policy that specifically provides design guidelines for recognised streetscapes is beneficial for some streets, as it will ensure that the recognised streetscapes character is protected and enhanced.
Environmental Concerns	33	7.21%	Supported – The Town’s Officers recognise that the Draft Policy needs to be amended to facilitate sustainable and eco-friendly developments.
No Comments	109	23.8%	Noted.

In view of the overwhelming number of objections received, it is recommended that the Draft Residential Streetscapes Policy not be adopted.

It is noted that the majority of objectors raised more than one issue. Those who supported the Policy however, have not been taken into consideration in the Table above as they did not raise these particular issues. Those who did not state their support or objection have also not been taken into account in this Table.

The complete summary of submissions, including Officer comments is “*Laid on the Table*”.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 states:

“Objective 1 : Natural and Built Environment

- 1.1 *Improve and maintain environment and infrastructure*
 - 1.1.2 *Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.*
 - 1.1.3 *Enhance and maintain the character and heritage of the Town.*
 - 1.1.4 *Minimise negative impacts on the community and environment.”*

SUSTAINABILITY IMPLICATIONS:

If adopted, it is considered that the Draft Residential Streetscapes Policy will direct future development to occur in a manner that encourages the retention and enhancement of character and heritage in the Town, in specified streets while minimising undue negative impacts on the community and environment.

FINANCIAL/BUDGET IMPLICATIONS:

The current 2008/2009 Budget allocates \$62,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

The results of the consultation period provided insight into respondents' views on the Draft Policy and the categorisation of certain streetscapes. It also provided Officers with the data to enable decisions to be made with respect to the way forward with the Draft Policy.

It is evident that there is considerable objection to the Draft Policy. Accordingly the Council should not adopt the Draft Residential Streetscapes Policy as a "blanket document" to cover the whole Town. In view of support from some property owners in some streets, the Council should further consult with property owners in the streets to ascertain their views as to whether their street should be the subject of the Draft Residential Streetscapes Policy.

Below is a detailed analysis of the submissions received on a 'by category' and 'a street by street basis'.

Analysis by Category

Provided below is a Table that identifies the number of submissions received relative to Category 1 and 2 streetscapes, including a breakdown of the type of responses received for each of the categories.

Category	Number of Affected Owners Advertised to	Number of Responses Received	Support Number and Proportion to Responses Received	Objection Number and Proportion to Responses Received	Not Stated Number and Proportion to Responses Received
Category 1	1322	164	60 (36.6%)	99 (60.4%)	5 (3%)
Category 2	4946	466	115 (24.7%)	339 (72.7%)	12 (2.6%)
Not Listed/Not Stated	N/A	26	0 (0%)	20 (76.9%)	6 (23.1%)
TOTAL	6,268	656	175 (26.7%)	458 (69.8%)	23 (3.5%)

The above Table indicates that the majority of respondents objecting to the Draft Policy had properties located within a Category 2 recognised 'residential streetscape'.

These streets exhibit unique qualities; however, an unprecedented amount of objections have been received from respondents within Category 2 recognised streetscapes. Category 2 recognised streetscapes are not considered to be as intact, with respect to consistent built form, as Category 1 recognised streetscapes.

It is further noted that the Town's existing Policies relating to residential development are suitably robust with respect to ensuring the amenity of Category 2 recognised streetscapes are preserved and enhanced. Accordingly, it is considered appropriate that Category 2 recognised streetscapes be deleted from the Draft Policy.

The Town's Officers are of the opinion that by virtue of the consistency in their built form, **some** Category 1 streetscapes exhibit qualities that distinguish them from other streets within the Town. The idea of townscape/streetscape areas first arose as a result of the need to preserve and enhance these intact and unique streetscapes. As such, the Town's Officers are of the opinion that further consultation with the property owners and investigation needs to be undertaken to determine the appropriate recommendation with respect to these specific streetscapes that were initially identified as Category 1 recognised streetscapes, as part of the review process and particularly where the submissions are in favour for their specific street.

Street by Street Analysis

The Town's Officers have conducted an analysis of the submissions received in response to identified residential streetscapes. The analysis outlines the number of affected owners within the street advertised to, the number of submissions received relevant to each street and a breakdown of the type of responses received.

Street by Street Analysis Table:

Street by Place Based Area and Category (Total No. of Responses)	Number of Affected Owners Advertised to	Number and Proportion of Affected Owners Advertised to (%)	Support No.	Objection No.	Not Stated
Leederville					
<u>Category 1</u>					
Anzac Road	57	3 (5.3%)	1	1	1
Salisbury Street	62	10 (16.1%)	3	7	0
Muriel Place	18	7 (38.9%)	0	7	0
<u>Category 2</u>					
Bourke Street	63	13 (20.6%)	1	12	0
Byron Street	20	3 (15%)	0	3	0
Franklin Street	27	7 (25.9%)	1	5	1
Galwey Street	59	4 (6.8%)	2	2	0
Marian Street	42	8 (19%)	3	5	0
Rae Street	23	3 (13%)	0	3	0
Shakespeare Street	23	8 (34.8%)	4	4	0
Mount Hawthorn					
<u>Category 1</u>					
Faraday Street	10	6 (60%)	1	5	0
Harrow Street	15	3 (20%)	0	3	0
Wilberforce Street	25	5 (20%)	3	2	0

Street by Place Based Area and Category (Total No. of Responses)	Number of Affected Owners Advertised to	Number and Proportion of Affected Owners Advertised to (%)	Support No.	Objection No.	Not Stated
<u>Category 2</u>					
Anzac Road	126	14 (11.1%)	3	10	1
Birrell Street	28	3 (10.7%)	1	2	0
Blackford Street	55	3 (5.5%)	0	3	0
Buxton Street	131	27 (20.6%)	4	21	2
Coogee Street	158	18 (11.4%)	9	7	2
Dunedin Street	129	6 (4.7%)	2	4	0
East Street	84	6 (7.1%)	0	6	0
Edinboro Street	110	5 (4.5%)	1	4	0
Egina Street	191	21 (11%)	1	19	1
Ellesmere Street	74	5 (6.8%)	0	5	0
Eucla Street	18	3 (16.7%)	1	2	0
Fairfield Street	144	31 (21.5%)	4	26	1
Federation Street	119	17 (14.3%)	2	15	0
Flinders Street	48	5 (10.4%)	1	4	0
Kalgoorlie Street	108	9 (8.3%)	2	7	0
Killarney Street	18	1 (5.6%)	1	0	0
Lynton Street	69	8 (11.6%)	0	7	1
Matlock Street	137	12 (8.8%)	6	6	0
Milton Street	53	5 (9.4%)	2	3	0
Sasse Avenue	100	12 (12%)	2	10	0
Seabrook Street	14	3 (21.4%)	1	2	0
Shakespeare Street	155	1 (0.6%)	0	1	0
The Boulevarde	91	11 (12.1%)	5	6	0
Mount Lawley/ Highgate					
<u>Category 1</u>					
Chertsey Street	5	0	0	0	0
Mary Street	75	11 (14.7%)	1	8	2
Pakenham Street	32	0	0	0	0
St Albans Ave	15	3 (20%)	2	1	0
Stanley Street	18	3 (16.7%)	1	2	0
Vincent Street	32	6 (18.8%)	2	4	0
West Parade	57	5 (8.8%)	2	3	0

Street by Place Based Area and Category (Total No. of Responses)	Number of Affected Owners Advertised to	Number and Proportion of Affected Owners Advertised to (%)	Support No.	Objection No.	Not Stated
<u>Category 2</u>					
Alma Road	22	4 (18.2%)	0	4	0
Cavendish Street	25	1 (4%)	0	1	0
Chatsworth Road	66	7 (10.6%)	1	6	0
Chelmsford Road	187	17 (9.1%)	7	10	0
Forrest Street	38	2 (5.3%)	1	1	0
Gardiner Street	23	2 (8.7%)	2	0	0
Grosvenor Road	159	9 (5.7%)	2	7	0
Harley Street	26	2 (7.7%)	0	2	0
Harold Street	64	8 (12.5%)	1	7	0
Hyde Street	29	2 (6.9%)	0	2	0
Monmouth Street	49	0	0	0	0
Raglan Road	115	5 (4.3%)	3	1	1
Wasley Street	53	4 (7.5%)	2	2	0
North Perth					
<u>Category 1</u>					
Alfonso Street	13	3 (23%)	1	2	0
Alma Road	50	0	0	0	0
Burt Street	80	9 (11.3%)	1	8	0
Camelia Street	27	2 (7.4%)	0	2	0
Chamberlain Street	42	1 (2.4%)	0	1	0
Commonwealth Avenue	45	6 (13.3%)	2	4	0
Coronation Street	40	6 (15%)	4	2	0
Daphne Street	21	0	0	0	0
Doris Street	30	7 (23.3%)	4	3	0
Lawler Street	73	19 (26%)	12	7	0
Pennant Street	46	4 (8.7%)	1	3	0
Persimmon Street	8	1 (12.5%)	0	1	0
Vine Street	18	1 (5.6%)	0	1	0
Waugh Street	50	3 (6%)	1	2	0
Woodville Street	46	2 (4.3%)	0	2	0

Street by Place Based Area and Category (Total No. of Responses)	Number of Affected Owners Advertised to	Number and Proportion of Affected Owners Advertised to (%)	Support No.	Objection No.	Not Stated
<u>Category 2</u>					
Albert Street	33	2 (6.1%)	0	2	0
Alma Road	17	10 (58.8%)	0	10	0
Auckland Street	65	8 (12.3%)	6	2	0
Barnet Street	33	3 (9.1%)	1	2	0
Clieveden Street	59	5 (8.5%)	1	4	0
Elizabeth Street	64	5 (7.8%)	3	2	0
Ethel Street	26	0	0	0	0
Eton Street	116	7 (6%)	0	7	0
Farmer Street	47	3 (6.4%)	0	3	0
Forrest Street	31	2 (6.5%)	0	2	0
Grosvenor Road	38	1 (2.6%)	0	1	0
Hobart Street	80	0	0	0	0
Knutsford Street	44	6 (13.6%)	2	4	0
Mabel Street	79	1 (1.3%)	0	1	0
Marmion Street	45	3 (6.7%)	0	3	0
Monmouth Street	8	2 (25%)	0	2	0
Namur Street	14	1 (7.1%)	1	0	0
Paddington Street	83	9 (10.8%)	3	6	0
Raglan Road	14	4 (28.6%)	3	0	1
Richmond Street	47	6 (12.8%)	0	6	0
Selkirk Street	16	4 (25%)	1	3	0
Sydney Street	98	4 (4.1%)	1	3	0
Venn Street	32	4 (12.5%)	2	2	0
Vincent Street	28	0	0	0	0
Vine Street	9	1 (11.1%)	0	1	0
Perth					
<u>Category 1</u>					
Baker Avenue	10	2 (20%)	1	1	0
Brisbane Street	29	5 (17.2%)	2	2	1
Bulwer Avenue	16	3 (18.8%)	1	2	0
Cantle Street	12	0	0	0	0
Carr Street	46	13 (28.3%)	7	5	1

Street by Place Based Area and Category (Total No. of Responses)	Number of Affected Owners Advertised to	Number and Proportion of Affected Owners Advertised to (%)	Support No.	Objection No.	Not Stated
Chapman Street	17	2 (11.8%)	2	0	0
Fitzroy Street	8	0	0	0	0
Hammond Street	22	4 (18.2%)	2	2	0
Janet Street	15	3 (20%)	2	1	0
McCarthy Street	9	0	0	0	0
Myrtle Street	22	0	0	0	0
Strathcona Street	17	4 (23.5%)	0	4	0
Stuart Street	9	1	0	1	0
Summers Street	44	0	0	0	0
Throssel Street	17	0	0	0	0
Wade Street	19	1 (11.1%)	1	0	0
<u>Category 2</u>					
Bulwer Street	35	5 (14.3%)	2	3	0
Cleaver Street	136	6 (4.4%)	3	3	0
Florence Street	71	14 (19.7%)	3	11	0
Glendower Street	100	3 (3%)	0	3	0
Grant Street	5	0	0	0	0
Kingston Avenue	83	5 (6%)	2	2	1
Lane Street	20	2 (10%)	0	2	0
Orange Avenue	20	3 (15%)	1	2	0
Palmerston Street	77	2 (2.6%)	2	0	0
Not Stated/Not Listed	N/A	26	0	20	6
TOTAL	6268	656	175	458	23

Note: A number of respondents did not state their affected address, some respondents were also did not own a property within a proposed recognised streetscape. For the purposes of this Table, they have been categorised as Not Stated/Not listed.

Residential Design Elements Policy

The existing Town's Residential Design Elements Policy has several clauses and provisions requiring a single storey presentation to the street, where the streetscape is predominately single storey. A number of submissions objected to this matter. In light of the above, it is recommended that the Residential Design Elements Policy be amended to delete reference to these clauses.

Review Methodology

The Town's Officers recommend the following methodology be used to review the possible retaining of the Draft Policy for some streets where the majority of property owners agree:

- (a) Carry out further consultation for those **Category 1** streetscapes where landowners have not objected to the Draft Policy. This will include sending a letter to each property owner in these streets to ascertain whether they still wish for their street to be the subject of the Draft Streetscape Policy;
- (b) The Council to further consider the matter at the end of the further consultation period; and
- (c) Amend the Policy's Draft Design Guidelines to address the main concerns raised during the further consultation period **and for this to apply ONLY to the streets where the majority of landowners are in favour or do not object and where the street has been specifically approved by the Council.**

Conclusion

The concept of protecting the Town's character residential streetscapes has a long and substantial background, which has been described in detail in previous reports on the matter and in the Draft Local Planning Strategy.

However, given the considerable number of objections received concerning the Draft Policy, the Council should take cognisance of the objections and not adopt the Draft Residential Streetscapes Policy. The Council should however acknowledge that some property owners in some streets have supported their street being the subject of the Draft Policy, whilst others have not lodged an objection. In these cases, the Town should further consult with the property owners and consider the further submissions received, at the end of the consultation period.

The Council is aware that a process similar to that used in the review of the Town's Municipal Heritage Inventory, whereby it consulted to specifically ascertain the views of property owners for specific properties has proven to be most successful, as it does not apply a "blanket approach" to the whole Town. It is acknowledged that this will create additional work for the Town's Officers; however, the outcome is considered to be more beneficial in the long term, if this methodology is adopted.

Approval of the Officer recommendation is therefore requested.

7.4 Further Report - Policy Amendment No. 53 - Draft Policy Relating to Multiple Dwellings

Ward:	Both Wards	Date:	22 October 2008
Precinct:	All Precincts	File Ref:	PLA0200
Attachments:	001 ; 002		
Reporting Officer(s):	A Fox		
Checked/Endorsed by:	D Abel, R Boardman, John Giorgi	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the final amended version of the Policy relating to Multiple Dwellings as shown in Appendix 7.4 (a) resulting from the advertised version having been reviewed and with regard to 28 written submissions received during the formal advertising period and 17 late submissions, as summarised in Appendix 7.4 (b), in accordance with Clauses 47 (4) and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) *NOTES that the Policy relating to Multiple Dwellings has been further amended as follows:*
 - (a) *requiring proposed multiple dwelling developments comprising three (3) or more multiple dwellings and/or a height of greater than two (2) storeys to submit a Neighbourhood Context Report with their development application;*
 - (b) *to include diagrams that indicate what the Town considers a reasonable height transition; and*
 - (c) *to remove all references to 3 storeys within lower residential density zoned areas, R20 and R30;*
- (iii) *ADOPTS the final amended version of the Policy relating to Multiple Dwellings, as shown in Appendix 7.4 (a), in accordance with Clause 47 (5)(b) of the Town's Town Planning Scheme No. 1 subject to the Policy being amended as follows:*
 - (a) *clause 9) be amended to read as follows:*
 - '9) *For developments comprising of three or more multiple dwellings, applicants are required to submit ~~an urban~~ neighbourhood context report that documents the character elements of the streetblock (including both sides of the street) and the area to the rear of the development, whether or not separated by a right of way, and identifies opportunities and constraints of the subject site...*
- (iv) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the adopted Policy relating to Multiple Dwellings as shown in Appendix 7.4 (a), in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1.*

***Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.**

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Burns

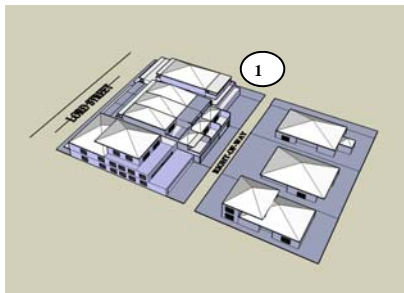
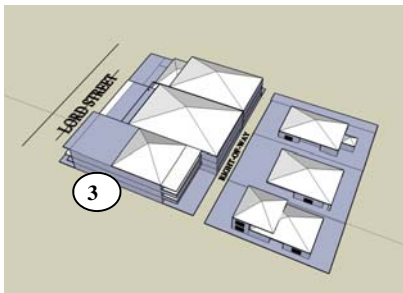
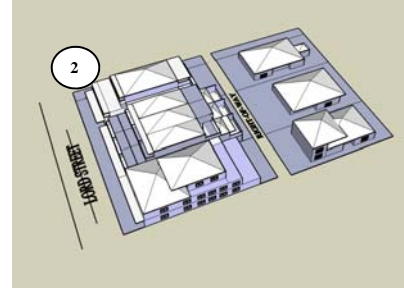
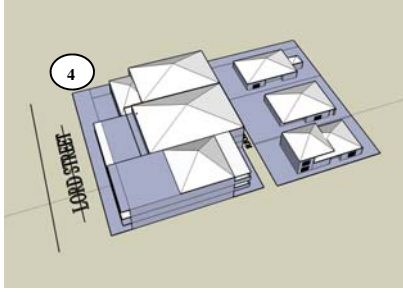
AMENDMENT NO 1

That clause (iii) be amended to read as follows:

“(iii) *ADOPTS the final amended version of the Policy relating to Multiple Dwellings, as shown in Appendix 7.4 (a), in accordance with Clause 47 (5)(b) of the Town’s Town Planning Scheme No.1, subject to the Policy being amended as follows:*

(a) *Clause 10) be amended by adding the attached:*

- (i) *“Examples of Appropriate Building Envelopes along Major Roads in Areas Zoned R60”; and***
- (ii) *“Examples of Appropriate Building Envelopes along Major Roads in Areas Zoned R80.***

① Sympathetic treatment of adjoining residential and/or low-scale developments is achieved through the staggering of building heights and setbacks, and reducing the impact on adjoining residential properties.

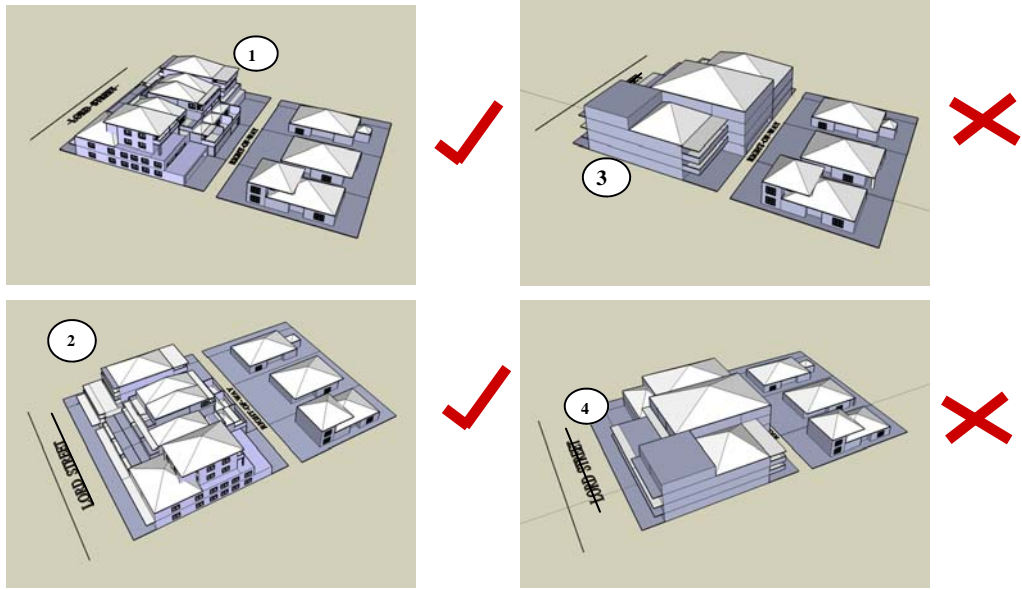
② Building heights are to be setback from the Primary Street an appropriate distance so as to not have an undue impact on the streetscape amenity.

③ Blank, featureless flushed walls are unacceptable.

④ Car parking is not to be located within the front setback area.

Note: The above applies to all developments regardless if there is a right-of-way or not separating the properties to the rear.

Examples of Appropriate Building Envelopes along Major Roads in Areas Zoned R60



1 Sympathetic treatment of adjoining residential and/or low-scale developments is achieved through the staggering of building heights and setbacks, and reducing the impact on adjoining residential properties.

2 Building heights are to be setback from the Primary Street an appropriate distance so as to not have an undue impact on the streetscape amenity.

3 Blank, featureless flushed walls are unacceptable.

4 Car parking is not to be located within the front setback area.

Note: The above applies to all developments regardless if there is a right-of-way or not separating the properties to the rear.

Examples of Appropriate Building Envelopes along Major Roads in Areas Zoned R80

Debate ensued.

The Presiding Member, Mayor Nick Catania advised that Cr Doran-Wu had declared a financial interest in Item 7.4.

Cr Doran-Wu departed the Chamber at 8.37pm and did not vote on the matter.

AMENDMENT NO 1 PUT AND CARRIED (8-0)

(Cr Doran-Wu was absent from the Chamber and did not vote.)

Cr Farrell departed the Chamber at 8.38pm.

Debate ensued.

Cr Doran-Wu returned to the Chamber at 8.40pm. The Presiding Member, Mayor Nick Catania advised Cr Doran-Wu that the amendment was carried.

Cr Farrell returned to the Chamber at 8.40pm.

Debate ensued.

Cr Messina departed the Chamber at 8.46pm.

Debate ensued.

Cr Messina returned to the Chamber at 8.47pm.

Debate ensued.

AMENDMENT NO 2

Moved Cr Youngman, Seconded Cr Lake

That page 3 of the Multiple Dwellings Policy be amended as follows:

“For the purpose of this Policy, major roads include Beaufort Street, ~~Bulwer Street~~, Charles Street, East Parade, Fitzgerald Street, Guildford Road, ~~Loftus Street~~, ~~London Street~~, Lord Street, Newcastle Street, Oxford Street (north of Richmond Street only), Scarborough Beach Road, Vincent Street, Walcott Street and William Street.”

Cr Doran-Wu departed the Chamber at 8.50pm and did not vote on the matter.

Debate ensued.

Amendment withdrawn with consent of seconder.

Debate ensued.

Cr Burns departed the Chamber at 9.06pm.

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (4-3)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Lake
Cr Farrell	Cr Maier
Cr Ker	Cr Messina
Cr Youngman	

(Crs Burns and Doran-Wu were absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 7.4

That the Council;

- (i) *RECEIVES the final amended version of the Policy relating to Multiple Dwellings as shown in Appendix 7.4 (a) resulting from the advertised version having been reviewed and with regard to 28 written submissions received during the formal advertising period and 17 late submissions, as summarised in Appendix 7.4 (b), in accordance with Clauses 47 (4) and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) *NOTES that the Policy relating to Multiple Dwellings has been further amended as follows:*
 - (a) *requiring proposed multiple dwelling developments comprising three (3) or more multiple dwellings and/or a height of greater than two (2) storeys to submit a Neighbourhood Context Report with their development application;*
 - (b) *to include diagrams that indicate what the Town considers a reasonable height transition; and*
 - (c) *to remove all references to 3 storeys within lower residential density zoned areas, R20 and R30;*

(iii) **ADOPTS the final amended version of the Policy relating to Multiple Dwellings, as shown in Appendix 7.4 (a), in accordance with Clause 47 (5)(b) of the Town's Town Planning Scheme No.1, subject to the Policy being amended as follows:**

(a) **clause 9) be amended to read as follows:**

'9) For developments comprising of three or more multiple dwellings, applicants are required to submit an ~~urban~~-neighbourhood context report that documents the character elements of the streetblock (including both sides of the street) and the area to the rear of the development, whether or not separated by a right of way, and identifies opportunities and constraints of the subject site...'

(b) **Clause 10) be amended by adding the attached:**

(i) **"Examples of Appropriate Building Envelopes along Major Roads in Areas Zoned R60"; and**

(ii) **"Examples of Appropriate Building Envelopes along Major Roads in Areas Zoned R80.**

1 Sympathetic treatment of adjoining residential and/or low-scale developments is achieved through the staggering of building heights and setbacks, and reducing the impact on adjoining residential properties.

2 Building heights are to be setback from the Primary Street an appropriate distance so as to not have an undue impact on the streetscape amenity.

3 Blank, featureless flushed walls are unacceptable.

4 Car parking is not to be located within the front setback area.

Note: The above applies to all developments regardless if there is a right-of-way or not separating the properties to the rear.

Examples of Appropriate Building Envelopes along Major Roads in Areas Zoned R60

1 Sympathetic treatment of adjoining residential and/or low-scale developments is achieved through the staggering of building heights and setbacks, and reducing the impact on adjoining residential properties.

2 Building heights are to be setback from the Primary Street an appropriate distance so as to not have an undue impact on the streetscape amenity.

3 Blank, featureless flushed walls are unacceptable.

4 Car parking is not to be located within the front setback area.

Note: The above applies to all developments regardless if there is a right-of-way or not separating the properties to the rear.

Examples of Appropriate Building Envelopes along Major Roads in Areas Zoned R80

- (iv) ***AUTHORISES the Chief Executive Officer to advertise the final amended version of the adopted Policy relating to Multiple Dwellings as shown in Appendix 7.4 (a), in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1.***

FURTHER REPORT:

The Council at its Ordinary Meeting held on 26 August 2008 considered the subject matter and resolved the following:

“That the matter be DEFERRED to;

- (i) *enable Council Members to provide feedback to the Chief Executive Officer and Directors;*
- (ii) *have the public gallery's concerns that were voiced at tonight's meeting, referred to the Officers for investigation; and*
- (iii) *analyse the submissions already received.”*

The Town's Officers have sought further clarification on the deferral of this item. It is understood that the key reasons for the deferral of this item is to further address the following issues:

- (i) clarification on the intention of the Multiple Dwellings Policy;

- (ii) consideration of the implications of building heights on adjoining residential areas;
- (iii) the appropriateness of allowing up to 3 storeys in lower residential density zoned areas; and
- (iv) clarification on how the Multiple Dwelling Policy fits within the overall strategic direction of the Town; in particular, to the Local Planning Strategy and Town Planning Scheme Review.

The Town Officers have considered the above and have provided the following comments in response to the concerns raised by members of the public during the consultation period and public question time and by Council Members.

Intention of the Multiple Dwellings Policy

The Multiple Dwellings Policy has been developed so that the planning system can support well designed multiple dwelling housing in appropriately located areas; in particular, along higher density major roads, activity centres and strategic development sites.

During the public consultation period, a number of the comments were critical of the broad nature of the draft Multiple Dwellings Policy. In this regard, it is important to note that it is not the intention of this Policy to be a stand alone document. The Multiple Dwellings Policy is intended to be a generic basis from which multiple dwelling development is managed; however, as stated within the Policy, it is to be read in conjunction with the Town of Vincent Town Planning Scheme No. 1, the Residential Design Elements Policy, any other relevant Planning Policies, as well as the Residential Design Codes of Western Australia. With the considerable number of Policies to bear in mind, the Town's Officers can appreciate that some confusion could occur in relation to how the draft Multiple Dwellings Policy fits within the context of the Town's other Policies.

It should be noted that the main tool for controlling residential development in Western Australia is the Residential Design Codes (R Codes). While the R Codes are very comprehensive, the R Codes also recognise that by its very nature, the R Codes cannot cater for specific differences that may exist from one local authority to another. In addressing these differences, the Town has developed the Residential Design Elements Policy. The Residential Design Elements Policy endeavours to complement the R Codes, by augmenting and further developing specific provisions with more specific policy measures pertinent to residential development within the Town of Vincent.

The Residential Design Elements Policy, while still in its infancy, has replaced a significant number of the Town's Policies relating to Residential Design Guidelines (Locality Statements and Design Elements). The major intention of developing the Residential Design Elements Policy was to have a detailed Policy that would form a generic basis from which residential development is controlled and managed. While the Residential Design Elements Policy functions as the primary reference tool for residential development within the Town, in particular circumstances, such as the development of multiple dwellings, there are additional objectives and Policy requirements that need to be addressed, hence the development of the draft Multiple Dwellings Policy.

In responding to objections that the draft Multiple Dwellings Policy is too broad, the Town's Officers have reflected on the concerns raised during the consultation period; however, consider that the finer grade issues of residential development are adequately addressed in both the Residential Design Elements Policy and the R Codes, and that it is not necessary to replicate them in the Multiple Dwellings Policy.

Consideration of the Implications of Building Heights to Adjoining Residential Areas

A significant number of submissions received during the public consultation period expressed concern that the draft Multiple Dwellings Policy did not adequately address the implications of multiple dwelling developments of three (3) to five (5) storeys on adjoining residential properties, in particular, where they adjoin major roads.

The Town's Officers acknowledge that residents are concerned by the potential impacts of multiple dwellings on traditional low density residential areas, particularly in relation to privacy, bulk and scale of development, streetscape character and traffic. In addressing these concerns, the Town's Officers have prepared an amendment to the draft Multiple Dwellings Policy that requires proposed multiple dwelling developments comprising three (3) or more multiple dwellings and/or a height of greater than two (2) storeys to submit a *Neighbourhood Context Report* with their development application. The purpose of this is to ensure that proposed multiple dwelling developments respond sensitively to their existing context, and to the aspirations of the Town and its community for the future development of the area.

In assessing an application for multiple dwelling developments comprising three (3) or more multiple dwellings and/or a height of greater than two (2) storeys, the Town will have the discretion to consider the appropriateness of a particular proposal, particularly in relation to the following criteria:

- (i) To ensure buildings respond creatively to their existing context and to agreed aspirations for the future development of the area; and
- (ii) To provide a creative design response that is based on a clear understanding of the urban context and character of the surrounding area.

Criteria (i) The *Neighbourhood Context Report* is to include an accurate site analysis which includes the following:

- the size, shape, orientation of the site and easements;
- the location and height of existing buildings on site and adjacent properties;
- the use of adjacent buildings including location of major openings to habitable rooms;
- the location of private open space on adjacent properties and the location of trees, fences and other landscape elements;
- solar access to the site and adjacent properties;
- the street frontage features such as poles, street trees, footpaths, kerb and crossovers;
- the location of shops, community facilities, public transport services and public open space within 800 metres walking distance;
- the movement systems through and around the site;
- the constraints and opportunities of the site; and
- an assessment of the neighbourhood character including such elements as, the subdivision pattern, street detail, building mass and rhythm, connection to the public realm, architectural character, social and economic activity, and cultural identity. The assessment of character should explain the pattern of development in the area and its characteristic features rather than simply presenting a list of unrelated facts or measurements.

Criteria (ii) As part of the *Neighbourhood Context Report*, the applicant is to submit a written and diagrammatic response to the objectives and above criteria of the Multiple Dwellings Policy, and demonstrate how the proposed development derives from and responds to the neighbourhood and site analysis context, with regard to elements such as quality of design and finishes, building form, height, setbacks, massing, materials, streetscape character, heritage, access, car parking, open space, landscape and safety

Transition of Heights Within the Site

In reviewing the submissions made during the consultation period, there would appear to be some confusion as to the allowable heights of development within the site and how this relates to adjoining residential areas. It should be noted that the intention is that where a multiple dwelling development of 3 to 5 storeys is proposed, a gradual transition of heights within the site will be required, ensuring that the development responds sensitively to the adjoining lower scale buildings within the area. The Town will only support applications of 3 storeys and above where a site (in terms of size and layout) can adequately and sensitively accommodate a transition in height, and in many cases this may not be feasible.

The draft Policy has been amended to include diagrams that indicate what the Town considers a reasonable height transition. These diagrams aim to show examples of acceptable and unacceptable transitions in height of multiple dwelling developments in relation to adjoining lower scale buildings.

3 Storeys in Lower Residential Density Areas

There have been some concerns raised by residents, particularly within the former Eton Locality area, as to the appropriateness of 3 storey multiple dwellings in lower residential density zoned areas. In light of these concerns, the Multiple Dwellings Policy has been amended to remove all references to 3 storeys within lower residential density zoned areas, R20 and R30. As a result, it is considered that removing the ability to develop multiple dwellings beyond the height of two storeys will significantly remove the concerns and uncertainty of residents within lower density zoned areas.

How Does the Multiple Dwellings Policy Fit with the Local Planning Strategy and the Town Planning Scheme Review

In developing the Local Planning Strategy, there are a number of studies and projects which have direct implications on the direction and content of the Local Planning Strategy. One of these projects is Scheme Amendment No. 25 to remove the clause relating to 'no multiple dwellings' in the Precincts of Cleaver, Smith's Lake, Norfolk, Hyde Park, Forrest and Banks. Since the gazettal of Town Planning Scheme No. 1 on 4 December 1998, the Town has been periodically questioned as to the appropriateness of the '*no multiple dwellings*' provision in these Precincts, and in particular along higher density coded major roads. Additionally, given the Town's proximity to the Central Business District and its excellent access to public transport and private transport networks, the restriction of multiple dwellings in these areas along major roads is considered to be contrary to the strategic objectives and direction of the Town. Multiple dwellings along major roads may also act as a buffer between the externalities, such as noise, associated with traffic on major roads and the surrounding established residential areas.

In preparing the Local Planning Strategy, the Town's Officers have given consideration to the principles of transit oriented development and the objectives of *Vincent Vision 2024* whereby '*A compatible mix of older and contemporary buildings offer diverse housing that respects sustainability principles*'. And '*High-density development exists in town centre nodes and along main streets that compliment existing streetscapes, setbacks and scale*'. In light of this, the Town prepared Amendment No. 25 to the Town Planning Scheme No. 1 to facilitate greater opportunities for housing diversity and higher density development in those restricted precincts. As the review of the Town Planning Scheme is a lengthy process, Scheme Amendment No. 25 has been progressed separately in order that the Council can consider pending applications for multiple dwellings in suitable areas in which they are currently restricted.

On initiation of Scheme Amendment No. 25, the Town's Officers prepared the draft Multiple Dwellings Policy. The draft Multiple Dwelling Policy was prepared in order to control and manage the development of multiple dwellings across the entire Town, including the Precincts subject to Amendment No. 25. It should be noted that both Scheme Amendment No. 25 and the associated draft Multiple Dwellings Policy has been progressed alongside the preparation of the Local Planning Strategy. Accordingly, the Town's Officers have considered matters in the context of the Town as a whole, as part of the preparation of the Local Planning Strategy and Town Planning Scheme Review.

Conclusion

The further amended final version of the Policy is included as an attachment to the report, and the changes to the advertised draft Policy is shown in strikethrough and underline.

Given the above response to the concerns raised during the community consultation period and at the Ordinary Meeting of Council held on 26 August 2008, it is recommended that the Council receives, adopts and advertises the further amended final version of the Policy relating to Multiple Dwellings in accordance with the Officer Recommendation.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 26 August 2008.

“OFFICER RECOMMENDATION:

That the Council;

- (i) RECEIVES the final version of the Policy relating to Multiple Dwellings as shown in Attachment 10.1.10, resulting from the advertised version having been reviewed and with regard to 28 written submissions received during the formal advertising period and 17 late submissions “Laid on the Table”, in accordance with Clauses 47 (4) and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) ADOPTS the final version of the Policy relating to Multiple Dwellings, as attached in Appendix 10.1.10, in accordance with Clause 47(5)(b) of the Town's Town Planning Scheme No. 1; and*
- (iii) AUTHORISES the Chief Executive Officer to advertise the final version of the adopted Policy relating to Multiple Dwellings as attached in Appendix 10.1.10, in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1.*

Moved Cr Doran-Wu, Seconded Cr Ker

That the recommendation be adopted.

Cr Messina departed the Chamber at 8.02pm.

Debate ensued.

Cr Messina returned to the Chamber 8.03pm.

Debate ensued.

Cr Doran-Wu withdrew as “Mover” of this Item as she was unable to vote on this matter.

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

COUNCIL DECISION ITEM 10.1.10

PROCEDURAL MOTION

Moved Cr Messina, Seconded Cr Ker

That the Item be DEFERRED to;

- (i) enable Council Members to provide feedback to the Chief Executive Officer and Directors;*
- (ii) have the public gallery's concerns that were voiced at tonight's meeting, referred to the Officers for investigation; and*
- (iii) analyse the submissions already received.*

The Chief Executive Officer advised that Cr Doran-Wu had declared a financial interest in Item 10.1.10.

Cr Doran-Wu departed the Chamber at 8.23pm and did not vote on the matter.

PROCEDURAL MOTION PUT AND CARRIED (3-2)

<i>For</i>	<i>Against</i>
<i>Mayor Catania</i>	<i>Cr Lake</i>
<i>Cr Ker</i>	<i>Cr Maier</i>
<i>Cr Messina</i>	

(Cr Doran-Wu was absent from the Chamber and did vote on this matter.)

(Cr Burns on approved leave of absence. Cr Youngman was an apology for the meeting. Cr Farrell was an apology for the remainder of the meeting for personal reasons.)

Cr Doran-Wu returned to the Chamber at 8.24pm. The Presiding Member, Mayor Nick Catania advised Cr Doran-Wu that the item was DEFERRED.

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the submissions received during the advertising period for the draft Policy and to present to the Council the final version of the Draft Policy relating to Multiple Dwellings.

BACKGROUND:

26 February 2008 The Council considered a report outlining the initiation of an Amendment to Town Planning Scheme No. 1 and a Draft Policy relating to multiple dwellings at its Ordinary Meeting and resolved as follows:

“That the Item be DEFERRED to allow for further discussion within Council on this topic.”

13 May 2008 The Council considered a further report relating to the proposed Scheme Amendment and Draft Policy relating to Multiple Dwellings and resolved as follows:

“That the item be DEFERRED to allow for further consideration.”

27 May 2008

The Council considered a further report relating to the proposed Scheme Amendment and Draft Policy relating to Multiple Dwellings and resolved as follows:

“That the Council;

(i) pursuant to Section 75 of the Planning and Development Act 2005, RESOLVES TO INITIATE AN AMENDMENT to the Town of Vincent Town Planning Scheme No. 1 by modifying the Scheme Text as follows:

(a) Replace clause 20 (4) (a) (i) –

“(a) Cleaver Precinct P5,

(i) Multiple dwellings are not permitted in this Precinct;”

with new clause 20 (4) (a) (i) -

“(a) Cleaver Precinct P5,

(i) Multiple dwellings will only be permitted in this precinct–where the Council is satisfied that the development is consistent with the Town of Vincent Policy relating to Multiple Dwellings;”;

(b) Replace clause 20 (4) (b) –

“(b) Smith’s Lake Precinct P6,

In the area along Charles Street, between Emmerson and Albert Streets, coded R60, multiple dwellings are not permitted.”

with new clause 20 (4) (b) –

“(b) Smith’s Lake Precinct P6,

In the area along Charles Street, between Emmerson and Albert Streets, coded R60, multiple dwellings will only be permitted in this precinct where the Council is satisfied that the development is consistent with the Town of Vincent Policy relating to Multiple Dwellings.”;

(c) Replace clause 20 (4) (e) (i) –

“(e) Hyde Park Precinct P12,

(i) Multiple dwellings are not permitted in this precinct;”

with new clause 20 (4) (e) (i) -

“(e) *Hyde Park Precinct P12,*

- (i) *Multiple dwellings will only be permitted in this precinct where the Council is satisfied that the development is consistent with the Town of Vincent Policy relating to Multiple Dwellings;”;*

(d) *Replace clause 20 (4) (g) (i) –*

“(g) *Banks Precinct P15,*

- (i) *Multiple dwellings are not permitted in this precinct ;”*

with new clause 20 (4) (g) (i) -

“(g) *Banks Precinct P15,*

- (i) *Multiple dwellings will only be permitted in this precinct where the Council is satisfied that the development is consistent with the Town of Vincent Policy relating to Multiple Dwellings;”;*

(e) *Replace clause 20 (4) (d) (i) -*

“(d) *Norfolk Precinct P10,*

- (i) *Multiple dwellings are not permitted in areas coded R40;”*

with new clause 20 (4) (d) (i) -

“(d) *Norfolk Precinct P10,*

- (i) *Multiple dwellings will only be permitted in areas coded R40 where the Council is satisfied that the development is consistent with the Town of Vincent Policy relating to Multiple Dwellings;”;*

“(ii) *AMENDS the Draft Policy relating to Multiple Dwellings as follows:*

(a) *Policy Statement clause 11) Major Roads be amended to read as follows:*

‘11) *Major Roads - ... multiple dwelling developments along major roads, which are not within a ‘recognised streetscape’ or opposite Hyde Park may be permitted*

...

Where a development abuts single storey residential development to the side or rear, the respective building height of the new buildings are required to respond sensitively to the adjoining lower scale buildings that will remain in an area. ~~and up to 5 storeys within sites excluding major roads which are within ‘recognised streetscapes’ or opposite Hyde Park.~~’ ”

- (iii) *ADVERTISES the Draft Policy relating to Multiple Dwellings 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 Multiple Dwellings, having regard to any written submissions; and*
 - (b) *DETERMINES the Draft Policy relating to Multiple Dwellings, with or without amendment, to or not to proceed with it."*

DETAILS:

The Council is requested to consider the final version of the Draft Policy relating to Multiple Dwellings which has been prepared alongside an amendment to Town Planning Scheme No. 1 to lift the restriction relating to 'No Multiple Dwellings' in the Cleaver, Smith's Lake, Hyde Park, Banks and Norfolk Precincts in the Town of Vincent. The Amendment to the Town Planning Scheme is currently being advertised in accordance with the regulations of the Planning and Development Act 2005. The closing date for submissions is 26 August 2008.

CONSULTATION/ADVERTISING:

Any new or amended Planning Policy is required to be advertised for public comment in accordance with Clause 47 of the Town's Town Planning Scheme No. 1.

Advertising of the draft amended Policy concluded on 15 July 2008. 45 submissions were received during the comment period, 38 of which objected to some aspects of the Policy. 17 submissions were received outside of the formal advertising period. A summary of the points raised are provided in the Schedule of Submissions (as Laid on the Table) and the below table.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 states:

"Objective 1.1 Improve and maintain environment and infrastructure...

1.1.2 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.

1.1.3 Enhance and maintain the character and heritage of the Town.

1.1.4 Minimise negative impacts on the community and environment."

FINANCIAL/BUDGET IMPLICATIONS:

The current 2008/2009 Budget allocates \$62,000 for Town Planning Scheme Amendments and Policies.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies and Residential Design Codes of Western Australia.

SUSTAINABILITY IMPLICATIONS:

The principles of the Multiple Dwellings Policy are in line with those outlined in the State Government's Network City strategy, which promote a sustainable future.

COMMENTS:

Of the 43 submissions received (during and after the advertising period), 2 were in support, 5 included comments only and 36 were objections to the draft Multiple Dwellings Policy.

For the purpose of this report, the main points raised in the submissions have been collated and grouped into issue areas. Provided below is a summary of the main concerns raised, and the Officer Comments in response to each of the matters.

SUMMARY OF SUBMISSIONS – KEY ISSUES		
<i>Consultation submissions – Key Issues</i>		<i>Officers Comments</i>
<i>The Policy is too broad</i>	<ul style="list-style-type: none"> • <i>Wording of the proposal is broad and subjective in many areas, giving no confidence of what is inappropriate design in terms of building massing, overshadowing, overlooking.</i> • <i>Too many loose statements. Provisions are poorly worded and contain no proper planning analysis.</i> • <i>Policy is too vague and open to interpretation, should be targeted to specific locations or precincts rather than apply to any major road.</i> 	<i>Not supported - the Draft Policy relates to the Town of Vincent as a whole, and it is necessary to be broad. As stated in the Policy, it is to be read in conjunction with the Residential Design Codes of Western Australia and the Town's Policies in particular relating to Residential Design Elements and Draft Residential Streetscapes which will address issues such as overlooking, overshadowing, height, bulk and scale.</i>
<i>Policy is in contrast to Vincent Vision 2024</i>	<ul style="list-style-type: none"> • <i>The Policy is against what the community wanted for the future in relation to VV2024.</i> • <i>How does this fit with the Vincent Vision Project?</i> • <i>Goes against VV2024, betrayal to those residents who gave time and energy in producing this. Less than 10 percent were in favour of this type of development.</i> 	<i>Not supported - it is considered that the Draft Multiple Dwellings Policy will satisfy one of the Town's goals (stemming from Vincent Vision 2024) of providing a mix of appropriate higher density housing principally in town centres and around other activity nodes (higher density areas), whilst being sympathetic to the existing amenity and character of the area. The Draft Multiple Dwellings Policy aims to facilitate the achievement of this goal in an appropriate and responsible manner.</i>

<p><i>Concern with 5 storey in residential areas</i></p>	<ul style="list-style-type: none"> • <i>Against any policy that would see 5 storey buildings backing onto or being close to residential lots.</i> • <i>Policy in its current format does not fairly deal with land and home owners that adjoin or back onto main road land, particularly for land holdings adjoining non-district centre or local centre zoned areas including Charles Street and parts of Scarborough Beach Road zoned R80 and R60.</i> • <i>Living one street back from London Street, this 5 storey Multiple Dwelling Policy will impact amenity in many ways.</i> 	<p><i>Not supported - the Town's Officers have amended clause 10) under the Draft Multiple Dwellings Policy relating to height, to further clarify allowable heights. In addition, when read in conjunction with the Residential Design Codes of Western Australia and the Town's Policies relating to Residential Design Elements and Draft Residential Streetscapes, will ensure multiple dwellings positively contribute to Town of Vincent and protect the existing amenity and character of the area.</i></p>
<p><i>Confusion over relationship with other Town Policies</i></p>	<ul style="list-style-type: none"> • <i>Policy states that this Policy would take precedence over other policies, it is assumed this does not include the Town Planning Scheme No. 1 and the Residential Design Codes?</i> • <i>Failure to understand or support how such contradictory policies can be fair to residents.</i> • <i>How is this coherent with Residential Streetscapes Policy.</i> 	<p><i>Noted - this Draft Policy is intended to enable the responsible development of multiple dwellings across the whole of the Town. It is supported by the Residential Design Codes of Western Australia, the Residential Design Elements Policy and Draft Residential Streetscapes Policy which endeavour to complement the Multiple Dwellings Policy, by augmenting and further developing specific provisions with more specific policy measures pertinent to residential development within the Town. If there are inconsistencies between the provisions of the Multiple Dwellings Policy and the Residential Design Codes or other Town's Policies, the provisions of this Policy takes precedence over the other Policies.</i></p>

<p><i>Concern that this amendment is ‘ad hoc’ and not considered in context of the Town Planning Scheme Review.</i></p>	<ul style="list-style-type: none"> • <i>The proposed scheme amendment associated with the policy and the proposed policy is an ad hoc approach particularly when a scheme review is underway. Policies and scheme reviews should be the result of clear planning analysis and processes- not evident in this policy.</i> • <i>Concerned that the bigger picture for the community’s future seems to be an oversight.</i> • <i>Building heights should be considered at the same time as the review of the Town Planning Scheme No. 1 which will review densities and town centre development.</i> • <i>Represents “planning on the run” does not form part of comprehensive review of planning and development controls for the Town.</i> 	<p><i>Not supported. - this Draft Policy is consistent with the Local Planning Strategy (in progress) which essentially forms the basis of the Town Planning Scheme Review, determining zonings and development potential for the entire Town.</i></p>
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In light of the submissions received, the Draft Multiple Dwellings Policy has been amended to provide a table in clause 10) that details the allowable heights of new multiple dwelling development along ‘Main Roads’ in relation to the primary street, within the subject site and where the development adjoins and abuts other properties dependant on the respective R Coding.

There was considerable concern that the broad nature of the Draft Policy would not adequately protect the amenity of adjoining properties and the existing character of the area. The Town’s Officers consider that it is the intention of the Policy to address the development of multiple dwellings within the Town as a whole, and that specific design elements are adequately addressed in the Residential Design Codes and the Town’s Policies relating to Residential Design Elements and Draft Residential Streetscapes. To require the Multiple Dwellings Policy to separately address these issues is considered overly onerous and repetitive.

It is therefore recommended that the Council receives and adopts the final version of the Draft Policy relating to Multiple Dwellings, in accordance with the Officers Recommendation.”

7.5 Proposed Amendment No. 25 to the Town of Vincent Town Planning Scheme No. 1 – Clause 20(4) Relating to No Multiple Dwellings

Ward:	Both Wards	Date:	22 October 2008
Precinct:	Cleaver P5; Smith's Lake P6; Hyde Park P12; Banks P15; Norfolk P10	File Ref:	PLA 0192
Attachments:	001		
Reporting Officer(s):	A Fox		
Checked/Endorsed by:	D Abel, R Boardman, John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

(i) **RESOLVES:**

- (a) *pursuant to Town Planning Regulation Section 17 (1) to RECEIVE and consider the 8 submissions and Schedule of Submissions as attached at Appendix 7.5; and*
- (b) *pursuant to Town Planning Regulation 17 (2), that Amendment No. 25 to the Town of Vincent Town Planning Scheme No. 1 BE ADOPTED FOR FINAL APPROVAL, without modification;*
- (ii) *AUTHORISES the Mayor and Chief Executive Officer to execute and affix the Town of Vincent Common Seal to Amendment No. 25 to the Town of Vincent Town Planning Scheme No. 1 documents reflecting the Council's endorsement of final approval;*
- (iii) *FORWARDS the relevant executed documents to and REQUESTS the Honourable Minister for Planning and Western Australian Planning Commission to adopt for final approval and gazettal, without modification, Amendment No. 25 to the Town of Vincent Town Planning Scheme No. 1;*
- (iv) *ADVISES the Environmental Protection Authority and those who made submissions of clauses (i), (ii), (iii) and (iv) above; and*
- (v) *REQUESTS the Minister for Planning and the Western Australian Planning Commission to deal with Amendment No. 25 as a matter of urgency.*

Cr Doran-Wu returned to the Chamber at 9.07pm.

COUNCIL DECISION ITEM 7.5

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Cr Burns returned to the Chamber at 9.09pm.

Debate ensued.

MOTION PUT AND CARRIED (6-3)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Lake
Cr Burns	Cr Maier
Cr Doran-Wu	Cr Messina
Cr Farrell	
Cr Ker	
Cr Youngman	

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the submissions received during the consultation period relating to Scheme Amendment No. 25 and to provide a recommendation to the Council to adopt for final approval, without modification, Amendment No. 25 to the Town of Vincent Town Planning Scheme No. 1.

BACKGROUND:

At the Ordinary Meeting of Council held on 13 May 2008, the Council resolved as follows:

“(a) *Replace clause 20 (4) (a) (i) -*

“(a) *Cleaver Precinct P5,*

(i) *Multiple dwellings are not permitted in this Precinct;”*

with new clause 20 (4) (a) (i) –

“(a) *Cleaver Precinct P5,*

(i) *Multiple dwellings will only be permitted in this precinct where the Council is satisfied that the development is consistent with the Town of Vincent Policies relating to Multiple Dwellings and residential design elements.”;*

(b) *Replace clause 20 (4) (b) -*

“(b) *Smith’s Lake Precinct P6,*

In the area along Charles Street, between Emmerson and Albert Streets, coded R60, multiple dwellings are not permitted;”

with new clause 20 (4) (b) -

“(b) *Smith’s Lake Precinct P6,*

In the area along Charles Street, between Emmerson and Albert Streets, coded R60, multiple dwellings will only be permitted where the Council is satisfied that the development is consistent with the Town of Vincent Policies relating to Multiple Dwellings and residential design elements.”;

- (c) *Replace clause 20 (4) (e) (i) -*
“(e) Hyde Park Precinct P12,
(i) Multiple dwellings are not permitted in this precinct;”
with new clause 20 (4) (e) (i) -
“(e) Hyde Park Precinct P12,
(i) Multiple dwellings will only be permitted in this precinct where the Council is satisfied that the development is consistent with the Town of Vincent Policies relating to Multiple Dwellings and residential design elements.”;
- (d) *Replace clause 20 (4) (g) (i) -*
“(g) Banks Precinct P15,
(i) Multiple dwellings are not permitted in this precinct;”
with new clause 20 (4) (g) (i) -
“(g) Banks Precinct P15,
(i) Multiple dwellings will only be permitted in this precinct where the Council is satisfied that the development is consistent with the Town of Vincent Policies relating to Multiple Dwellings and residential design elements.”;
- (e) *Replace clause 20 (4) (d) (i) -*
“(d) Norfolk Precinct P10,
(i) Multiple dwellings are not permitted in areas coded R40;”
with new clause 20 (4) (d) (i) -
“(d) Norfolk Precinct P10,
(i) Multiple dwellings will only be permitted in areas coded R40, where the Council is satisfied that the development is consistent with the Town of Vincent Policies relating to Multiple Dwellings and residential design elements.”

18 February 2008 The Council at its Ordinary Meeting considered proposed Scheme Amendment No. 25 to the Town Planning Scheme No. 1 – clause 20(4) relating to no multiple dwellings and resolved that the item be deferred to allow for further discussion with Council Members on this topic.

13 May 2008 The Council at its Ordinary Meeting resolved to initiate Scheme Amendment No. 25 and to advertise the associated Planning Policy Amendment No. 53 - Draft Policy relating to Multiple Dwellings for public comment.

16 June 2008 The Western Australian Planning Commission (WAPC) and the Environmental Protection Authority (EPA) were advised of the resolution to initiate Scheme Amendment No. 25.

- 25 June 2008 The WAPC advised the Town that consent to advertise has been granted.
- 9 July 2008 Servicing authorities, affected Government authorities, local authorities and Precinct Groups sent notice of the Amendment.
- 14 July 2008 Correspondence received from the EPA stating that the proposed amendment does not require an environmental assessment.
- 15 July 2008 Amendment advertised in the *'The Guardian'* newspaper.
- 26 August 2008 Advertising period completed. 8 submissions received by the Town.

DETAILS:

Population projections for the Town of Vincent will see the total population of the Town increase by approximately 8.6 percent by 2031, requiring approximately 156 new dwellings each year within the next 20 plus years (*WA Tomorrow* – Department of Planning and Infrastructure). Additionally, the changing demographic structure, in particular the ageing of the population and decreasing household size, will result in increasing demand for medium-high density development, preferably in areas with high accessibility to public transport, retail outlets and community facilities. Scheme Amendment No. 25 seeks to provide this accommodation in ways which respect the valuable heritage and character of the Town, whilst providing for future residential housing needs and adding value to the Town, in particular to its Town Centres and Activity Corridors.

The intention of Scheme Amendment No. 25 is to facilitate the development of medium-high density multiple dwellings within Town Centres and along major roads. Opportunities will be provided within areas, previously prohibited, for developments to be built up to 3 storeys high with capacity in some areas to develop up to 5 storeys depending on the locality, and subject to neighbourhood zonings and character guidelines being met. It is anticipated that this form of medium-high density development be primarily located within key Town Centre locations and along the major roads that can benefit from public transport opportunities and accessibility to retail outlets and community facilities.

An associated Draft Multiple Dwellings Policy has been prepared in order to ensure multiple dwellings are designed and located so as not to unduly impact on existing residential streetscapes; that they are complimentary to heritage and neighbourhood character; and that they do not unduly interfere with existing residential amenity. As evidenced during the community consultation phase in relation to the Draft Multiple Dwelling Policy, the quality of design of multiple dwellings and their perceived negative impact on the amenity of adjoining residential areas is a concern to some residents.

The Town's Officers consider that well designed and sited multiple dwellings in selected locations will add a new dimension to housing in the Town and provide housing options not currently available in some areas. Additionally, the Draft Multiple Dwelling Policy when used in conjunction with the Town's other policies, in particular relating to Residential Design Elements, will ensure that high design standards are maintained and that potential impact on neighbourhood amenity and character is a foremost consideration. In order to encourage appropriate development of a high standard, it is considered appropriate to impose two criteria within the Draft Multiple Dwelling Policy. The criteria relates to a minimum total land area of 1000 square metres being achieved and that new development should be of a high quality, have a rich visual character and architecturally well-designed, primarily to avoid piecemeal, speculative development.

It is recognised that within appropriate locations, the design of medium-high density multiple dwelling developments will contribute to the creation of vibrant community centres and facilitate the provision of greater diversity in housing choice and affordability for the changing demographic profile of the Town. Medium-high density development, such as multiple dwellings within appropriate located areas, is also consistent with objectives of the State Government's 'Network City' planning strategy.

Concerns in Relation to Local Planning Strategy and Town Planning Scheme (TPS) Review

During the consultation phase in relation to Scheme Amendment No. 25 and Policy Amendment No. 53 relating to Multiple Dwellings, it is evident that there has been some concern that consideration of Scheme Amendment No. 25 and the related Draft Policy separate from the current review of the TPS, and without an adopted Local Planning Strategy (LPS), is premature. Comments received during the consultation phase have been made to the effect that, any Scheme Amendment and significant policy change should result from clear planning analysis and processes through the Local Planning Strategy.

In response to these concerns, the Town's Officers make the following comments:

- (i) the Review of the Town Planning Scheme is a lengthy process subject to a number of external factors largely outside the local government's control;
- (ii) Given the lengthy time frame of the TPS Review, Scheme Amendment No. 25 and Policy Amendment No. 53 has been processed, alongside the preparation of the LPS.

Accordingly, the Town's Officers have considered matters relating to Scheme Amendment No. 25 and Draft Multiple Dwelling Policy on a Town wide context as part of the preparation for the LPS. Scheme Amendment No. 25 has been progressed separately in order that the Council can consider pending applications for multiple dwellings in those areas currently restricted by the provision in Clause 20.

Legal Advice in Relation to Multiple Dwelling Application at Nos. 272-282 Lord Street, Perth

Currently, the Town has received a planning application for a mixed use development, consisting of commercial on the ground floor and multiple dwellings on the upper floors, on Commercial zoned land that falls within the Banks Precinct No. 15, where multiple dwellings are currently not permitted under Town Planning Scheme No. 1.

In this regard, the Town has sought legal advice as to whether the Council has the discretion with regard to the consideration and determination of the mixed use development consisting of commercial and multiple dwellings, now that a Scheme Amendment removing the multiple dwellings prohibition has been initiated. The following legal opinion has been provided by the Town's solicitors:

"...Multiple Dwellings are a prohibited use, but a Scheme amendment process has been initiated which will permit them. There is simply no power or discretion to approve the application in its current form. The approval of the application will need to wait until the Scheme amendment is gazetted and has legal effect. If the Town sought to approve the application now, it would be an invalid approval and may expose the Town to a claim in negligence for any damages suffered by reason of such an invalid approval..."

In light of the above legal advice, it is recommended that the Town request the Minister for Planning and Western Australian Planning Commission (WAPC) to expedite the Scheme Amendment in order that consideration and determination can be carried out on the abovementioned and future planning applications.

CONSULTATION/ADVERTISING:

The proposed Scheme Amendment was advertised in the local newspaper (*The Guardian*), in accordance with the *Town Planning Regulations 1967*, Clause 15. A total of 8 submissions were received. Of those submissions received, 2 were in support, 2 objected, 2 made no objection and 2 made comment on the proposed Scheme Amendment. A Schedule of Submissions has been prepared and is an attachment to this Agenda Report.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies, Planning and Development Act 2005 and Town Planning Regulations 1967.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 states:

“Objective 1.1 Improve and maintain environment and infrastructure...”

1.1.2 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.

1.1.3 Enhance and maintain the character and heritage of the Town.

1.1.4 Minimise negative impacts on the community and environment.”

SUSTAINABILITY IMPLICATIONS:

The principles of Scheme Amendment No. 25 are in line with those outlined in the State Government’s *Network City* strategy, which promotes a sustainable future.

FINANCIAL/BUDGET IMPLICATIONS:

The current 2008/2009 Budget lists \$62,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

The summary of the submissions received indicates that:

- One (1) submission from a Government authority supported the proposed Scheme Amendment;
- One (1) submission from a Town of Vincent resident supported the proposed Scheme Amendment;
- Two (2) submissions from Government authorities had no objection to the proposed Scheme Amendment;
- Two (2) submissions from Government authorities made comment on the proposed Scheme Amendment; and
- Two (2) submissions from a Town of Vincent resident objected to the proposed Scheme Amendment.

In light of the above, it is recommended that the Council receives the submissions and adopts Amendment No. 25 for final approval without modification.

Additionally, it is recommended that the Council request the Minister for Planning and Infrastructure and the WAPC to deal with Amendment No. 25 as a matter of urgency in order that the Town can deal with pending development applications.

7.6 Finalisation of Amendment No. 27 to the Town of Vincent Town Planning Scheme No. 1 – Relating to Land Previously Coded Residential R20 in the Mount Hawthorn and North Perth Precincts - Precinct Plans 1 and 8

Ward:	North	Date:	22 October 2008
Precinct:	Mount Hawthorn, P1; and North Perth, P8	File Ref:	PLA0202
Attachments:	001		
Reporting Officer(s):	R Marie, E Saraceni, H Smith		
Checked/Endorsed by:	D Abel, R Boardman, John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) **RESOLVES** pursuant to Town Planning Regulation 17 (1) to **RECEIVE** the 105 submissions. in relation to Amendment No. 27 to the Town of Vincent Town Planning Scheme No. 1, as summarised in Appendix 7.6;
- (ii) **RESOLVES** pursuant to Town Planning Regulations 17 (2), that Amendment No. 27 to the Town of Vincent Town Planning Scheme No. 1, with modifications, **BE ADOPTED FOR FINAL APPROVAL** as follows:
 - (a) *Delete the following clauses:*
 - (1) *clause 20 (4) (c) (ii) “After 1 September 2008 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct”; and*
 - (2) *clause 20 (4) (h) (i) “After 1 September 2008 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct”; and*
 - (b) *Rezone the land previously coded Residential R20 in the North Perth and Mount Hawthorn Precincts from Residential R30/40 and Residential R30, respectively, to Residential R20;*
- (iii) **AUTHORISES** the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment No. 27 to the Town of Vincent Town Planning Scheme No. 1 modified Amendment documents reflecting the Council’s endorsement of final approval;
- (iv) **FORWARDS** the relevant executed documents to and **REQUESTS** the Honourable Minister for Planning and the Western Australian Planning Commission to adopt for final approval and gazettal, Amendment No. 27, with modifications, to the Town of Vincent Town Planning Scheme No. 1;
- (v) **ADVISES** the Environmental Protection Authority and those who made submissions of clauses (i), (ii), (iii) and (iv) above; and
- (vi) **REQUESTS** the Minister for Planning and the Western Australian Planning Commission to progress Amendment No. 27, with modifications, as a matter of urgency, as the date detailed in the ‘sunset clauses’ has lapsed.

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Doran-Wu, Seconded Cr Ker

That a new clause (vii) be inserted as follows:

“(vii) ***AUTHORISES the Mayor and the Chief Executive Officer to meet with the Minister for Planning and the West Australia Planning Commission to progress Amendment No. 27.***”

AMENDMENT PUT AND CARRIED (9-0)

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 7.6

That the Council;

- (i) ***RESOLVES pursuant to Town Planning Regulation 17 (1) to RECEIVE the 105 submissions. in relation to Amendment No. 27 to the Town of Vincent Town Planning Scheme No. 1, as summarised in Appendix 7.6;***
- (ii) ***RESOLVES pursuant to Town Planning Regulations 17 (2), that Amendment No. 27 to the Town of Vincent Town Planning Scheme No. 1, with modifications, BE ADOPTED FOR FINAL APPROVAL as follows:***
 - (a) ***Delete the following clauses:***
 - (1) ***clause 20 (4) (c) (ii) “After 1 September 2008 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct”; and***
 - (2) ***clause 20 (4) (h) (i) “After 1 September 2008 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct”; and***
 - (b) ***Rezone the land previously coded Residential R20 in the North Perth and Mount Hawthorn Precincts from Residential R30/40 and Residential R30, respectively, to Residential R20;***
- (iii) ***AUTHORISES the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment No. 27 to the Town of Vincent Town Planning Scheme No. 1 modified Amendment documents reflecting the Council’s endorsement of final approval;***
- (iv) ***FORWARDS the relevant executed documents to and REQUESTS the Honourable Minister for Planning and the Western Australian Planning Commission to adopt for final approval and gazettal, Amendment No. 27, with modifications, to the Town of Vincent Town Planning Scheme No. 1;***

- (v) *ADVISES the Environmental Protection Authority and those who made submissions of clauses (i), (ii), (iii) and (iv) above;*
- (vi) *REQUESTS the Minister for Planning and the Western Australian Planning Commission to progress Amendment No. 27, with modifications, as a matter of urgency, as the date detailed in the 'sunset clauses' has lapsed; and*
- (vii) *AUTHORISES the Mayor and the Chief Executive Officer to meet with the Minister for Planning and the West Australia Planning Commission to progress Amendment No. 27.*

PURPOSE OF REPORT:

The purpose of the report is to provide the Council with a summary of the submissions received during the advertising period of Scheme Amendment No. 27 and to endorse the Officer Recommendation to adopt the Amendment with modifications, for final approval.

BACKGROUND:

The background details on previous Amendments relating to the subject area can be found in the Council Agenda reports for Scheme Amendment Nos. 11, 22 and 24.

10 June 2008 The Council at its Ordinary Meeting resolved the following in relation to Scheme Amendment No. 27:

“That the Council;

- (i) *pursuant to section 74 of the Planning and Development Act 2005 RESOLVES to INITIATE an amendment to the Town of Vincent Town Planning Scheme No. 1 by deleting the following clauses;*
 - (a) *clause 20 (4) (c) (ii) “After 1 September 2008 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct”; and*
 - (b) *clause 20 (4) (h) (i) “After 1 September 2008 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct” ; and*
- (ii) *REQUESTS the Minister for Planning and Infrastructure and the Western Australian Planning Commission to progress the above amendment as a matter of priority, including a reduced advertising period of 21 days, due to the implications of the confined timeframe of 1 September 2008.”*

1 July 2008 The Minister for Planning and Infrastructure, the Western Australian Planning Commission (WAPC) and the Department of Environmental Protection were advised of the resolution to initiate Scheme Amendment No. 27.

18 July 2008 The Western Australian Planning Commission advised the Town that consent to advertise has been granted. Advertising was to be no less than 42 days.

21 July 2008	The Town received correspondence from the Environmental Protection Authority, stating that no advice or recommendations were necessary.
25 July 2008	Relevant Government agencies, servicing authorities, adjoining local governments and Precinct Groups were notified of the Scheme Amendment.
1 August 2008	Affected land owners were individually notified of the Scheme Amendment.
5 August 2008	The 42 day advertising period for the Scheme Amendment commenced.
1 September 2008	The date within clauses 20 (4) (c) (ii) and 20 (4) (h) (i) lapses, and the subject areas within the North Perth and Mount Hawthorn Precincts reverts back to R30/40 and R30, respectfully.
15 September 2008	Advertising period completed. 87 submissions and 18 late submissions were received by the Town.

DETAILS:

The purpose of Scheme Amendment No. 27 is to delete the following clauses within the Town of Vincent's Town Planning Scheme No. 1 (TPS No. 1) scheme text relating predominately to the former Eton Locality:

- (i) clause 20 (4) (c) (ii) "After 1 September 2008 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct"; and
- (ii) clause 20 (4) (h) (i) "After 1 September 2008 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct".

Amendment No. 11

The proposed deletion of the clauses as part of Scheme Amendment No. 27 relate directly with the Scheme Amendment No. 11, which was promulgated on 7 October 2003. Amendment No. 11 sought to down code the majority of the properties within the Eton Locality from R30/R40 to R20. The basis for this down coding was a desire to maintain the residential amenity of the area and to deter the subdivision of larger size lots to the detriment of the character of the area and housing stock within the Locality.

The former Hon Minister for Planning and Infrastructure inserted sunset clauses at the time of final adoption. Justification provided by the former Hon Minister at the time of imposing these clauses was based on a number of representations made by affected property owners at the time of the Scheme Amendment being considered for final adoption and the State Government Policy direction with respect to urban consolidation within the Perth Metropolitan area.

Amendment No. 22

A second Amendment (Amendment No. 22) to TPS No. 1 was subsequently initiated to delete the clauses inserted by the Hon Minister and allow for appropriate, orderly and proper planning consideration to be given to the residential density requirements of the Eton Locality during the Town's Town Planning Scheme Review. This Amendment resulted in the former Hon. Minister for Planning and Infrastructure extending the time frame of the sunset clauses from 1 July 2006 to 30 December 2007.

Amendment No. 24

A third Amendment (Amendment No. 24) to TPS No. 1 was subsequently initiated to delete the clauses inserted by the Hon Minister and allow for appropriate, orderly and proper planning consideration to be given to the residential density requirements of the Eton Locality during the Town's Town Planning Scheme Review. This Amendment resulted in the former Hon. Minister for Planning and Infrastructure extending the time frame of the sunset clauses from 30 December 2007 to 1 September 2008.

Amendment No. 27

The primary reason for initiating Scheme Amendment No. 27 to TPS No. 1 is to reflect the community's vision derived for the Town's community visioning project *Vincent Vision 2024*. *Vincent Vision 2024* expresses a desire within the community for the retention of the existing density, streetscapes and for dwellings with significant heritage and local character to be retained in the North Perth area. It was considered that the deletion of the above sunset clauses would be reflective of the desired outcomes presented in the Town's community visioning process.

Notwithstanding the above, the Town is cognisant of a conflict in the timeframe between not only the review of TPS No. 1 but that the 'sunset clause' of 1 September 2008 has expired and the effect of the initiated Scheme Amendment No. 27 is ineffectual as a result. In this respect, deletion of the clauses as initiated in this Scheme Amendment will not alone affect a return to a Residential R20 zoning on the Scheme Maps. Accordingly, the proposed Scheme Amendment No. 27 needs to be modified to reflect the original intent, which is to maintain a Residential R20 zoning in the area commonly referred to as the former Eton Locality.

The proposed modification to the Scheme Amendment documents would be to:

1. Delete the following clauses;
 - (a) *clause 20 (4) (c) (ii) "After 1 September 2008 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct"; and*
 - (b) *clause 20 (4) (h) (i) "After 1 September 2008 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct";*
- and
2. Rezone the land contained previously coded Residential R20 in the North Perth and Mount Hawthorn Precincts from Residential R30/40 and Residential R30, respectively, to Residential R20".

It is noted that the Town has adopted the following interim procedure for determining development and subdivision applications received between 1 September 2008 and the date of promulgation of Scheme Amendment No. 27:

- Development applications for any new dwelling and subdivision applications within the subject areas received during this interim period are to be assessed using the requirements of the current legal density codes, that is R30 for land formerly coded R20 within the Mount Hawthorn Precinct and R30/40 for land formerly coded R20 within the North Perth Precinct, and referred to the Council for its consideration and determination; and
- Applications for alterations and additions to existing dwellings within the subject areas are to be assessed using the development requirements of the above current legal density codes, and if the subject applications do not comply with the requirements of the R20 code, the application is to be referred to the Council for its consideration and determination.

CONSULTATION/ADVERTISING:

Scheme Amendment No. 27 was advertised in local newspaper *The Guardian* and affected landowners were individually notified, in accordance with clause 15 of the *Town Planning Regulations 1967*. A total of 105 submissions were received, 87.62 per cent of the total written submissions received (92 submissions) supported the proposed Scheme Amendment. The 7.62 per cent of submissions received (8 submissions), objected to the proposed Scheme Amendment, 0.95 per cent of submissions received (1 submission) did not state either objection or support and 3.81 percent of submissions received (4 submissions) were from Government agencies and servicing authorities. One of these submissions was from the Heritage Council of Western Australia, which supported the general principle of the Amendment. A Schedule of Submissions has been prepared and is "*Laid on the Table*".

The volume of submissions received in support of Scheme Amendment No. 27 reflects that the proposal to delete clauses 20 (4) (c) (ii) and 20 (4) (h) (i) is generally accepted and supported by the community located within the former Eton Locality.

For the purpose of this report, the main points raised in the submissions have been collated and grouped into issue areas. Provided below is a summary of the key issues raised, and the Officer Comments in response to each of the matters.

Consultation Submissions		Officer Comments
Support (92)		
Preservation of Amenity and Aesthetic Value	<ul style="list-style-type: none"> • A number of issues could arise as a result of increased density, including; <ul style="list-style-type: none"> - Overlooking/loss of privacy - Overshadowing - Loss of trees - Driveways servicing multiple garages located immediately adjoining existing dwellings - Inconsistent bulk and scale with adjoining properties - Potential loss of young families associated with infill development resulting in reduced use of services - Noise - Opposition to infill development - Opposition to high rise - Pollution - Overcrowding - Loss of backyard/ value of backyard - Comments regarding property value - Value the lifestyle/ character/ community feeling/ environment of the area - Blocks views - Increased social problems and a lot more people trying to use the same facilities 	<p>Not supported - the Town's Residential Design Elements Policy, Residential Subdivisions Policy and the Residential Design Codes (R Codes) contain provisions to ensure that the amenity of an adjoining residence is preserved and enhanced. New subdivision and development must comply with the requirements as outlined in the above Policies and R Codes. The height limit within the subject area is generally 2 storeys.</p> <p>Noise and pollution - Noted.</p> <p>Value of lifestyle/ character/ community feeling/ environment of the area and value of backyard- Noted.</p>
	<ul style="list-style-type: none"> • Extra cars, increased traffic, increased street parking issues, and less parking 	<p>Comments regarding extra cars and more traffic - Noted. It is acknowledged that increased urban densities could potentially create additional impacts.</p>

		<p>Comments regarding increased street parking- Noted. However, it is acknowledged that street parking could potentially increase.</p> <p>Comments regarding less parking- Noted. However, the Town's Policies and R Codes require residential development to supply adequate on-site parking.</p>
	<ul style="list-style-type: none"> Without any backyard, there is an increase of children playing with ball/bikes on the streets. Work in an area with high density and street play, traffic and safety is an issue. 	Noted.
	<ul style="list-style-type: none"> Support Amendment No. 27 to keep locality as R20 density. 	Supported - The retention of the R20 zoning is considered consistent with <i>Vincent Vision 2024</i> and provides diversity within the Town's housing stock, as has been outlined in 'Details' above.
	<ul style="list-style-type: none"> Any change could result in very significant aesthetic loss to the streetscape and overall character of the area. 	Not supported - The Town has sufficient Policies in place to ensure that the unique character of the area is preserved and enhanced.
	<ul style="list-style-type: none"> Only comment - <i>support the general principle of making density coding compatible with existing built form, where conserving heritage buildings is the desired planning outcome (as appears to be the case in the Mt Hawthorn and North Perth precincts).</i> <i>State Planning Policy 3.5 enunciates this principle, in section 6.7. (Heritage Council of WA)</i> 	<p>Noted and Supported.</p> <p>However, it is noted that there are no heritage buildings in the subject area that would require preservation as a result of this Amendment.</p>
Property Values	<ul style="list-style-type: none"> Prevention of property devaluation. 	Noted.
	<ul style="list-style-type: none"> Increased density will affect the value of homes. 	Noted.
Personal Impacts	<ul style="list-style-type: none"> Emotional stress and mentally exhausting battle we continue to have with the Council not putting this to rest. <i>"When will it listen to the residents, it's been ongoing now for years, and is clearly now taking a toll on me and other residents."</i> 	Noted - Previous Scheme Amendments have been required to be modified to include sunset clauses by the Western Australian Planning Commission and/or former Minister for Planning and Infrastructure, not the Council.

Planning Considerations	<ul style="list-style-type: none"> • “<i>consideration of a new clause that if the blocks on either side of a property have already been subdivided as part of the previous trial of R20 land being rezoned as R30/40, that the specified block in the middle could be subdivided given its neighbours are already subdivided.</i>” 	Not supported - Allowing subdivision of land adjacent to already subdivided land will result in adhoc subdivision and is not considered to be consistent with orderly and proper planning.
	<ul style="list-style-type: none"> • There are appropriate locations for medium and high densities- should occur in “greenfields”, where similar forms of housing are provided over a large area, rather than small ad hoc infill on individual lots. 	Not supported - There is a need for more housing in existing areas. Promoting greenfield development has a number of negative effects, including the promotion of urban sprawl and there are existing examples of higher densities on greenfield sites, which are unsuccessful and often prove to be dormant areas, as the majority of employment and entertainment precincts are within close proximity to the central city.
	<ul style="list-style-type: none"> • London Street Survey - height limits of 2 storeys. 	Noted - There is already a 2 storey height restriction in residential areas.
Sunset Clauses	<ul style="list-style-type: none"> • Issues relating to extension of the Sunset Clause – causes uncertainty and frustration on community within the affected area. 	Noted - Previous Scheme Amendments have been required to be modified to include sunset clauses by the Western Australian Planning Commission and/or former Minister for Planning and Infrastructure, not the Council.
	<ul style="list-style-type: none"> • The deletion of the clauses ensures that the TPS review and Draft Local Planning Strategy (LPS) is not undermined. 	Noted.
	<ul style="list-style-type: none"> • North Perth Precinct Group strongly opposes the extension of the sunset clause- results in further uncertainty and frustration in the community. It will be a number of years before the Scheme review and LPS are gazetted- sunset clause will require further Scheme Amendments. Waste of planning staff at the Council and DPI- resources should be focussed on Scheme review and LPS. 	Noted - Previous Scheme Amendments have been required to be modified to include sunset clauses by the Western Australian Planning Commission and/or former Minister for Planning and Infrastructure, not the Council.
	<ul style="list-style-type: none"> • Strongly encourage the Minister to <i>stop playing games with this locality and either allow R20 density or tie the decision to the current scheme review regardless of finish date.</i> • <i>No more sunset clauses.</i> 	Noted - Previous Scheme Amendments have been required to be modified to include sunset clauses by the Western Australian Planning Commission and/or former Minister for Planning and Infrastructure, not the Council.

<p>Vincent Vision 2024</p>	<ul style="list-style-type: none"> • VV2024 will ensure variety of housing forms and densities in the Town. • VV2024 statements and Eton Locality principles are consistent with the intent of Amendment No. 27. <i>“Guiding principles for North Perth & Mount Hawthorn promote the protection of low density housing and traditional housing stock and the careful management of density with higher densities occurring principally within town centres in closest proximity to services and public transport”.</i> • Vincent Vision for Eton Locality does not exclude infill development; however, requires it to be more controlled and strategically placed, as opposed to ad hoc and potentially incompatible with adjacent dwellings. Considered that a blanket density of R30/40 and R30 may result in incompatible development with adjoining dwellings, resulting in stress and uncertainty for adjoining owners. 	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p>
	<ul style="list-style-type: none"> • VV2024 when implemented through the Town Planning Scheme (TPS) review- ensure higher residential density in strategic locations; for example, Town centre areas. It is anticipated that these areas will be higher than R30/40 and R30- greater population closer to the CBD, therefore, more efficient and sustainable than the lower end of medium residential density codes (that is, R30/40 and R30). 	<p>Noted.</p>
<p>Various</p>	<ul style="list-style-type: none"> • It is unjust in the way this has been handled by TOV and the Minister. 	<p>Noted.</p>
	<ul style="list-style-type: none"> • <i>“I resent having this issue bought back for further discussion.”</i> 	<p>Noted.</p>
	<ul style="list-style-type: none"> • <i>“Nor do we want to be dictated to by the bullish, bulldozing behaviour of the incumbent (former) State Minister.”</i> • <i>“What should be well considered community planning is potentially being sabotaged and destroyed by nothing more than greed and (former) State Government incompetence”</i> 	<p>Noted.</p> <p>Noted.</p>

	<ul style="list-style-type: none"> • ***URGENT ** <i>Recently you will have again received a letter from the Town of Vincent regarding the density of the "Locality of Eton". If you wish to continue to keep your area low density (R20) i.e. One home per 500sqm – avoiding backyard infill, overlooking, overshadowing etc. please complete the attached form TODAY supporting Scheme Amendment 27 then return it immediately to the Town of Vincent. Please fill in the following areas: Scheme Amendment No. add "27" and tick box, Name, Address, Telephone, Subject of Submission (e.g. Home owner), Address of Property affected by scheme – (e.g. "as above") Submission – use your own words, this can be as simple as "I fully support Amendment 27 to keep the Locality of Eton as R20 Density" , date, signature. If unsure please contact the North Perth Precinct Group on: ... The North Perth Precinct Group apologises that on this occasion we do not have the manpower or time to door knock every home more than once in order to remind residents to collect forms. Please have you say and post the form today. CLOSING DATE 15/9/08".</i> 	<p>Noted - A proforma was prepared by the North Perth Precinct Group and distributed during the advertising period.</p>
Oppose (8)		
<p>Development Potential</p>	<ul style="list-style-type: none"> • Have been planning and waiting for the return of R30/40 zoning to develop site to accommodate some of the family. 	<p>Noted.</p>
	<ul style="list-style-type: none"> • <i>"View our quarter acre block as being fair and capable of offering more housing density options for the future whilst this city is known to be rapidly increasing its population density and inherent demands."</i> 	<p>Noted.</p>
	<ul style="list-style-type: none"> • <i>"My property would be vastly improved if I can develop the area."</i> 	<p>Noted.</p>
	<ul style="list-style-type: none"> • <i>"Strongly object ... which would reduce the density of dwellings allowed on some of our properties".</i> 	<p>Not supported - The retention of the R20 density is consistent with <i>Vincent Vision 2024</i> and will facilitate in providing diversity within the Town's housing stock, as the subject land is only one of two areas that will be zoned Residential R20.</p>

Property Values	<ul style="list-style-type: none"> Market value of the street would increase – more houses generate more revenue and enhance value of the area in terms of property marketing. 	Noted.
	<ul style="list-style-type: none"> Already have multiple unit development all around in North Perth/Mount Hawthorn. Pushing this amendment is denying the opportunity to maximise the values of properties. 	Noted.
Contrary to Planning Principles and Government Legislation	<ul style="list-style-type: none"> Nowhere else in Australia or the world would have residential areas zoned R20 within 5km of the CBD. 	Supported in part - The Town's intention as part of the Town Planning Scheme Review is to encourage higher density along activity corridors and within Town Centre areas to ensure that the amenity of surrounding residential areas is preserved.
	<ul style="list-style-type: none"> <i>"In keeping with housing affordability and diversity, a higher density of R30/40 is more suitable for N.Perth. It goes against housing affordability to be decreasing the density to R20 so close to the CBD."</i> 	Noted – However, it is considered that R20 coding also contributes to housing choice within the Town.
	<ul style="list-style-type: none"> <i>"...restricting the zoning to R20 is contrary to the current moves to have the zoning in inner city areas more dense according to state government policy."</i> 	Supported in part - The Town's intention as part of the Town Planning Scheme Review is to encourage higher density along activity corridors and within Town Centre areas to ensure that the amenity of surrounding residential areas is preserved.
Amendment is Inequitable	<ul style="list-style-type: none"> <i>"The existing pattern of development along the street is at R30/40 density. Over 50% of our neighbours on Sydney have developed to a higher zoning in the past. This is unfair to new landowners to zone down the density."</i> 	Noted.
	<ul style="list-style-type: none"> Already have multiple unit development all around in North Perth/Mount Hawthorn. 	Noted.
Various	<ul style="list-style-type: none"> Amendment being pushed by small group of ill-informed residents who do not understand that this would reduce the property value rather than enhance them. 	Noted.

	<ul style="list-style-type: none"> • “<i>The precinct group initiated local response many years ago (7 I believe) amidst a flurry of development in the immediate area.</i>” 	Noted.
	<ul style="list-style-type: none"> • Unhappy with the way the Council has dealt with zoning issue in Eton Street district area. 	Noted.
	<ul style="list-style-type: none"> • Do not understand the reason for the proposed reversal of the original decision and downzone the area to R20. 	Noted - The retention of the R20 is considered consistent with <i>Vincent Vision 2024</i> and provides diversity within the Town’s housing stock.
	<ul style="list-style-type: none"> • Hope the Council sticks to original decision to revert back to R30/40 zoning. 	Noted.
	<ul style="list-style-type: none"> • “<i>...we disagree with the intended downgrading controls to be placed on development in our area...</i>” 	Not supported - The retention of the R20 zoning is considered consistent with <i>Vincent Vision 2024</i> and provides diversity within the Town’s housing stock.
	<ul style="list-style-type: none"> • Many renters in the street and area – have little or no time to maintain these blocks of land. Subdivision of these blocks would reduce the amount of unmaintained houses and the overall ‘neatness’ of the area. 	Noted.

LEGAL/POLICY:

Town of Vincent Town Planning Scheme No. 1, associated Policies and Residential Design Codes.

STRATEGIC IMPLICATIONS:

Town of Vincent Strategic Plan 2006 – 2011:

“Strategic Objective: Natural and Built Environment

Objective 1.1 Improve and maintain environment and infrastructure...

1.1.2 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.

1.1.3 Enhance and maintain the character and heritage of the Town.

1.1.4 Minimise negative impacts on the community and environment.

SUSTAINABILITY IMPLICATIONS:

Amendment No. 27 is considered to address the social concerns of the community and is consistent with *Vincent Vision 2024*.

FINANCIAL/ BUDGET IMPLICATIONS:

The 2008/2009 Town of Vincent Budget has allocated \$62,000 to Town Planning Scheme Amendments and Policies.

COMMENTS:

The review of Town Planning Scheme No. 1 has involved a holistic review of the Town employing the principles of Network City, the outcomes of *Vincent Vision 2024* and contemporary planning practice. In this respect, the former Eton Locality was considered. The housing survey, including the identification of potential residential streetscapes, and the comparative review of the Town's residential areas, revealed that the subject area, given its relative proximity to the Central Business District of Perth and the comparative level of amenity to other residential areas in the Town, was neither unlike nor exceptional to many streets within the Town, nor within North Perth. Based on the above, justification of the maintenance of Residential R20 zoning in these areas is limited.

Notwithstanding the above, given the outcomes of *Vincent Vision 2024* with respect to the North Perth area, which espouses a maintenance of the Residential R20 zoning in the former Eton Locality, the consistent approach taken by the Town with respect to the initial and subsequent Scheme Amendments, that this area contributes to housing choice within the Town, and that there is little evidence of a significant shift in residents' wishes in this regard, it is considered appropriate at this point in time, to maintain the Residential R20 zoning within the former Eton Locality. It is noted however, that further consideration of the appropriateness of the lots fronting London Street is being considered as part of the Local Planning Strategy.

In addition, the Town's Officers record that further consideration of the area with respect to comparative zoning analysis should be undertaken in any future housing surveys and Town Planning Scheme Reviews to ensure consistency with the orderly and proper planning of the Town as a whole.

As outlined in the 'Details' section of this report, there is a need to modify the Scheme Amendment to maintain the Residential R20 intent of the original initiated Scheme Amendment No. 27 given the subject area is currently coded R30/40 and R30 respectively. Preliminary discussions have been held with Officers of the Department for Planning and Infrastructure, who have advised that a modification of the wording as proposed would reflect the intent of the original Amendment and accordingly would not result in the need for a new Amendment to be initiated. It is therefore recommended that the Council adopts the Officer Recommendation to delete clauses 20 (4) (c) (ii) and 20 (4) (h) (i), and rezone the subject area to Residential R20.

7.2 Draft Local Planning Strategy – Approval

Ward:	Both Wards	Date:	22 October 2008
Precinct:	All Precincts	File Ref:	PLA0140
Attachments:	001		
Reporting Officer(s):	H Smith, D Abel		
Checked/Endorsed by:	R Boardman, John Giorgi	Amended by:	R Boardman, John Giorgi

OFFICER RECOMMENDATION:

That the Council;

(i) **RECEIVES** the Draft Local Planning Strategy as “Laid on the Table”, as shown in Appendix 7.2 and circulated separately to Council Members;

(ii) **APPROVES** the Draft Local Planning, subject to the Strategy being amended as follows:

(a) *Page 2 - Housing Dwelling Type be amended to read as follows:*

“... Flats, units or apartments account for 17 percent of the Town’s housing stock, significantly less more than the 8.5 percent for the metropolitan area...”;

(b) *Page 30 - Income be amended to read as follows:*

“... The Town of Vincent as a whole has a higher percentage of its population earning a higher income level per week than the metropolitan area average. ~~Within the metropolitan area, there are more people earning less than \$1000 per week compared with the Town Vincent. However there are some suburbs within the Town that have more low income residents than the Town generally, in particular Mount Lawley, Highgate and North Perth.~~

~~In contrast, 4.1 percent of the metropolitan areas population is earning over \$2000 per week compared with the population within the Town where 6.4 percent are earning over \$2000 per week. Mount Hawthorn contains significantly higher levels of high income earners than other suburbs within the Town.~~

Within the Town 6.4 percent earn over \$2000 per week compared with a metropolitan average of 4.1 percent. Mount Hawthorn contains significantly higher levels of high income earners than other suburbs within the Town.

However, the suburbs of Mount Lawley, Highgate and North Perth have more low income residents than other areas of the Town ...”;

(c) *Page 31 Method of Travel be amended to read as follows:*

“... A much higher proportion of people in the Town of Vincent also walk or cycle to work compared to 2.3 percent ~~for~~ the metropolitan area...”;

(d) *Page 42 Affordable Housing Strategy be amended to read as follows:*

“... ~~Accordingly, the facilitation of affordable housing and consideration of a policy to realise these opportunities will be considered by the Council following formal consultation of the Draft Strategy in December 2008.~~

The Council considered the Draft Affordable Housing Strategy at its Special Meeting held on 14 October 2008 and resolved to further consider ‘affordable housing’ options relating to non-familial ancillary housing and ‘strategic development sites’ in the Town Planning Scheme Review and the Local Planning Strategy. The Council also noted its support for the Town entering into discussions with Local Service Providers and Institutions to define mutually beneficial partnership arrangements, where appropriate, on strategic development sites. The Draft Affordable Housing Strategy is to be formally advertised (including the four detailed briefs) for a period of twenty-eight (28) days, after which time the Council would consider the submissions received...’;

(e) *Pages. 49-51 - Review of Road Reserves be amended to read as follows:*

“... ”

1. London Street- Proposed 24.4 metre Reserve		
Road Section	Retain MRS	Remove MRS
Scarborough Beach Road to Hobart Street	Yes Extent to accommodate possible future intersection modifications at Scarborough Beach Road to be determined.	No
Hobart Street to Ellesmere Street	No	Yes Additional works and expense to install median islands not justified. Cost of purchasing land to widen road in order to install median islands not justified.
Ellesmere Street to Green Street	Yes Extent to accommodate future intersection modifications to be determined.	No
2. Loftus Street- Proposed 23 metre Reserve		
Section	Retain	Remove
Vincent Street to Anzac Road	No	Yes Additional works and expense to install median islands not justified. Cost of purchasing land to widen road in order to install median islands not justified.
3. Walcott Street- Proposed 23 metre Reserve		
Section	Retain	Remove
Charles Street to Lord Street	No	Yes Additional works and expense to install median islands not justified. Cost of purchasing land to widen road in order to install median islands not justified.
4. Fitzgerald Street- Proposed 23 metre Reserve		
Section	Retain	Remove
Charles Street to Lord Street	No	Yes Additional works and expense to install median islands not justified. Cost of purchasing land to widen road in order to install median islands not justified.

5. Vincent Street- Proposed 23 metre Reserve		
Section	Retain	Remove
Freeway to Charles Street	No	Yes Additional works and expense to install median islands not justified. Cost of purchasing land to widen road in order to install median islands not justified.
Charles Street to Bulwer Street	Yes Extent to accommodate possible future intersection modifications at Bulwer Street to be determined.	No.
6. Beaufort Street – Proposed 23 to 25m Reserve		
Section	Retain	Remove
Parry Street to Greenway Street	Generally Not applicable	
Greenway Street to south of Bulwer Street	No	Yes. Additional works and expense to install median islands not justified. Cost of purchasing land to widen road in order to install median islands not justified.
Intersection of Bulwer Street and Beaufort Street	Yes Extent to accommodate possible future intersection modifications to be determined.	No
North of Bulwer Street to Broome Street	No	Yes. Additional works and expense to install median islands not justified. Cost of purchasing land to widen road in order to install median islands not justified.
Broome Street to Harold Street	Not applicable	
Harold Street to Walcott Street	No	Yes. Additional works and expense to install median islands not justified. Cost of purchasing land to widen road in order to install median islands not justified.
7. William Street – Proposed 23.0m Reserve		
Section	Retain	Remove
Vincent Street to Walcott Street	No	Yes. Additional works and expense to install median islands not justified. Cost of purchasing land to widen road in order to install median islands not justified.”

...”;

(f) *Page 82 - 7.4.4 Local and Commercial Areas be amended to read as follows:*

“... Beaufort Street provides a vital conduit between the town centre of Mount Lawley and Northbridge Leederville and displays numerous opportunities for linear intensification of land uses supported by good levels of public transport...”;

(g) Page 88 – 7.6 Zoning Recommendations be amended to read as follows:

~~“... It is further noted that discussion of the land zoned Residential R20 in the Banks Precinct is outlined in 9.56.2 Former Eton Locality with respect to the Scheme Amendment considered by the former Minister for Planning and Infrastructure to down-zone the locality.~~

The Town Planning Scheme review involved a holistic review of the Town employing the principles of Network City, the outcomes of Vincent Vision 2024 and contemporary planning practice. In this respect, the housing survey, including the identification of potential residential streetscapes, and a comparative review of the Town's residential areas together with an area within the Banks Precincts in Mount Lawley, (down-coded to Residential R20 in 2002), revealed that this area, given its relative proximity to the Central Business District of Perth and the comparative level of amenity to other residential areas in the Town, was neither unlike nor exceptional to many streets within the Town, nor Mount Lawley respectively. It is noted however, that three of the seven streets within this area were identified as potential ‘residential streetscapes’.

It is further noted that the ‘transit oriented development’ analysis revealed that all of the land zoned Residential R20 within Mount Lawley is either within 400 or 800 metres of the East Perth and Mount Lawley Rail Stations. Consistent with the recommendations throughout the Strategy, similarly located land has warranted a recommendation of a significantly higher residential density zoning.

Whilst justification of the maintenance of Residential R20 zoning in these areas is unsubstantiated, there is little evidence of a significant shift in residents’ wishes in this regard and given that this area contributes to housing choice within the Town, it is considered appropriate, at this point in time, to maintain the Residential R20 zoning within the Banks Precinct.

The Town’s Officers would however, record that further consideration of this area with respect to comparative zoning analysis should be undertaken in any future housing surveys and Town Planning Scheme Reviews to ensure consistency and the orderly and proper planning of the area...”;

(h) Page 95 - Pedestrian Movement be amended to read as follows:

“... The improvement of the pedestrian link, particularly its visual clarity and safety, between Claisebrook Station and Members Equity Stadium, especially for crossing Lord Street, is considered essential to any improvement works carried out in this area...”;

(i) Page 111 - 8.4.1 The Town Centre be amended to read as follows:

~~“... William Street provides primary access to the Northbridge Entertainment area, the Perth Cultural Precinct and the Central Business District. however, the infrastructure comprises overhead power, concrete slab paths and associated infrastructure, underdeveloped adjoining land and vacant blocks, no soft landscaping / verge trees and no public art or street furniture...”;~~

(j) Page 112 - 8.4.1 The Town Centre be amended to read as follows:

“... It comprises a one way road north to south to the Central Business District with four (4) two (2) lanes of traffic, however, operates predominantly as a two (2) lane road...”;

(k) Page 117 – Architectural Style be amended to read as follows:

“... All buildings zoned Commercial or Residential/Commercial are encouraged to have a nil setback to Brisbane Street...”;

(l) Page 118 – Architectural Style be amended to read as follows:



“No.205 Brisbane Street, Perth



Nos.140-142 Brisbane Street, corner Lake Street, Perth

...”;

(m) Page 139 - 9.5.3 Strategic Development Sites be amended to read as follows:

“... ~~The Knutsford Hotel was demolished in 2004 and to date, a proposal to redevelop the site.~~ The Council at its Ordinary Meeting held on 27 May 2008 approved a four-storey mixed use development comprising twenty five (25) multiple dwellings (including 15 single bedroom dwellings and 10 two-bedroom dwellings), four (4) offices, one (1) eating house and associated car parking on the subject site...”; and

(n) Page 142 – 9.6.2 Former Eton Locality be amended to read as follows:

“... ~~the comparative review of the Town's residential areas together with the former Eton Locality and an area within the Banks Precincts in Mount Lawley, (both down-coded to Residential R20 in 2002), revealed that both of these this areas, given their its relative proximity to the Central Business District of Perth and the comparative level of amenity to other residential areas in the Town, were was neither unlike nor exceptional to many streets within the Town, nor North Perth or Mount Lawley respectively. It is particularly relatable to note that few streets within the former Eton Locality were identified for their streetscape value, whereas three of the seven streets within the similarly zoned Mount Lawley, were. Correspondingly, justification of the maintenance of Residential R20 zoning in these this areas is unsubstantiated.~~

~~Further, with respect to Mount Lawley, it is noted that the ‘transit oriented development’ analysis revealed that all of the land zoned Residential R20 within Mount Lawley is either within 400 or 800 metres of the East Perth and Mount Lawley rail stations. Consistent with the recommendations throughout the Strategy, similarly located land has warranted a recommendation of a significantly higher residential zoning.~~

Notwithstanding the above, given the outcomes of Vincent Vision 2024 with respect to the North Perth area, which espouses a maintenance of the Residential R20 zoning in the former Eton Locality, the consistent approach taken by the Town with respect to the initial and subsequent Scheme Amendments, that ~~both of these~~ this areas contributes to housing choice within the Town, and that there is little evidence of a significant shift in residents' wishes in this regard, it is considered appropriate at this point in time, to maintain the Residential R20 zoning within the ~~Banks Precinct and that the land within the former Eton Locality, with the exception of London Street, also to maintain a Residential R20 zoning.~~ In terms of those lots fronting London Street within the former Eton Locality, it is considered appropriate, that consistent with all other major roads within the Town, the zoning be Residential R60. As noted in 9.5.2 Local Centres and 9.5.3 Strategic Development Sites of the Strategy, this recommendation includes the former 'Midland Brick display' site at No.6 London Street, North Perth.

The Town's Officers would however record that further consideration of ~~both of these~~ this areas with respect to comparative zoning analysis should be undertaken in any future housing surveys and Town Planning Scheme Reviews to ensure consistency and the orderly and proper planning of the areas...

- (iii) *NOTES that the Residential Streetscapes component of the Draft Local Planning Strategy will need to be amended, to reflect the outcome of the Council's decision concerning Item 7.3 and AUTHORISES the Chief Executive Officer to amend the document to reflect the Council's decision prior to it being forwarded to the Western Australian Planning Commission; and*
- (iv) *REFERS the Draft Local Planning Strategy to the Western Australian Planning Commission for certification, in accordance with the Town Planning Regulations.*

***Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.**

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Note: The Council unanimously requested that clause (ii) of the Officer Recommendation be amended to delete the word "APPROVES" and insert the word "RECEIVES".

AMENDMENT

Moved Cr Maier, Seconded Cr Youngman

That clause (iv) be deleted.

AMENDMENT PUT AND CARRIED (8-1)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Doran-Wu
Cr Burns	
Cr Farrell	
Cr Ker	
Cr Lake	
Cr Maier	
Cr Messina	
Cr Youngman	

MOTION PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 7.2

That the Council;

(i) *RECEIVES the Draft Local Planning Strategy as “Laid on the Table”, as shown in Appendix 7.2 and circulated separately to Council Members;*

(ii) *RECEIVES the Draft Local Planning, subject to the Strategy being amended as follows:*

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(b) *Page 30 - Income be amended to read as follows:*

“... The Town of Vincent as a whole has a higher percentage of its population earning a higher income level ~~per week~~ than the metropolitan area ~~average~~. ~~Within the metropolitan area, there are more people earning less than \$1000 per week compared with the Town Vincent. However there are some suburbs within the Town that have more low income residents than the Town generally, in particular Mount Lawley, Highgate and North Perth.~~

~~In contrast, 4.1 percent of the metropolitan areas population is earning over \$2000 per week compared with the population within the Town where 6.4 percent are earning over \$2000 per week. Mount Hawthorn contains significantly higher levels of high income earners than other suburbs within the Town.~~

Within the Town 6.4 percent earn over \$2000 per week compared with a metropolitan average of 4.1 percent. Mount Hawthorn contains significantly higher levels of high income earners than other suburbs within the Town.

However, the suburbs of Mount Lawley, Highgate and North Perth have more low income residents than other areas of the Town ...”;

(c) *Page 31 Method of Travel be amended to read as follows:*

“... A much higher proportion of people in the Town of Vincent also walk or cycle to work compared to ~~2.3 percent~~ for the metropolitan area...”;

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“... ~~Accordingly, the facilitation of affordable housing and consideration of a policy to realise these opportunities will be considered by the Council following formal consultation of the Draft Strategy in December 2008.~~

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2. Loftus Street- Proposed 23 metre Reserve		
Section	Retain	Remove
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Whilst justification of the maintenance of Residential R20 zoning in these areas is unsubstantiated, there is little evidence of a significant shift in residents' wishes in this regard and given that this area contributes to housing choice within the Town, it is considered appropriate, at this point in time, to maintain the Residential R20 zoning within the Banks Precinct.

The Town's Officers would however, record that further consideration of this area with respect to comparative zoning analysis should be undertaken in any future housing surveys and Town Planning Scheme Reviews to ensure consistency and the orderly and proper planning of the area...";

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"... The improvement of the pedestrian link, particularly its visual clarity and safety, between Claisebrook Station and Members Equity Stadium, especially for crossing Lord Street, is considered essential to any improvement works carried out in this area...";

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"... It comprises a one way road north to south to the Central Business District with ~~four (4)~~ two (2) lanes of traffic, ~~however, operates predominantly as a two (2) lane road...~~";

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~~Further, with respect to Mount Lawley, it is noted that the ‘transit oriented development’ analysis revealed that all of the land zoned Residential R20 within Mount Lawley is either within 400 or 800 metres of the East Perth and Mount Lawley rail stations. Consistent with the recommendations throughout the Strategy, similarly located land has warranted a recommendation of a significantly higher residential zoning.~~

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appropriate at this point in time, to maintain the Residential R20 zoning within the Banks Precinct and that the land within the former Eton Locality, with the exception of London Street, also to maintain a Residential R20 zoning. In terms of those lots fronting London Street within the former Eton Locality, it is considered appropriate, that consistent with all other major roads within the Town, the zoning be Residential R60. As noted in 9.5.2 Local Centres and 9.5.3 Strategic Development Sites of the Strategy, this recommendation includes the former 'Midland Brick display' site at No.6 London Street, North Perth.

The Town's Officers would however record that further consideration of ~~both of these~~ this areas with respect to comparative zoning analysis should be undertaken in any future housing surveys and Town Planning Scheme Reviews to ensure consistency and the orderly and proper planning of the areas..."; and

- (iii) *NOTES that the Residential Streetscapes component of the Draft Local Planning Strategy will need to be amended, to reflect the outcome of the Council's decision concerning Item 7.3 and AUTHORISES the Chief Executive Officer to amend the document to reflect the Council's decision prior to it being forwarded to the Western Australian Planning Commission.*

PURPOSE OF REPORT:

To report to the Council on the Draft Local Planning Strategy seeking approval and to refer the Draft Local Planning Strategy to the Western Australian Planning Commission for its certification.

BACKGROUND:

The background to the review of Town Planning Scheme No. 1 is outlined in Item 7.1– Review of Town of Vincent Town Planning Scheme No. 1 – Progress Report No. 8, also listed as an Item on this Agenda.

DETAILS:

The attached Draft Local Planning Strategy is in support of the Town's proposed Town Planning Scheme No. 2. The purpose of the Town of Vincent Local Planning Strategy is to:

- set out the framework of State and regional policies and interpreting these for the Town of Vincent;
- provide the planning context for the zones, reservations and statutory provisions contained in the Town Planning Scheme;
- incorporate those new areas which came into the Town as a result of boundary changes on 1 July 2007; and
- provide the strategic direction of future population and employment in the form of broad strategies for housing, employment, shopping and business activities, based on the outcomes and visions contained in *Vincent Vision 2024*.

A Town Planning Scheme has a 5 year timescale; however, this Strategy will look ahead to 2024 in accordance with *Vincent Vision 2024*, a community visioning project undertaken to guide the review of Town Planning Scheme No. 1. Preparation of the Local Planning Strategy has included assessment of all relevant State and Regional plans, policies and strategies, including a comprehensive review of all local strategies and numerous long standing policies.

The Local Planning Strategy has been developed from the raw data collected through the community visioning project, and represents the culmination of many engagement and consultation steps. The hard work and interest shown by the Town of Vincent community is acknowledged as a critical component in the content and design of the Strategy. From this foundation has evolved a Local Planning Strategy for the Town of Vincent, which proposes to maintain its sense of place by reinforcing and rejuvenating its five town centres, realise the potential of land close to train stations along ‘transit oriented development’ principles, facilitate high density and affordable housing opportunities on strategic development sites, protect its Municipal Heritage Inventory (MHI) listed properties, consider residential streetscapes, whilst being underpinned by the principles of the State Government’s ‘Network City’ approach to development within the Perth Metropolitan area.

Throughout the preparation of this document, the Town has sustained dialogue with the Department for Planning and Infrastructure and the community to ensure that the approach of the document has maintained consistency with the overall direction of *Network City*, whilst ensuring that the strategic direction of the Strategy is consistent with the guiding principles of *Vincent Vision 2024*. Accordingly, the document represents the values, aspirations and priorities of the Town with respect to its community, whilst responding to its broader responsibilities in the context of providing diverse, affordable housing opportunities and employment within an energised urban environment.

Under Regulation 12A(3) of the Town Planning Regulations, where a scheme envisages the zoning or classification of land, the Scheme Report shall be in the form of a Local Planning Strategy (LPS). Under Regulation 12A (3), the LPS is to:

- set out the long term planning directions for the local government;
- apply State and regional planning policies; and
- provide the rationale for the zones and other provisions of the scheme.

The procedure for the advertisement and endorsement of the LPS is set out in Regulation 12B as follows:

- *“The Local Government forwards the draft LPS to the Commission. The Commission is required to certify that the LPS is consistent with Regulation 12A(3) as set out above.*
- *When the Commission has certified a LPS as being consistent with Regulation 12A(3), in the case of a LPS being prepared with a new scheme, the LPS is advertised as if it were part of the scheme. In the case of a LPS prepared independently of a new scheme, the advertising requirements are as set out in Regulation 12B(2). This requires the publication of a notice of the LPS once a week for two consecutive weeks in a local newspaper; the forwarding of copies of the LPS to any person or public authority which has an interest in the LPS; and the undertaking of such other consultations and the taking of such other steps as the local government considers appropriate to give notice of the LPS.*
- *The submission period is the same as for the scheme where the LPS is prepared with a new scheme and 21 days where the LPS is prepared independently of a new scheme.*
- *After the expiry of the submission period, the local government is to review the LPS in the light of any submissions, adopt the LPS with any modifications as it thinks fit in response to the submissions, and forward a copy of the LPS to the Commission for its endorsement.*
- *Notice of the Commission’s endorsement of the LPS is published in a newspaper circulating in the scheme area. A copy of the LPS is to be made available for public inspection during business hours at the offices of the local government and the Commission.”*

It should be noted that the subject LPS has been prepared with a new Scheme. The Minister does not need to approve or refuse the LPS because it does not form part of the Scheme Text. It is necessary, however, for the Commission to endorse the LPS because it is the strategic basis for the Scheme, and to ensure consistency with State and regional policies.

CONSULTATION/ADVERTISING:

There is a statutory requirement to advertise the draft new Town Planning Scheme No. 2 for 3 months. The Local Planning Strategy will be advertised with Town Planning Scheme No. 2 during this advertising period.

LEGAL/POLICY:

There is a statutory requirement for the Town to commence a review of its Town Planning Scheme No. 1 every five years, and to bring this to completion as soon as practicable. The statutory provisions relating to a Town Planning Scheme and its review are prescribed in the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011: Objective 1.1 Improve and Maintain Environment and Infrastructure:

...

"1.1.2 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.

... "

SUSTAINABILITY IMPLICATIONS:

The preparation of the Local Planning Strategy as part of the Review of the Town of Vincent Town Planning Scheme has considered sustainability in great detail and is considered to promote a sustainable future for the Town.

FINANCIAL/BUDGET IMPLICATIONS:

The 2008/2009 Budget lists \$62,000 for Town Planning Scheme Amendments and Policies. An amount of \$30,000 has been allocated to carry out a Peer Review of the new Town Planning Scheme text and supporting documentation as noted by Council at its Ordinary Meeting held on 9 October 2007.

COMMENTS:

Drafting of the new scheme text and maps is progressing and clearly, the Council's consideration of the Draft Local Planning Strategy and its endorsement of the content and recommendations, is crucial to the Town's Officers being able to progress Town Planning Scheme No. 2 in accordance with the timelines suggested in the Town Planning Scheme Review Progress Report No. 8.

Accordingly, it is recommended that the Council receives the Draft Local Planning Strategy (LPS), approves the Draft Strategy and refers the Draft Strategy to the Western Australian Planning Commission for certification in accordance with the Town Planning Regulations as outlined in the Officer Recommendation.

Chief Executive Officer's Amendment

The Chief Executive Officer amended this report by inserting a new clause (iii).

The Draft Local Planning Strategy was substantially prepared prior to the results of the community consultation concerning the Draft Residential Streetscapes Policy being reviewed. The Strategy will need to be amended to reflect the Council's decision on 28 October 2008, concerning this matter.

8. CLOSURE

The Presiding Member, Mayor Nick Catania, declared the meeting closed at 9.40pm with the following persons present:

Mayor Nick Catania, JP	Presiding Member
Cr Anka Burns	South Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Noel Youngman	North Ward
Rick Lotznicker	A/Chief Executive Officer
Rob Boardman	Director Development Services
Andrei Buters	Journalist – “ <i>The Perth Voice</i> ”

No Members of the Public.

These Minutes were confirmed by the Council as a true and accurate record of the Special Meeting of the Council held on 28 October 2008.

Signed:Presiding Member
Deputy Mayor Steed Farrell

Dated this day of 2008